



December 9, 2022

**Family, Children and Adult Services Manual Transmittal Letter No. 510**

**TO:** All Family, Children and Adult Services Manual Users

**FROM:** Matt Damschroder, Director

**SUBJECT: Children's Crisis Care Facilities, Residential Infant Care Centers, and Family Preservation Centers**

This letter transmits three amended Ohio Administrative Code (OAC) rules and two new OAC rules related to licensing of Children's Crisis Care Facilities, Residential Infant Care Centers, and Family Preservation Centers. These rules have been amended and developed in accordance with new requirements resulting from Substitute House Bill 265 of the 134<sup>th</sup> General Assembly (HB 265), including one of these rules, OAC 5101:2-9-36, also undergoing five-year review. The following is brief explanation of the rules that will be effective on 1/1/2023.

OAC 5101:2-1-01 entitled **Children Services Definitions of Terms** sets forth definitions of terms used in Chapters 5101:2-5, 5101:2-7, 5101:2-9, 5101:2-33, 5101:2-36, 5101:2-37, 5101:2-38, 5101:2-39, 5101:2-40, 5101:2-42, 5101:2-44, 5101:2-45, 5101:2-47, 5101:2-48, 5101:2-49, 5101:2-50, 5101:2-52 and 5101:2-53 of the Ohio Administrative Code. The amendment to this rule includes two new definitions, Family Preservation Center and Residential Infant Care Center, along with a reference correction for the definition of relative.

OAC 5101:2-5-03 entitled **Certification of an Agency to Perform Specific Functions** sets forth guidance on the types of foster care certifications an agency may receive from ODJFS. Paragraphs (A), (C), and (D) were amended to add the new facility types of Residential Infant Care Centers and Family Preservation Centers.

OAC 5101:2-9-36 entitled **Additional Requirements for Children's Crisis Care Facilities** sets forth guidance for Children's Crisis Care Facilities with the primary purpose of residential care for pre-teens. This rule is also being reviewed under the five-year review requirement. The amendment to this rule includes removal of waivers, limiting residential care to fourteen days if a pre-teen is placed by a public children services agency (PCSA) or private children placing agency (PCPA). New requirements are being added for the safety and monitoring of sleeping infants and other clarifying language.

OAC 5101:2-9-43 entitled **Residential Infant Care Center** is a new rule and sets forth guidance with the primary purpose the provision of residential services for infants affected

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by substance use and the preservation of families through infant diversion practices and programs.

OAC 5101:2-9-44 entitled **Family Preservation Center** is a new rule and sets forth guidance for a new certificate and prevention service for actively licensed Children's Crisis Care Facility or a Residential Infant Care Center.

**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.

<b>LOCATION</b>	<b>REMOVE AND FILE AS OBSOLETE</b>	<b>INSERT/REPLACEMENT</b>
FOSTER CARE	5101:2-5-03	5101:2-5-03
LICENSING	5101:2-9-36	5101:2-9-36 5101:2-9-43 5101:2-9-44
DEFINITIONS	5101:2-1-01	5101:2-1-01
TRANSMITTALS		FCASMTL No. 510

5101:2-1-01

**Children services definitions of terms.**

(A) This rule contains the definitions of terms used in Chapters 5101:2-5, 5101:2-7, 5101:2-9, 5101:2-33, 5101:2-36, 5101:2-37, 5101:2-38, 5101:2-39, 5101:2-40, 5101:2-42, 5101:2-44, 5101:2-45, 5101:2-47, 5101:2-48, 5101:2-49, 5101:2-50, 5101:2-52 and 5101:2-53 of the Administrative Code.

(B) Definitions.

- (1) "Abandoned child," pursuant to section 2151.011 of the Revised Code, means a child who is presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days.
- (2) "Abused child," pursuant to section 2151.031 of the Revised Code, includes any child who:
  - (a) Is the victim of sexual activity as defined under Chapter 2907. of the Revised Code, where such activity would constitute an offense under Chapter 2907. of the Revised Code except that the court need not find that any person has been convicted of the offense in order to find that the child is an abused child.
  - (b) Is endangered as defined in section 2919.22 of the Revised Code, except that the court need not find that any person has been convicted under section 2919.22 of the Revised Code in order to find that the child is an abused child.
  - (c) Exhibits evidence of any physical or mental injury or death, inflicted other than by accidental means, or an injury or death which is at variance with the history given of it. Except as provided in this definition, a child exhibiting evidence of corporal punishment or other physical disciplinary measure by a parent, guardian, custodian, person having custody or control, or person in loco parentis of a child is not an abused child under this definition if the measure is not prohibited under section 2919.22 of the Revised Code.
  - (d) Because of the acts of his parents, guardian, or custodian, suffers physical or mental injury that harms or threatens to harm the child's health or welfare.
  - (e) Is subjected to out-of-home care child abuse.

- (3) "Adjudicatory hearing" pursuant to section 2151.28 of the Revised Code means a hearing held by the juvenile court to determine whether a child is a juvenile traffic offender, delinquent, unruly, abused, neglected, or dependent or otherwise within the jurisdiction of the court or whether temporary or legal custody should be converted to permanent custody.
- (4) "Administrative director" or "administrator" means the person designated by the governing body of an agency who is responsible for the management and administration of the agency.
- (5) "Adopted person" is a person whose legal relationship was terminated with his/her biological parents, through permanent surrender or court order, and a new legal relationship has been established with an adoptive family.
- (6) "Adopted young adult" is an individual who:
  - (a) Was in the temporary or permanent custody of a public children services agency.
  - (b) Was adopted at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E adoption assistance agreement became effective.
  - (c) Has attained the age of eighteen.
  - (d) Has not yet attained the age of twenty-one.
- (7) "Adoption" is the creation, by a court of competent jurisdiction, of parental rights and responsibilities between a child and an adult, along with the termination of all parental rights and responsibilities to the child held by any other persons, which have not been previously surrendered or terminated by court order.
- (8) "Adoption Disruption" is when the adoption process is stopped at any point before the adoption is legally finalized.
- (9) "Adoption Dissolution" is an adoption in which the legal relationship between the adoptive parents and adoptive child is severed, either voluntarily or involuntarily, after the adoption is legally finalized.
- (10) "Adoption finalization" is an order of the court issued pursuant to section 3107.14 of the Revised Code terminating all parental rights and responsibilities of a biological or other legal parent and creating the relationship of parent and child between the petitioner and the adopted person.
- (11) "Adoptive parent" is a person who adopts a person legally available for adoption.

- (12) "Adoptive placement" means the permanent placement of a child for adoption, including any action resulting in a final adoption decree.
- (13) "After-hours" are the times other than the normal business day, Monday through Friday, pursuant to policies as set forth by the public children services agency (PCSA). "After-hours" also includes weekends and holidays.
- (14) "Aftercare services" are defined as specific individualized community-based trauma informed services that build on treatment gains to promote the safety and well-being of children and families, with the goal of preserving the youth in a supportive family environment. Aftercare services may be part of the discharge plan and added to the "agreement for Title IV-E agencies for the provision of non-placement services" and the "Title IV-E schedule B" rate information.
- (15) "Aftercare support" is monthly case management activities performed with or on behalf of a child/family, by the qualified residential treatment program (QRTP) as part of the required discharge plan developed by the permanency team for a minimum of six months from discharge. Aftercare support, as identified in the discharge plan, may be part of the "agreement for Title IV-E agencies and providers for the provision of placement services" or the Title IV-E agencies may use the "agreement for Title IV-E agencies for the provision of non-placement services" and the "Title IV-E schedule B" rate information.
- (16) "Agency" means a PCSA, private child placing agency (PCPA) or private non-custodial agency (PNA) certified by ODJFS.
- (17) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code and transferring the temporary custody of a child to a PCSA or a PCPA.
- (18) "Allegation" means a described set of circumstances which asserts the occurrence of child abuse, neglect, or dependency.
- (19) "Alleged child victim" means a child suspected of being or at risk of becoming abused and/or neglected.
- (20) "Alleged perpetrator" is the individual suspected of being responsible for the abuse or neglect of a child.
- (21) "Anonymous reporter" is an unidentified person making a report of alleged child abuse or neglect.
- (22) "Applicant" means a person who has filed an application form with ODJFS to operate an agency regulated by Chapter 5101:2-5 of the Administrative Code

or a person who has completed a JFS 01691 "Application for Child Placement" to become a foster caregiver or adoptive parent and submitted the application to an agency pursuant to Chapters 5101:2-5, 5101:2-7 and 5101:2-48 of the Administrative Code. An applicant does not include a person currently certified as a foster caregiver and who is applying to become a specialized foster caregiver with the same agency with which the person is currently affiliated as a certified foster caregiver.

- (23) "Approved adoptive home" is a home in which the family has been studied, assessed and approved by the PCSA, PCPA or PNA for the adoptive placement of a child.
- (24) "Approved kinship home" is a home of a kinship caregiver that has been assessed by a PCSA or PCPA and has been determined to meet minimum safety requirements established in rule 5101:2-42-18 of the Administrative Code for kinship caregivers to receive placement of kin children.
- (25) "Assessment" means comprehensive family assessment and/or risk assessment as defined by this rule.
- (26) "Assessor" for the purposes of foster care or adoption means an individual who meets the requirements outlined in section 3107.014 of the Revised Code.
- (27) "Assessment/investigation" means a fact-finding process which includes interviews, observations, and other forms of information gathering. Information collected during the assessment/investigation provides data upon which to make a disposition regarding a report of alleged child abuse or neglect.
- (28) "Assessment of risk" or "re-assessment of risk" means the ongoing process of classifying a family based upon the family's characteristics and how likely the family is to maltreat or re-maltreat a child(ren).
- (29) "Assessment of safety" or "re-assessment of safety" means the ongoing process of evaluating safety threats, protective capacities, and child vulnerability to determine the appropriate safety response.
- (30) "At risk of institutionalization" as used in the definition of a "medically fragile foster home" means that unless the child's medical condition, and/or functional abilities and/or environment are maintained or improved, the child would require placement in a hospital, skilled nursing facility or intermediate care facility for individuals with an intellectual disability, in order to maintain their health and safety.

- (31) "Attorney" is a person who has been admitted to the bar by order of the Ohio supreme court.
- (32) "Authorization of release form" is the form prescribed by the department of health under division (A)(2) of section 3107.50 of the Revised Code to be used by the birth parent.
- (33) "Birth parent" is a biological parent of an adopted person.
- (34) "Birth sibling" is a biological sibling of an adopted person.
- (35) "Board of directors" or "board of trustees" or "governing body" or "governing board" means the body of persons empowered by an organization's articles of incorporation, constitution, regulations, or statute to operate an agency and may or may not have proprietary interest in the agency.
- (36) "Branch office" means a location of an agency having an address separate from the main or primary location of the agency where any or all of the certified functions of the agency may be conducted.
- (37) "Business Day" is any day Monday through Friday excluding the ten federal holidays.
- (38) "Calendar day" is any day in the month including weekends and holidays.
- (39) "Calendar year" means January first through December thirty-first.
- (40) "Candidate for foster care" is a child, who is at imminent risk of removal from home, as evidenced by the Title IV-E agency either pursuing his/her removal from the home or making reasonable efforts to prevent such removal.
- (41) "Candidate for prevention services" means a child, who is at imminent risk of removal from home, but is able to remain in the home or with kin as long as state plan specified prevention services for the child, parent, or kin caregiver are being provided by "Center of Excellence" selected service providers.
- (42) "Caregiver" is a person providing the direct day-to-day care of a child during his placement in substitute care.
- (43) "Caretaker" is a person with whom the child resides or the person responsible for the child's daily care. This includes, but is not limited to, the parent, guardian, custodian or out-of-home care setting employee.

- (44) "Case" means the composition of individuals grouped together for the purpose of providing and/or supervising, and recording PCSA services. The group of individuals are associated to one case reference name and one case number.
- (45) "Case decision" means the PCSA's determination of whether the case should be closed or continued for ongoing PCSA services.
- (46) "Case disposition" means the determination of whether or not abuse or neglect has occurred or is occurring and reflects the highest report disposition in the following ranking order from highest to lowest:
- (a) Substantiated.
  - (b) Indicated.
  - (c) Unsubstantiated.
  - (d) Family moved - unable to complete assessment/investigation.
  - (e) Family moved out of county - refer to appropriate PCSA.
  - (f) Unable to locate.
- (47) "Case evaluation" means the analysis of social, environmental and interactional information gathered during the assessment/investigation of child abuse or neglect for the purpose of making a report disposition/resolution, and developing a case plan, when necessary.
- (48) "Case management services" are activities performed by the PCSA, PCPA, PNA, or Title IV-E agency for the purpose of providing, recording and supervising services to a child and his parent, guardian, custodian, caretaker or substitute caregiver.
- (49) "Case members" means the persons associated to a case for the purpose of provision of child protective services.
- (50) "Case plan" means a written document developed by the PCSA, PCPA or Title IV-E agency and the family which identifies strengths of the family, concerns to be resolved and supportive services to be provided which will result in ensuring permanence for the child.
- (51) "Case plan for direct placements" means a written document, developed by the PCPA or PNA in conjunction with the family, which identifies strengths of the



family, concerns to be resolved and supportive services to be provided which will result in ensuring permanence for the child.

- (52) "Case record" means the permanent documentation of the assessment/ investigation and the provision of social services to families and children maintained as hard copy files, electronic files, or as a combination of both.
- (53) "Casework services" are those services performed or arranged by the PCSA, PCPA or Title IV-E agency to manage the progress, provide supervision and protection of the child and his parent, guardian or custodian.
- (54) "Caseworker" means a PCSA, PCPA or PNA staff person who is responsible for provision of protective services or supportive services to the child and his parent, guardian, custodian or substitute caregiver.
- (55) "Central registry report" is the report of an incident of alleged child abuse or neglect submitted by the PCSA to ODJFS to determine whether prior reports have been made in other counties concerning the child or other principals of the case.
- (56) "Certificate" means a document prescribed by ODJFS issued pursuant to Chapter 5103. of the Revised Code authorizing an agency to perform specific functions or authorizing a foster caregiver to care for children.
- (57) "Certified foster home" means a foster home operated by persons holding a certificate in force, issued under section 5103.03 of the Revised Code.
- (58) "Certified organization" pursuant to section 5153.01 of the Revised Code means any organization holding a certificate that is in full force and effect, issued under section 5103.03 of the Revised Code.
- (59) "Chemical dependency", pursuant to section 2151.3514 of the Revised Code, means either of the following:
  - (a) The chronic and habitual use of alcoholic beverages to the extent that the user can no longer control the use of alcohol or endangers the user's health, safety, or welfare or that of others.
  - (b) The use of a drug of abuse, as defined in section 3719.011 of the Revised Code, to the extent that the user becomes physically or psychologically dependent on the drug or endangers the user's health, safety, or welfare or that of others.

- (60) "Chemical restraint" means any substance given to a child to subdue or restrict movement or behavior as punishment or for staff convenience. Chemical restraint is prohibited by ODJFS.
- (61) "Child" means any person under eighteen years of age or a person under twenty-one years of age who has a physical or mental impairment; mental or psychological disorder such as an intellectual disability; physiological disorder or condition.
- (62) "Child abuse and neglect memorandum of understanding" is a memorandum of understanding which establishes the normal operating procedures and responsibilities to be exercised by each participant regarding alleged child abuse and neglect.
- (63) "Child abuse and neglect multidisciplinary teams" are groups organized to provide prevention, identification, diagnosis, treatment and/or consultation on child abuse and neglect.
- (64) "Child care staff" means any employee, volunteer or college intern whose duties involve the direct face-to-face care of children as specified on the individual's job description.
- (65) "Child care center" and "center" means any place child care is provided for thirteen or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child care is provided for seven to twelve children at one time. In counting children for the purposes of this definition, any children under six years of age who are related to a licensee, administrator or employee and are on the premises of the center shall be counted.
- (66) "Child in treatment foster care" means a child having one or more special or exceptional needs as described in rule 5101:2-47-18 of the Administrative Code that substantially interfere with or limit the child's functioning in family, school, or community activities.
- (67) "Child protection and permanency program" means the administration of a wide range of services identified through the risk assessment process. The program can include the provision of protective services, in-home supportive services, out-of-home care services and adoption services coordinated and delivered on behalf of a child who has come to the attention of the PCSA.
- (68) "Child service plan" or "service plan" means a goal-oriented, time-limited, individualized program of action for a child and the family, specific to the

child's placement in a particular facility and separate from the case plan as required by Chapters 5101:2-5 and 5101:2-39 of the Administrative Code, developed by the placement facility in cooperation with the custody holding agency or individual.

- (69) "Child stealing" is the illegal removal of a child from the parent, guardian or custodian who has legal custody.
- (70) "Child subject of the report" refers to the child identified as the subject requiring an assessment or services in the following types of reports:
  - (a) Dependency.
  - (b) Alternative response.
  - (c) Family in need of services report.
- (71) "Children services agency" (CSA) is any agency or organization in another state which has assumed the administration of the child welfare function prescribed in its respective state statute.
- (72) "Children's protective services" (CPS) is a term used to describe a wide range of social services coordinated and delivered on behalf of a child who is at risk, or is being or has been abused or neglected.
- (73) "Children's residential center" (CRC) means a facility in which eleven or more children, including the children of any staff residing at the facility, are given non-secure care and supervision twenty-four hours a day.
- (74) "Child vulnerability" means the degree to which a child can avoid or modify the impact of safety threats or risk concerns.
- (75) "Collateral source" means a person who provides or documents information concerning child abuse, neglect, or dependency but is not a principal to the case or witness.
- (76) "Community education service" is a range of public information activities designed to increase the public's awareness of child abuse or neglect and to promote appropriate utilization of services.
- (77) "Compact state" means a state, U.S. commonwealth, possession or trust territory which is a signatory to the interstate compact on the placement of children.

- (78) "Comparable requirement" means a nationally recognized accreditation organization's standard that equals or exceeds Ohio Administrative Code (OAC) requirements.
- (79) "Comprehensive Assessment and Planning Model - Interim Solution" means a strength based and family centered model used to support and document critical child protection decisions regarding child safety, risk of child maltreatment, family functioning, and a family's ability to resolve concerns.
- (80) "Comprehensive family assessment" is an ongoing exchange of information between worker, family and collaterals to determine the strengths of the family and the degree of risk and intervention necessary to keep a child safe. It organizes and categorizes information focusing on the management of future risk or maltreatment and is constantly being revised during the life of the case.
- (81) "Control" means the focus of the safety plan, in response to any child in immediate danger of serious harm, which serves to manage immediate safety threats and supplement protective capacities.
- (82) "Co-parents" means adult individuals, related or unrelated, living together in the same household and sharing parenting responsibilities.
- (83) "Corrective action" is action taken to correct or remediate situations which were identified as being the cause of a child abuse or neglect incident.
- (84) "Counseling" includes both of the following:
- (a) General counseling services performed by a PCSA or shelter for victims of domestic violence to assist a child, a child's parents, and a child's sibling in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent child.
  - (b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or person licensed under Chapter 4757. of the Revised Code to engage in social work or professional counseling.
- (85) "Court-appointed special advocate" means a volunteer guardian ad litem appointed by the court who is responsible for: researching the background of assigned child abuse, neglect and dependency cases; representing the child's best interests; speaking for the child in all hearings, reviews and other relevant case activities; monitoring the child during the life of the case; and advocating for a safe and permanent home for the child.

- (86) "Court order of priority placement" means a court order prepared by an Ohio judge or a judge in another state, which designates that a specific child's interstate placement shall be made on a priority basis in order to meet the special needs of the child and to expedite the procedures between agencies and states involved in the child's placement across state lines.
- (87) "Courtesy supervision" means a type of family in need of services report in which a request is made by a PCSA or CSA to another PCSA or CSA for assistance in providing protective services to a family who is residing in the jurisdiction of the second PCSA/CSA.
- (88) "Credible information" means information worthy of belief.
- (89) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal investigation (BCI) pursuant to section 109.572 of the Revised Code.
- (90) "Crisis services" are services provided to families in crisis situations for the purpose of providing an immediate or temporary solution to the presenting problem.
- (91) "Custodian" means a person having legal custody of a child or a PCSA, PCPA, or Title IV-E agency that has permanent, temporary, or legal custody of a child.
- (92) "Cultural competency" is a continuous learning process that builds knowledge, awareness, skills and capacity to identify, understand and respect the unique beliefs, values, customs, languages, abilities and traditions of all Ohioans in order to develop policies to promote effective programs and services.
- (93) "Danger" means the likelihood of serious harm to a child precipitated by one or more currently active safety threats and arising from insufficient protective capacities.
- (94) "Day camp" is a nonfacility-based program in the outdoors providing children with creative, recreational, and educational experiences in group living in a single-site natural environmental area.
- (95) "Day treatment services" are services provided for a portion of the day for a child, living at home or in substitute care, who is at risk, or is being or has been abused or neglected, and who manifests emotional, psychological, behavioral, or social problems which cannot be resolved in nonspecialized educational or developmental settings, or in specialized settings such as learning behavioral disabilities classes.

- (96) "Delinquent child" pursuant to section 2152.02 of the Revised Code includes any child who does any of the following:
- (a) Any child, except a juvenile traffic offender, who violates any law of this state or the United States, or any ordinance of a political subdivision of the state, that would be an offense if committed by an adult;
  - (b) Any child who violates any lawful order of the court made under this chapter or under Chapter 2151. of the Revised Code other than an order issued under section 2151.87 of the Revised Code;
  - (c) Any child who violates division (C) of section 2907.39, division (A) of section 2923.211, or division (C)(1) or (D) of section 2925.55 of the Revised Code;
  - (d) Any child who is a habitual truant and who previously has been adjudicated an unruly child for being a habitual truant;
  - (e) Any child who is a chronic truant.
- (97) "Denial or authorization to release form" is either of the following:
- (a) The section of the JFS 01693, "Ohio Law and Adoption Materials" prescribed under division (A)(1)(b) of section 3107.083 of the Revised Code where the birth parent checked the "no" space provided in that section.
  - (b) The form prescribed under division (A)(1) of section 3107.50 of the Revised Code.
- (98) "Dependent child" is as defined pursuant to section 2151.04 of the Revised Code.
- (99) "Deserted child" means a child not older than thirty days, whose parent has voluntarily delivered the child to an emergency medical service worker, peace officer, hospital employee or a newborn safety incubator without expressing an intent to return for the child and who, pursuant to sections 2151.3516 and 2151.3517 of the Revised Code, has no apparent signs of abuse or neglect.
- (100) "Developmental disability" is as defined in section 5123.01 of the Revised Code.
- (101) "Diagnostic services" are medical, psychiatric, or psychological services performed by a licensed physician, psychiatrist, psychologist, and persons

licensed under Chapter 4757. of the Revised Code for the purpose of evaluating an individual's current physical, emotional, or mental condition.

- (102) "Direct placement" means the placement of a child by the parent, guardian or legal custodian of the child, including by court order, with the participation and agreement of an agency, into an out-of-home care setting operated or supervised by the agency, with the parent, guardian or legal custodian retaining legal custody of the child.
- (103) "Disabled infant" is a child less than one year of age who has a physical or mental disability which substantially limits or may limit in the future one or more major life activities such as self-care, receptive and expressive language, learning, and mobility.
- (104) "Dispositional hearing," pursuant to sections 2151.35 to 2151.355 and 2151.414 of the Revised Code, means a hearing held by the juvenile court to determine what action shall be taken concerning a child who is within the jurisdiction of the court.
- (105) "Disruption" is the unplanned interruption of a substitute care placement of a child which requires the transfer of the child to a subsequent substitute care placement setting before the goals of the child's case plan are achieved.
- (106) "Domestic violence" pursuant to section 3113.33 of the Revised Code means attempting to cause or causing bodily injury to a family or household member, or placing a family or household member by threat of force in fear of imminent physical harm.
- (107) "Duly authorized" is the established ongoing approval by a juvenile court, granting the PCSA permission to remove a child who is at imminent risk when time does not permit obtaining a court order or assistance from law enforcement.
- (108) "Educational/vocational assistance" means counseling and other similar assistance related to educational and vocational training, preparation for a general equivalency diploma (GED) or for higher education, job readiness, job search assistance, and placement program.
- (109) "Effective denial of release form" is a denial of release form that has not been rescinded by an authorization of release form pursuant to division (B) of section 3107.46 of the Revised Code.
- (110) "Emancipation" is the legal process of custody termination from a PCSA or PCPA on or after a youth attains the age of eighteen.

- (111) "Emergency" means a situation where there is reason to believe that a child is threatened or alleged to be abused, neglected, or dependent to an extent that the child is in immediate danger of serious harm.
- (112) "Emergency caretaker services" are those services provided by a person placed within a child's own home to act as a temporary caretaker when the child's own caretaker is unable or unwilling to fulfill the responsibility.
- (113) "Emergency medical service worker" means a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic.
- (114) "Emergency shelter" is the short-term crisis placement of any child who is threatened or alleged to be abused, neglected, or dependent to an extent that there is imminent risk to the child's life, physical or mental health, or safety.
- (115) "Emergency shelter care facility" is a group home for children, a children's residential center (CRC), or a portion of a CRC, which is certified to provide temporary emergency nonsecure care for children.
- (116) "Employee" means any individual hired for wages by an agency.
- (117) "Employment and training services" are services designed to assist individuals in obtaining paid employment. Such services may include, but not be limited to, the use of social, psychological, and vocational diagnostic assessment, training, and placement.
- (118) "Environmental management services" are services offered to the child and his family or caretaker to improve physical living conditions and provide emergency funds. Such services may be provided, arranged, or ensured and may include, but not be limited to, housing repair, housing location, exterminating rodents or insects, lead abatement or making available financial assistance for outstanding utility bills.
- (119) "Evidence based practice" are those services which aim to provide the most effective care available to improve recipient outcomes by using the best external evidence, professional expertise, and recipient preferences. For the purpose of this definition evidence based practices are those mental health, substance abuse, and parenting skill programs rated by the title IV-E clearinghouse and approved for use by states implementing family first prevention services.
- (120) "Exigent circumstances" means an emergency resulting from the conduct, conditions, or surroundings of the children that would endanger their health, welfare, or safety and demands immediate action by the PCSA.



- (121) "Ex parte emergency order" is an order issued by a juvenile judge or a designated referee pursuant to section 2151.31 of the Revised Code initiated and obtained by one party where other parties have not had advance notice and the opportunity to be heard prior to the issuance of the order authorizing the taking of a child into custody.
- (122) "Family" means a group of people related by blood or circumstances who may rely upon one another for sustenance, support, security, and or socialization.
- (123) "Family Case plan" means a written document developed by the PCSA, PCPA or Title IV-E agency and the family which identifies strengths of the family, concerns to be resolved, and supportive services to be provided which will result in ensuring permanence for the child.
- (124) "Family foster home" means a foster home that is not a specialized foster home.
- (125) "Family in need of services" means an intake category in which a request has been made for a PCSA to provide or Ohio department of job and family services (ODJFS) to facilitate one or more of the following types of services to a family:
- (a) Adoption subsidy only.
  - (b) Child fatalities that are not a result of abuse or neglect.
  - (c) Courtesy supervision.
  - (d) Deserted child.
  - (e) Emancipated youth.
  - (f) Home evaluations/visitation assessments.
  - (g) Interstate compact on adoption and medical assistance (ICAMA).
  - (h) Interstate compact on the placement of children (ICPC).
  - (i) Permanent surrender.
  - (j) Post-finalization services.
  - (k) Postnatal placement services to infants of incarcerated mothers.
  - (l) Preventive services.
  - (m) Required non-lead PCSA interviews.

- (n) Stranger danger investigations.
  - (o) Unruly or delinquent youth.
- (126) "Family moved - unable to complete assessment/investigation" means the report disposition when a PCSA cannot confirm or deny child abuse or neglect allegations based upon a full assessment/investigation because the family moved after the PCSA made contact with the family but the family's current whereabouts are unknown or the family now lives out of state and a referral was made to the child services agency where the family currently resides.
- (127) "Family preservation center" (FPC) requires a certificate obtained by actively being licensed as either a children's crisis care facility, or a residential infant care center.
- ~~(127)~~(128) "Family preservation services" means services for children and families designed to help families (including adoptive and extended families) at risk or in crisis, including:
- (a) Service programs designed to help children: return to their families from which they have been removed, if determined to be safe and appropriate; or be placed for adoption, or with a guardian; or if adoption or guardianship is determined not to be safe and appropriate for a child, in some other planned permanent living arrangement.
  - (b) Preplacement preventive services programs, such as intensive family preservation programs, designed to help children at risk of substitute care placement remain safely with their families.
  - (c) Service programs designed to provide follow-up care to families to whom a child has been returned after a substitute care placement.
  - (d) Respite care of children to provide temporary relief for parents and other caregivers (including foster caregivers).
  - (e) Services designed to improve parenting skills (by reinforcing parents' confidence in their strengths, and helping them to identify where improvement is needed and to obtain assistance in improving those skills) with respect to matters such as child development, family budgeting, coping with stress, health, and nutrition.
- ~~(128)~~(129) "Family Reunification Services" means the services and activities listed in this paragraph that are provided to a child who is removed from his or her home and placed in a foster home or a residential facility or a child who has

been returned home and to the parent, guardian or custodian of such a child, but only during the fifteen month period that begins on the date the child returns home. Allowable services and activities include the following:

- (a) Individual, group, and family counseling;
- (b) Inpatient, residential, or outpatient substance abuse treatment services;
- (c) Mental health services;
- (d) Assistance to address domestic violence;
- (e) Services designed to provide temporary child care and therapeutic services for families, including crisis care facilities;
- (f) Peer-to-peer mentoring and support groups for parents and primary caregivers;
- (g) Services and activities designed to facilitate access to and visitation of children by parents and siblings; and
- (h) Transportation to or from any of the services or activities described in this definition.

~~(129)~~(130) "Family support services" for the purposes of utilizing Title IV-B, "subpart 2" means community-based services to promote the safety and well-being of children and families, which are designed to increase the strength and stability of families (including adoptive, foster, and kin), to support and retain foster families so they can provide quality family based settings for children in foster care, to increase parents' confidence and competence in their parenting abilities, to afford children a safe, stable and supportive family environment, to strengthen parental relationships and promote healthy marriages, and otherwise to enhance child development, including through mentoring.

~~(130)~~(131) "Federal fiscal year" means the period of time between October first of one year and September thirtieth of the following year.

~~(131)~~(132) "Final decree of adoption" includes an interlocutory order of adoption that has become final.

~~(132)~~(133) "Foster care for medically fragile children" means foster caregiver-based treatment services for children whose intensive health care needs cannot be met in their own home. Foster care for medically fragile children focuses

rehabilitative services on medically fragile children and their families with the primary location of treatment in a medically fragile foster home.

~~(133)~~(134) "Foster caregiver" means a person holding a valid foster home certificate issued by ODJFS.

~~(134)~~(135) "Foster care maintenance" is an individual entitlement for financial assistance for board and care of children who meet the eligibility requirements contained in Chapter 5101:2-47 of the Administrative Code, who are in the placement and care of a Title IV-E agency and are in an approved substitute care placement.

~~(135)~~(136) "Foster child" means a child placed in a foster home who is not the natural or adopted child or other legal ward of the foster caregiver.

~~(136)~~(137) "Foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children non-secure care, supervision, or training twenty-four hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. Family foster homes, pre-adoptive infant foster homes and specialized foster homes are types of foster homes.

~~(137)~~(138) "Group home" is a public or private facility which provides placement services for children and is licensed, regulated, approved, operated under the direction of, or otherwise certified as a group home by ODJFS, the Ohio department of education, a local board of education, the Ohio department of youth services, the Ohio department of mental health, a county board of mental health, the Ohio department of developmental disabilities, a county board of developmental disabilities, or a political subdivision.

~~(138)~~(139) "Group home for children" referred to in Chapter 5101:2-5 of the Administrative Code as "group home" means any facility, public or private, which meets all of the following criteria:

- (a) Gives a maximum of ten children, including the children of the operator or any staff who reside in the facility, nonsecure care and supervision twenty-four hours a day for hire, gain, or reward by a person or persons who are unrelated to such children by blood or marriage, or who is not the appointed guardian of such children. Any individual who provides care for children from only a single-family group, placed there by their

parents or other relative having custody, shall not be considered as being a group home for children.

(b) Is not certified as a foster home.

(c) Receives or cares for children for two or more consecutive weeks.

~~(139)~~(140) "Guardian" means a person, association, or corporation that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise parental rights over a child to the extent provided in the court's order and subject to the residual parental rights of the child's parents.

~~(140)~~(141) "Guardian ad litem" is a guardian appointed by the juvenile court to represent and protect the best interest of an alleged or adjudicated abused, neglected, or dependent child.

~~(141)~~(142) "Habilitation" is the process by which the staff of the facility or agency assists an individual with a developmental disability to acquire and maintain those life skills which enable the individual to cope more effectively with the demands of the individual's own person and environment, and in raising the level of the individual's personal, physical, mental, social, and vocational efficiency. Habilitation includes, but is not limited to, programs of formal structured education and training.

~~(142)~~(143) "Handicapped person" is an individual with a physical or mental disability.

~~(143)~~(144) "Harm" (for the purpose of utilizing the "Comprehensive Assessment and Planning Model - Interim Solution") means the consequence of maltreatment and refers to the nature of the injury or trauma affecting the child.

~~(144)~~(145) "Health care facility" is any public or private hospital or institution offering maternity services, or services to premature disabled infants, or services to disabled newborns.

~~(145)~~(146) "Health care facility designee" is the person named by the health care facility to act as the contact with the PCSA in all cases when there is an allegation that a disabled infant with life-threatening conditions is a neglected child as defined in division (A) of section 2151.03 of the Revised Code due to the withholding of appropriate nutrition, hydration, medication, or medically indicated treatment.

~~(146)~~(147) "Health care facility review committee" is an infant care review committee, an institutional bioethics committee, or another entity established

to deal with medical, legal, and ethical dilemmas arising in the care of patients within a health care facility.

~~(147)~~(148) "Health care professional" means any physician as defined in this rule or a registered or licensed practical nurse who holds a valid license issued under Chapter 4723. of the Revised Code.

~~(148)~~(149) "Help me grow" early intervention services means developmental services selected in collaboration with the parents of a child, birth through age two, who is eligible for services under part C of the Individuals with Disabilities Education Act (November 2011), and designed to meet the developmental needs of the child and the needs of the child's family to assist appropriately in the child's development as identified in the individualized family service plan.

~~(149)~~(150) "Hire, gain, or reward" means any form of compensation made available to the person providing care and supervision to a child.

~~(150)~~(151) "Home evaluation/visitation assessments" means a type of family in need of services intake. A home evaluation means the collection of information requested by a court, other PCSA, or CSA regarding a prospective caregiver and his/her ability to provide care to a child. A visitation assessment means a summary of information regarding visitations between the child(ren) and parent or other individual(s) as ordered by a court or requested by a PCSA.

~~(151)~~(152) "Home health aide services" means the personal care and maintenance activities provided to individuals for the purpose of promoting normal standards of health and hygiene.

~~(152)~~(153) "Homemaker services" means the professionally directed or supervised simple household maintenance or management services provided by trained homemakers or individuals to families in their own homes.

~~(153)~~(154) "Hospital" is as defined in either section 3727.01 or section 5122.01 of the Revised Code.

~~(154)~~(155) "Hospital employee" means any of the following:

- (a) A physician who has been granted privileges to practice at the hospital.
- (b) A nurse, physician assistant, or nursing assistant employed by the hospital.
- (c) An authorized person employed by the hospital who is acting under the direction of a physician that has been granted privileges to practice at the hospital.

~~(155)~~(156) "Hotline/answering service" is a communication system which allows child abuse or neglect reports to be received twenty-four hours per day, seven days per week.

~~(156)~~(157) "Household" means a private residence including the members of the family living therein and/or unrelated individuals living in the same residence and sharing common living areas.

~~(157)~~(158) "Identifying information" as used in adoption is as defined in section 3107.01 of the Revised Code.

~~(158)~~(159) "Independent interstate placement" is the act of placing a child, by his parents or non agency legal guardian, across state boundaries into placement for foster care or placement for adoption.

~~(159)~~(160) "Independent living arrangement" means any living environment provided by an agency including service programs and activities to assist youth fourteen years of age and older to make the transition from substitute care to adulthood. If a youth who is sixteen or seventeen years of age is placed in an independent living arrangement, the youth shall be placed in housing that is supervised or semi-supervised by an adult per section 2151.82 of the Revised Code.

~~(160)~~(161) "Indicated" means the report disposition in which there is circumstantial or other isolated indicators of child abuse or neglect lacking confirmation; or a determination by the caseworker that the child may have been abused or neglected based upon completion of an assessment/investigation.

~~(161)~~(162) "Infant" means any child from birth to eighteen months of age.

~~(162)~~(163) "Information and referral services" means services which may assist any person in locating or using available and appropriate resources or both.

~~(163)~~(164) "Information and/or referral" means an intake category in which information is provided to any person to assist in locating or using available and appropriate resources or both.

~~(164)~~(165) "In-home safety plan" is a voluntary safety plan developed with a family in response to an active safety threat. It is designed to enable a child to remain in his or her own home. An in-home safety plan is the least restrictive type of safety plan.

~~(165)~~(166) "In-home services" are a range of supportive services provided to children and families in their own homes.

~~(166)~~(167) "Initial report" is a report of information supplied to the PCSA by the reporter.

~~(167)~~(168) "Intake" means a function of the PCSA through which referrals of: alleged child abuse, neglect, dependency and family in need of services are received, screened, and prioritized; and information and/or referral is categorized.

~~(168)~~(169) "Intake category" means each of the following divisions for the classification of referral information:

(a) "Child Abuse/Neglect" means an abused child as defined in this rule or a neglected child as defined in this rule.

(b) "Dependency" means a dependent child as defined in this rule.

(c) Family in need of services.

(d) Information and/or referral.

~~(169)~~(170) "Interlocutory order of adoption" is an order of the court issued pursuant to section 3107.14 of the Revised Code which automatically becomes a final decree of adoption upon the date specified in the order.

~~(170)~~(171) "Intern" means any individual who on behalf of a college, university, or another organization whether paid or unpaid, is providing services for an agency.

~~(171)~~(172) "Interstate children's protective services referral" is an out-of-state report concerning alleged, indicated, or substantiated child abuse or neglect made or accepted by a PCSA.

~~(172)~~(173) "Interstate compact on adoption and medical assistance (ICAMA)" is an interstate compact which formalizes cooperation among party states and provides the standardized procedures for arranging for medical assistance and services for adopted special needs children and their families when there is a state adoption assistance agreement or a federal adoption assistance agreement in effect.

~~(173)~~(174) "Interstate compact on the placement of children (ICPC)" is a uniform law enacted by states and jurisdictions of the United States, establishing orderly procedures for the interstate placement of children across state lines and assigning responsibilities for those involved in placing children.



~~(174)~~(175) "Interstate placement" is the arrangement made by a sending agency, for the care of a child to be sent from Ohio to another state or from another state into Ohio, which care is to be provided by a foster home, home of a parent or parents, relative home, child-care institution, or adoptive home. This definition does not include any of the following types of placements:

- (a) Placements into a facility caring for the mentally, intellectually, or developmentally disabled; a facility that is primarily educational in nature; or a hospital or other medical facility.
- (b) The sending or bringing of a child into a receiving state by his parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or nonagency legal guardian, and leaving the child with any such relative or nonagency legal guardian in the receiving state.
- (c) Placement of a child across state lines by a court as an incident to a divorce.
- (d) Placement of a child into Ohio for a period of time not exceeding thirty calendar days, if the sending agency, when the sending agency is other than a parent or non agency legal guardian, has notified the agency in the county where the child will be visiting of the following:
  - (i) That the child will be visiting.
  - (ii) The child's date of arrival.
  - (iii) The anticipated length of the child's visit.
- (e) Placement of a child who is subject to an agreement for temporary custody.

~~(175)~~(176) "Intra-familial assessment/investigation" means an assessment/investigation conducted by a PCSA in response to a child abuse and/or neglect report and includes an alleged perpetrator who is one or more of the following:

- (a) Is a member of the alleged child victim's family.
- (b) Has sanctioned or continued access to the alleged child victim.
- (c) Is involved in daily or regular care for the alleged child victim, excluding a person responsible for the care of a child in an out-of-home care setting.

~~(176)~~(177) "Intrastate children's protective services referral" is a report concerning alleged, indicated, or substantiated child abuse and neglect made by one Ohio

PCSA to another Ohio PCSA for the purpose of requesting the provision of protective services.

~~(177)~~(178) "Investigation" is a fact-finding process which includes interviews, observations, and other forms of information gathering. Information collected during the investigation provides data upon which to make a case resolution/disposition regarding a report of alleged child abuse or neglect.

~~(178)~~(179) "Items of identification" include a motor vehicle driver's or commercial driver's license, an identification card issued under sections 4507.50 to 4507.52 of the Revised Code, a marriage application, a social security card, a credit card, a military identification card, or an employee identification card.

~~(179)~~(180) "Kin" or "Kinship caregiver" means the following:

(a) Individuals related by blood or adoption:

(i) Parents, grandparents, including grandparents with the prefix "great," "great-great," "grand," or "great-grand."

(ii) Siblings.

(iii) Aunts, uncles, nephews, and nieces, including such relative with the prefix "great," "great-great," or "great-grand."

(iv) Cousins and first cousins once removed.

(b) Stepparents and stepsiblings.

(c) Spouses and former spouses of individuals named in paragraph (B)~~(170)~~(a) of this rule.

(d) Any non-relative adult the current custodial caretaker or child identifies as having a familiar and long-standing relationship/bond with the child and/or the family which will ensure the child's social ties.

~~(180)~~(181) "Legal custody" means a legal status vesting in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court.

~~(181)~~(182) "Licensing authority" is the governmental body responsible for carrying out a department's licensing and regulatory functions, including monitoring compliance with applicable state laws and departmental rules by agencies, individuals, organizations, facilities, or other service providers licensed or certified by that body.

~~(182)~~(183) "Lifebook" is a record of the child's life which helps identify events in the child's past, including what happened while in agency care. The record shall include a chronological listing of such events and relationships in the child's life. Photographs may be used to depict events in the life book.

~~(183)~~(184) "Life skills assessment" is an evaluation of the strengths and needs regarding the life and personal skill development of a child in order to determine his current level of independence and the services required to help the child become a self-sufficient adult.

~~(184)~~(185) "Life skills services" are a series of developmentally appropriate services or activities that provide an opportunity for a child to gain the skills needed to live a self-sufficient adult life pursuant to rule 5101:2-42-19 of the Administrative Code.

~~(185)~~(186) "Life-threatening condition" is any condition in which a disabled infant would die unless medical or corrective surgical treatment is provided.

~~(186)~~(187) "Linkage and practice" means coordination with other components of the independent living program.

~~(187)~~(188) "Living unit" means one of the following:

(a) A group home.

(b) Individual houses or cottages, with a capacity of no more than twenty children, each of which contain bedrooms, bathrooms, living room or lounge, and may contain a kitchen or designated eating area.

(c) A floor or specific parts of a floor with a capacity of no more than twenty children and which contains bedrooms, bathrooms, living room or lounge, other activity space as required by rule 5101:2-9-26 of the Administrative Code, and may contain a kitchen or designated eating area.

~~(188)~~(189) "Managed care" refers to contracted service providers that have full responsibility for case planning and case management. It does not include contracted service providers that provide services while the public

children services agency maintains decision making and case management responsibilities for the case or the child.

~~(189)~~(190) "Management information system" is the electronic method of arranging client, case and service data for storage and retrieval.

~~(190)~~(191) "Mechanical restraint" means any device used to prevent or restrict movement as punishment or for staff convenience. Mechanical restraint is prohibited by ODJFS.

~~(191)~~(192) "Medical consultant" is a licensed, board-certified, and practicing pediatrician, or neonatologist.

~~(192)~~(193) "Medical diagnosis" is the evaluation of a child examined by a licensed physician to determine if abuse or neglect is medically indicated.

~~(193)~~(194) "Medically fragile child" means a person from birth through twenty-one years of age who has intensive health care needs that can be met in a medically fragile foster home.

~~(194)~~(195) "Medically fragile foster caregiver" means a person who has been specifically trained and certified pursuant to rules 5101:2-5-20 to 5101:2-5-37 and 5101:2-7-02 to 5101:2-7-17 of the Administrative Code to provide foster care and other services for medically fragile children placed in the caregiver's medically fragile foster home.

~~(195)~~(196) "Medically fragile foster home" means a foster home providing specialized medical services designed to meet the needs of children with intensive health care needs as identified in section 5103.02 of the Revised Code.

~~(196)~~(197) "Mental illness" is as defined in section 5122.01 of the Revised Code.

~~(197)~~(198) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care.

~~(198)~~(199) "Mentally ill person subject to court order" is as defined in section 5122.01 of the Revised Code.

~~(199)~~(200) "Mentor" is an individual who is specifically trained and assigned to a child or family to assist the child or family deal with or learn to deal with day-to-day living situations.

~~(200)~~(201) "Neglected child" pursuant to Chapter 2151. of the Revised Code includes any child:

- (a) Who is abandoned by the child's parents, guardian, or custodian.
- (b) Who lacks adequate parental care because of the faults or habits of the child's parents, guardian, or custodian.
- (c) Whose parents, guardian, or custodian neglects the child or refuses to provide proper or necessary subsistence, education, medical or surgical care or treatment, or other care necessary for the child's health, morals, or well being.
- (d) Whose parents, guardian, or custodian neglects the child or refuses to provide the special care made necessary by the child's mental condition.
- (e) Whose parents, legal guardian, or custodian have placed or attempted to place the child in violation of sections 5103.16 and 5103.17 of the Revised Code.
- (f) Who, because of the omission of the child's parents, guardian, or custodian, suffers physical or mental injury harming or threatening to harm the child's health or welfare.
- (g) Who is subject to out-of-home care child neglect.
- (h) Nothing in Chapter 2151. of the Revised Code shall be construed as subjecting a parent, guardian, or custodian of a child to criminal liability when solely in the practice of religious beliefs, the parent, guardian, or custodian fails to provide adequate medical or surgical care or treatment for the child.

~~(201)~~(202) "Nonidentifying information" as used in adoption is as defined in section 3107.60 of the Revised Code.

~~(202)~~(203) "Nonrelative" for the purposes of selecting a substitute care setting for the placement of a child means an individual identified by the current custodial caretaker or child as having a familiar and longstanding relationship with the child or the family.

~~(203)~~(204) "Nonsecure care, supervision, training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.

~~(204)~~(205) "Organization" is as defined in section 2151.011 of the Revised Code.

~~(205)~~(206) "Out-of-home care" is as defined in section 2151.011 of the Revised Code.

~~(206)~~(207) "Out-of-home care child abuse" pursuant to section 2151.011 of the Revised Code, means any of the following when committed by a person responsible for the care of a child in out-of-home care:

- (a) Engaging in sexual activity with a child in the person's care.
- (b) Denial to a child, as a means of punishment, of proper or necessary subsistence, education, medical care, or other care necessary for a child's health.
- (c) Use of restraint procedures on a child that cause injury or pain.
- (d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician.
- (e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.

~~(207)~~(208) "Out-of-home care child neglect," pursuant to section 2151.011 of the Revised Code, means any of the following when committed by a person responsible for the care of a child in out-of-home care:

- (a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child.
- (b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person.
- (c) Failure to develop a process for all of the following:
  - (i) Administration of prescription drugs or psychotropic drugs for the child.

- (ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed.
  - (iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.
- (d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child.
- (e) Confinement of the child to a locked room without monitoring by staff.
- (f) Failure to provide ongoing security for all prescription and nonprescription medication.
- (g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.
- ~~(208)~~(209) "Out-of-home care setting" is a detention facility, shelter facility, foster home, pre-finalized adoptive placement, certified foster home, approved foster care, organization, certified organization, child care center, type A family day-care home, type B family day-care home, group home, institution, state institution, residential facility, residential care facility, residential camp, day camp, hospital, medical clinic, children's residential center, public or nonpublic school, or respite home that is responsible for the care, physical custody, or control of a child.
- ~~(209)~~(210) "Out-of-home safety plan" is a voluntary safety plan developed with a family in response to an active safety threat. It is designed to enable a child to remain in the legal custody of his parent, guardian, or custodian while residing with a relative or kin outside of his or her own home.
- ~~(210)~~(211) "Outreach" means establishment of a system of outreach which would encourage children and families to participate in services; and develop community organizational efforts and ongoing support networks for children and families.
- ~~(211)~~(212) "Parent aide services" are those supportive services provided by a person assigned to families as a role model, and to provide family support for a portion of the twenty-four hour day.

~~(212)~~(213) "Parent education" is a teaching process to assist a parent, guardian, or custodian in developing the basic skills necessary to provide adequate care and support to a child in his own home.

~~(213)~~(214) "Parental rights" is the authority of a child's parents to make all decisions regarding the child's care and control including, but not limited to, the determination of where and with whom the child shall live and the right to protect, train, and discipline the child and provide the child with food, shelter, education, and medical care.

~~(214)~~(215) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint township police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper.

~~(215)~~(216) "Permanent alternative placement" is a planned placement for a child, when it has been determined he cannot return to the child's own home, including adoption, custody to kin, independent living, or planned permanent living arrangement.

~~(216)~~(217) "Permanency plan" shall have the same meaning as the case plan.

~~(217)~~(218) "Permanent commitment" is an order of a juvenile court exercising jurisdiction, pursuant to section 2151.353, 2151.354, or 2151.414 of the Revised Code, which grants permanent custody of a child to a PCSA or PCPA.

~~(218)~~(219) "Permanent custody" is as defined in section 2151.011 of the Revised Code.

~~(219)~~(220) "Person responsible for a child's care in out-of-home care" means any of the persons named below, but does not include a prospective employee of the department of youth services, or a person responsible for a child's care in a hospital or medical clinic other than a children's hospital.

(a) Any foster caregiver, in-home aide, or provider.

(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; organization; certified organization; child care center; type A family child care home; licensed type B family child care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; hospital; or medical clinic.

(c) Any other person performing a similar function with respect to, or has a similar relationship to, children.



~~(220)~~(221) "Physical restraint" means a therapeutic holding technique(s) with the intent to minimize or prevent harm when the child has lost control of his or her actions in such a way as to threaten harm to self or others. Physical restraint shall not be used as a planned intervention until after other less restrictive procedures or measures have been explored and found to be inappropriate. At no time shall physical restraint be used as punishment or for staff convenience.

~~(221)~~(222) " Physical impairment" is as defined in section 2151.011 of the Revised Code.

~~(222)~~(223) "Physician" means an individual licensed to practice medicine and surgery or osteopathic medicine and surgery by the state medical board or by a comparable body in another state.

~~(223)~~(224) "Placement for adoption" is as defined in section 2151.011 of the Revised Code.

~~(224)~~(225) "Placement in foster care" is as defined in section 2151.011 of the Revised Code.

~~(225)~~(226) "Plan of safe care" means an arrangement that addresses the immediate safety of the substance exposed and/or substance affected infant, the treatment needs of the infant, the health and substance use disorder treatment needs of the affected family or caregiver. The plan is developed with the parents or other caregivers, as well as the collaborating professional partners and agencies involved in caring for the infant and family. The plan includes but is not limited to the following:

- (a) Basic identifying information of the infant and caregiver(s): name, date of birth, and address.
- (b) Hospital or medical facility where the infant is being treated: name, address, contact person, physician.
- (c) Medical information on the infant: treating medical personnel (doctor, specialists), current diagnosis, prescription medication, therapies or treatment.
- (d) Health and substance use of mother, father and/or caregiver: diagnosis, prescribed medications, alcohol or drug treatment provider(s), treatment plan, and contact information of all.

~~(226)~~(227) "Plan for practice advancement" is a specific plan required by ODJFS which is developed, implemented and completed by a PCSA to address review

findings and areas of improvement to enhance the condition of the child protection system.

~~(227)~~(228) "Planned permanent living arrangement" is as defined in section 2151.011 of the Revised Code.

~~(228)~~(229) "Post-finalization services" or "post-finalization adoption services" means services provided or arranged by the PCSA, PCPA or PNA to support, maintain and assist an adopted child, adoptive family or birth parent anytime after finalization of an adoption.

~~(229)~~(230) "Practitioner of behavior science" means an individual licensed or credentialed by the state of Ohio having within their scope of practice the assessment and treatment of psychological, developmental and behavioral disorders of children.

~~(230)~~(231) "Pre-adoptive infant foster home" means a foster home for the care of a child who is in the custody of a PCSA or PCPA pursuant to an agreement entered into under section 5103.15 of the Revised Code regarding a child who was less than six months of age on the date the agreement was executed.

~~(231)~~(232) "Pre-adoptive family" means a parent(s) who has signed an adoptive placement agreement for which the placement has not been finalized in court.

~~(232)~~(233) "Pre-finalization services" or "pre-finalization adoption services" means services provided or arranged by the PCSA, PCPA or PNA to support and assist a child and adoptive family from the date of adoptive placement until the issuance of a final decree of adoption.

~~(233)~~(234) "Pre-finalized adoptive parent" is an adoptive parent with whom a PCSA or PCPA has placed a child for adoption and who has entered into an adoptive placement agreement but for whom an adoption has not been finalized in court.

~~(234)~~(235) "Pre-finalized adoptive placement" is the placement of a child in an adoptive home with an adoptive placement agreement in effect, for whom the court has not issued a final decree of adoption.

~~(235)~~(236) "Pre-placement preventive services" are those services designed to alleviate family problems which would otherwise result in the child's removal from the home.

~~(236)~~(237) "Preschool age child" means any child from three years of age to five years of age.

~~(237)~~(238) "Pre-service training program" means a training program designed to provide caregivers with an understanding of the needs of an abused, neglected, or dependent child, or a child with special needs.

~~(238)~~(239) "Prevention Services Plan" means a written document in the "Prevention Services" case category or a "Family Case Plan" in the "Ongoing" case category in SACWIS developed with the family, to provide supportive services to the family, and aid in reducing risk of maltreatment including at least one Ohio IV-E plan recognized "evidenced based practice service" being rendered by a "Center of Excellence" selected provider.

~~(239)~~(240) "Preventive services" means a type of family in need of services intake which describes services provided by the PCSA aimed at promoting awareness or preventing child abuse and neglect which have been requested by and provided to children and families who have no current allegations of child abuse, neglect, or dependency.

~~(240)~~(241) "Priority placement" means a placement status, based upon the findings by an Ohio court or a court in another state, designating that a specific child's interstate placement shall be made on a priority basis in order to meet the special needs of the child and to expedite the procedures between agencies and states involved in the child's placement across state lines.

~~(241)~~(242) "Principals of the report" are the alleged child victim or the child subject of the report, the parent or caretaker and the alleged perpetrator or the adult subject of the report.

~~(242)~~(243) "Private child placing agency (PCPA)" means any association, as defined in section 5103.02 of the Revised Code, certified pursuant to section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.

~~(243)~~(244) "Private non-custodial agency (PNA)" means any person, organization, association, or society certified by ODJFS that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following:

- (a) Receives and cares for children for two or more consecutive weeks;
- (b) Participates in the placement of children in certified foster homes;
- (c) Provides adoption services in conjunction with a PCSA or PCPA.

~~(244)~~(245) "Private, nonprofit therapeutic wilderness camp" is as defined in section 5103.02 of the Revised Code.

~~(245)~~(246) "Professional treatment staff" ~~means specialized foster home program agency employees or contractors with responsibility for~~has the same meaning and function as specified in sections 5103.57, 5103.58 and 5103.59 of the Revised Code.

~~(a) Providing rehabilitative services to a child placed in a specialized foster home program or to the child's family;~~

~~(b) Conducting homestudies as an assessor for specialized foster homes;~~

~~(c) Providing clinical direction to specialized foster caregivers; and/or~~

~~(d) Supervision of treatment team leaders.~~

~~(i) Professional treatment staff of a PCPA or a PNA shall be a licensed social worker, a licensed independent social worker, a licensed professional counselor, a licensed professional clinical counselor, a counselor trainee, a licensed marriage and family therapist, a licensed independent marriage and family therapist, a certified chemical dependency counselor, a licensed medical doctor or doctor of osteopathy, a licensed psychologist, a master's level or registered nurse with responsibility for providing agency services for a child placed in a treatment foster home or a medically fragile foster home.~~

~~(ii) Professional treatment staff of a PCSA who are exempted from the licensing requirements of Chapter 4757. of the Revised Code shall meet the requirements of sections 5153.112 and 5153.122 of the Revised Code.~~

~~(246)~~(247) "Prospective employee" means a person who is under final consideration for appointment or employment with a PCSA, a PCPA or a PNA as an administrator, caseworker, child care staff or other person in a position responsible for a child's care in out-of-home care, including those directly employed by the agency as well as those under contract with another person or entity. "Prospective employee" does not include a prospective foster caregiver.

~~(247)~~(248) "Protective capacities" means family strengths or resources that reduce, control, or prevent threats of serious harm from arising or having an unsafe impact on a child.

~~(248)~~(249) "Protective day-care services" are services provided for a portion of the twenty-four-hour day for the direct care and protection of children who have been harmed or threatened with harm, or who are at risk of abuse, neglect, or exploitation due to a psychological or social problem, or physical or mental disability of a caretaker parent, or whose health or welfare is otherwise jeopardized by their home environment.

~~(249)~~(250) "Protective services" is a term used to describe a wide range of supportive services coordinated and delivered on behalf of children at risk of abuse or neglect.

~~(250)~~(251) "Protective services alert" means a notice prepared by a PCSA or CSA which contains allegations that a child may be at risk of abuse or neglect, when the current whereabouts of the child and caretaker are unknown.

~~(251)~~(252) "Protective supervision," pursuant to section 2151.011 of the Revised Code, means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parent, guardian, or custodian and stay in the child's own home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.

~~(252)~~(253) "Public children services agency (PCSA)" means an entity specified in section 5153.02 of the Revised Code that has assumed the powers and duties of the children services function prescribed by Chapter 5153. of the Revised Code for a county.

~~(253)~~(254) "Putative father" is as defined in section 3107.01 of the Revised Code.

~~(254)~~(255) "Putative father registry" is a registry established and maintained by the ODJFS to allow a putative father to register should he wish to be given notice of a petition to adopt a minor he claims as his child. The registry will allow a mother, agency or attorney to search and either confirm or deny if a child has a registered putative father and thus shall be contacted prior to finalization of the adoption.

~~(255)~~(256) "Qualified non-citizen" is a person who at the time of application for or in receipt of Title IV-E foster care maintenance, adoption assistance or independent living services is :

- (a) Lawfully admitted for permanent residence under the Immigration and Nationality Act (INA), codified at 8 U.S.C. 1255 (amended 12/23/08).

- (b) An asylee who has been granted asylum under section 208 of the Immigration and Nationality Act (INA) (as in effect October 1, 2019); or
- (c) A refugee admitted to the United States under section 207 of the INA (as in effect October 1, 2019); or
- (d) A parolee allowed into the United States under section 212(d)(5) of the INA (as in effect October 1, 2019) for a period of at least one year; or
- (e) A person whose deportation is being withheld under section 243(h) of the INA (as in effect prior to April 1, 1997) or whose removal has been withheld under section 241(b)(3) of the INA (as in effect October 1, 2019); or
- (f) A person granted conditional entry pursuant to section 203(a)(7) of the INA (as in effect prior to April 1, 1980); or
- (g) A Cuban or Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980; or
- (h) An Amerasian immigrant as defined in Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988 (Pub. L. No. 100-202); or
- (i) A non-citizen or non-citizen's child who has been battered or subjected to extreme cruelty in the United States under Section 501 of Pub. L. No. 104-208, under certain circumstances as defined in 8 U.S.C. 1641(c) (as in effect October 1, 2019); or
- (j) An Afghan or Iraqi non-citizen granted special immigrant visa status under Section 8120 of the December 19, 2009 Defense Appropriations Bill (Pub. L. No. 111-118) and section 101(a)(27) of the INA (as in effect October 1, 2019).

(257) "Qualified residential treatment program" (QRTP) is a residential program that is accredited and provides an approved trauma-informed approach including treatment consideration for the youth's safety and developmental needs, with a family driven approach with both the youth and the family included in all aspects of care.

~~(256)~~(258) "Quality improvement review" as used in rule 5101:2-33-02 of the Administrative Code means an examination of a PCSA's performance level on specific outcomes and processes that are to be accomplished through the

PCSA's child protection system and is conducted by ODJFS in participation with the PCSA.

~~(257)~~(259) "Reasonable medical judgment" is a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

~~(258)~~(260) "Receiving state" is a state into which a child is placed by a sending agency.

~~(259)~~(261) "Recommending agency" means a PCSA, PCPA or PNA recommending ODJFS take any of the following actions under section 5103.03 of the Revised Code regarding a foster home:

- (a) Issues a certificate;
- (b) Denies a certificate;
- (c) Renews a certificate;
- (d) Denies renewal of a certificate; or,
- (e) Revokes a certificate.

~~(260)~~(262) "Recruitment" is the action and effort by a PCSA, PCPA, or PNA to provide information alerting the community of the need for foster homes and adoptive homes for children. Recruitment activities by a PCSA, PCPA or PNA must be directed at the general public as well as conducted on an individual basis for specific children.

~~(261)~~(263) "Referent/reporter" means a person making a referral of child abuse, neglect, dependency, or family in need of services.

~~(262)~~(264) "Referral" means an allegation of child abuse, neglect, or dependency; or information regarding a family in need of services made orally or in writing. It includes, but is not limited to, allegations involving individuals, families, and out-of-home care settings.

~~(263)~~(265) "Rehabilitative services" means those services provided to a child to assist the child to reacquire and maintain those life skills that may have been lost due to abuse, neglect, dependency or delinquency that enable the child to cope more effectively with the child's personal needs and with the child's environment and in raising the level of the child's physical, mental, social, and vocational efficiency. Rehabilitative services may include, but are not

limited to, case management, social skills training, activities of daily living, vocational training, medical services, counseling, psychosocial interventions, social psychotherapy, crisis services, treatment planning, and independent living skills training provided for a child in foster care or the child's family. Rehabilitative services also include any diagnostic assessment conducted to determine the services the child or the child's family need.

~~(264)~~(266) "Relative" means the following:

(a) Individuals related by blood or adoption:

- (i) Parents, grandparents, including grandparents with the prefix "great," "great-great," "grand," or "great-grand";
- (ii) Siblings;
- (iii) Aunts, uncles, nephews, and nieces, including such relative with the prefix "great," "great-great," or "great-grand";
- (iv) First cousins and first cousins once removed.

(b) Stepparents and stepsiblings;

(c) Spouses and former spouses of individuals named in paragraph (B)~~(256)~~(266)(a) of this rule.

~~(265)~~(267) "Religious coercion" may include, but is not limited to:

- (a) Being required to accompany the foster caregiver or other residents of the foster home to religious services, but allowed to sit outside the area where the service actually occurs.
- (b) Being given extra chores to perform or being required to read or listen to specific material while others attend religious services.
- (c) Being required to view or listen to specific religiously oriented television, video tapes, or music.

~~(266)~~(268) "Repeat offender" means a person who has been convicted of or pleaded guilty to any of the offenses listed in rules contained in Chapters 5101:2-5, 5101:2-7 and 5101:2-48 of the Administrative Code two or more times in separate criminal actions. Guilty pleas or convictions resulting from or connected with the same act, or from offenses committed at the same time, shall be counted as one conviction or guilty plea.



~~(267)~~(269) "Report" means a referral accepted by the PCSA as a result of the screening decision for PCSA assessment/investigation, services, and/or intervention.

~~(268)~~(270) "Report disposition" means one of the following determinations of whether a report of abuse or neglect has occurred or is occurring specific to an alleged child victim:

- (a) Family moved - unable to complete assessment/investigation.
- (b) Family moved out-of-county - refer to appropriate PCSA.
- (c) Indicated.
- (d) Substantiated.
- (e) Unable to locate.
- (f) Unsubstantiated.

~~(269)~~(271) "Report members" means all of the following individuals: principals of the report; sibling(s) of the alleged child victim(s), including half or step siblings, residing in the home; paramour of alleged child victim's parent/caretaker; children of the paramour residing in the home; and related or non-related adult(s) residing in the home that have routine responsibility for child care of the alleged child victim(s) and his/her sibling(s).

~~(270)~~(272) "Required non-lead PCSA interviews" means a type of family in need of services intake in which interviews of principals and collateral sources are conducted as requested by a PCSA or CSA on behalf of the lead PCSA as required by rules 5101:2-36-03, 5101:2-36-04, and 5101:2-36-09 of the Administrative Code.

(273) "Residential infant care center" (RICC) means a facility that has as its primary purpose the provision of residential services for infants affected by substance use and the preservation of families through infant diversion practices and programs.

~~(271)~~(274) "Risk assessment" means a systematic decision making process to determine the safety and protection of the child, used throughout the life of a case.

~~(272)~~(275) "Residential camp" means a public or private facility that engages in or accepts the care, physical custody, or control of children during summer

months and that is licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of health or the American camping association.

~~(273)~~(276) "Residential care facility" means an institution, residence, or facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code and that provides care for a child.

~~(274)~~(277) "Residential facility" means a group home, children's crisis care facility (as defined in rule 5101:2-9-36 of the Administrative Code), children's residential center, private, nonprofit therapeutic wilderness camp, or residential parenting facility where twenty-four hour child care is provided by child care staff employed or contracted by an agency. A foster home is not a residential facility. "Residential facility", as used in Chapter 5101:2-36 of the Administrative Code, is a home or facility that is licensed by the department of developmental disabilities under section 5123.19 of the Revised Code and in which a child with a developmental disability resides.

~~(275)~~(278) "Residential parenting facility" means a facility in which teenage mothers and their children reside for the purpose of keeping mother and child together, teaching parenting and life skills to the mother, and assisting teenage mothers in obtaining educational or vocational training and skills.

~~(276)~~(279) "Residual parental rights, privileges, and responsibilities" are those rights, privileges, and responsibilities remaining with the natural parent after the transfer of legal custody of the child, including, but not necessarily limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support.

~~(277)~~(280) "Resource caregiver" means a foster caregiver or a kinship caregiver.

~~(278)~~(281) "Resource family" means a foster home or the kinship caregiver family.

~~(279)~~(282) "Respite care," as used in Chapters 5101:2-5 and 5101:2-7 of the Administrative Code, is any alternative care provided for a child placed in a specialized foster home that lasts more than twenty-four consecutive hours when the plan is to return the child to the same specialized foster home at the end of the period of respite care.

~~(280)~~(283) "Respite care services" are services designed to provide temporary relief of child-caring functions including, but not limited to, crisis nurseries, day treatment, and volunteers or paid individuals who provide such services within

the home. This service may be provided to a child placed in a foster home or with a relative as well as for a child in his own home.

~~(281)~~(284) "Respite home" is a home managed by a respite family receiving funds from and approved to provide respite care services by the department of developmental disabilities.

~~(282)~~(285) "Safe child" means the safety response when there are no immediate threats of serious harm present or the protective capacities of the family can manage any identified threats to a child.

~~(283)~~(286) "Safety plan" means a specific and concrete strategy for controlling threats of serious harm to a child(ren) or supplementing protective capacities, which is implemented immediately when a family's protective capacities are not sufficient to manage immediate and serious threats of harm.

~~(284)~~(287) "Safety response" means the determination of whether a child is safe or whether a PCSA shall implement a safety plan to control any identified safety threat. The types of safety responses are safe, in-home safety plan, out-of-home safety plan, or legally authorized out-of-home placement.

~~(285)~~(288) "Safety threat" means an act or condition that has the capacity to seriously harm any child.

~~(286)~~(289) "Screening" means the process of receiving and recording information from a referent to determine one or both of the following:

(a) Whether the information provided should be categorized as a referral of child abuse and/or neglect, dependency, or family in need of services; or as an information and/or referral intake.

(b) Whether the information categorized as a referral of child abuse and/or neglect, dependency, or family in need of services should be screened in or screened out.

~~(287)~~(290) "Screening decision" means the outcome of the screening process.

~~(288)~~(291) "Screened in" means the PCSA has accepted referral information as a report and assignment for assessment/investigation.

~~(289)~~(292) "Screened out" means the PCSA has not accepted the referral for assessment/investigation.

~~(290)~~(293) "Self-esteem/self confidence development" means individual and group counseling skills, workshops and conferences for improved self-esteem and self confidence, and interpersonal, and social skills training and development.

~~(291)~~(294) "Sending agency" is a PCSA, PCPA, or any agency, officer or employee of the state or local government, or any court or person, voluntary agency, or other entity which sends or brings a child, or causes a child to be sent or brought, into another state.

~~(292)~~(295) "Serious harm" means the actual or threatened consequence of an active safety threat that may be significantly affected by a child's degree of vulnerability and includes one or more of the following:

- (a) Is life-threatening.
- (b) Substantively retards the child's mental health or development.
- (c) Produces substantial physical suffering, disfigurement or disability, whether temporary or permanent.

~~(293)~~(296) "Sibling" means a legal relationship exists between two or more children who share at least one parent by birth, marriage, or adoption.

~~(294)~~(297) "Specialized assessment/investigation means an assessment/investigation conducted by the PCSA in response to a child abuse or neglect report and includes an alleged perpetrator who meets one or more of the following:

- (a) Is responsible for the alleged child victim's care in an out-of-home care setting as defined in this rule.
- (b) Is a person responsible for the alleged child victim's care in out-of-home care as defined in section 2151.011 of the Revised Code.
- (c) Has access to the alleged child victim by virtue of his/her employment by or affiliation with an institution.

~~(295)~~(298) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition.

~~(296)~~(299) "Skilled level of care" as used in the definition of a "medically fragile foster home" has the same meaning as described in rules 5160-3-05 and 5160-3-08 of the Administrative Code.

~~(297)~~(300) "Special needs child" for the purposes of the state adoption subsidy program is a child who, prior to substitute care or adoptive placement, has at least one of the following needs or circumstances that may be a barrier to placement or adoption or a barrier to a child being sustained in a substitute care placement or adoptive home without financial assistance because the child:

- (a) Is in a sibling group which should be placed together;
- (b) Is a member of a minority or ethnic group;
- (c) Is six years of age or older;
- (d) Has remained in the permanent custody of a PCSA or PCPA for more than one year;
- (e) Has a medical condition, physical impairment, intellectual disability or developmental disability;
- (f) Has an emotional disturbance or behavioral problem;
- (g) Has a social or medical history or the background of the child's biological family has a social or medical history which may place the child at risk of acquiring a medical condition, a physical, mental or developmental disability or an emotional disorder;
- (h) Has been in the home of his/her prospective adoptive parents as a foster child for at least one year and would experience severe separation and loss if placed in another setting due to his/her significant emotional ties with these foster parents as determined and documented by a qualified mental health professional;
- (i) Has experienced previous adoption disruption or multiple placements.

~~(298)~~(301) "Special service state adoption subsidy" is financial assistance directly related to the child's special needs at the time of the subsidy agreement, including any identified or anticipated risk of a special need. Payments may be made to the adoptive parent or to the service provider. Special service subsidies include, but are not limited to, payments for:

- (a) Medical and surgical costs as determined by a licensed physician. If the child has a medical problem needing treatment, investigation shall be made of the adoptive family's medical insurance, medicaid and other resources to determine whether the costs of treatment could be covered by these resources. If not, the subsidy could provide the necessary funds.

(b) Psychiatric, psychological, or counseling costs as determined by a licensed psychiatrist, licensed psychologist, licensed professional counselor, licensed independent social worker or a licensed independent marriage and family therapist. This may also include counseling sessions for the child or adoptive family to help integrate the child into the adoptive family. If the child has a psychiatric or psychological condition needing treatment, investigation shall be made of the adoptive parent's medical insurance, medicaid and other resources to determine whether the costs of treatment could be covered by these resources. If not, the subsidy could provide the necessary funds.

(c) Other special service costs as documented by the appropriate professional or determined as necessary by the PCSA. This may include, but not be limited to, remedial education, rehabilitation training, corrective dental treatment, speech and hearing therapy, wheelchair, braces, crutches, prostheses, child care, transportation and any other expenses related to the care and treatment of the child when not available from other funding sources. These could also include other costs incidental to the care of the child.

~~(299)~~(302) "Specialized foster home" means a medically fragile foster home or a treatment foster home.

~~(300)~~(303) "Spousal abuse" is violence between two caretakers regardless of marital status, and reflects the presence of domestic violence.

~~(301)~~(304) "Staff secure facility" means a residential setting for adjudicated offenders that provides treatment in a safe environment with an atmosphere of mutual respect between staff and residents without traditional obstacles to prevent escape. Traditional barriers include locked doors, barbed wire, electric gates. In a staff secure facility staff become the deterrent to escape by having an ODJFS approved plan for positioning themselves in such a way that residents are prevented from escaping.

~~(302)~~(305) "State adoption maintenance subsidy" is a state-funded adoption program intended to make permanent homes possible for children with special needs. Through the subsidized adoption program, special service and maintenance subsidy payments are made available to assist an adoptive parent who is otherwise qualified to adopt except for financial need.

~~(303)~~(306) "State fiscal year" means the period of time between July first of one year and June thirtieth of the following year.

~~(304)~~(307) "State institution" is a facility established by, or operated pursuant to the authority of, the general assembly, for the care of delinquent children, blind children, deaf children, children with a mental illness, children with an intellectual disability, or children with a developmental disability, and that is under the management, control, or supervision of the division of correctional services of the department of youth services, the state board of education, the state department of mental health and addiction services, the state department of developmental disabilities, or a political subdivision.

~~(305)~~(308) "Stranger danger report" is a report to the PCSA alleging a criminal act against a child of assault or sexual activity as defined under Chapter 2907. of the Revised Code if the alleged perpetrator:

- (a) Is not a member of the alleged child victim's family.
- (b) Has no sanctioned or continued access to the alleged child victim.
- (c) Has no relationship with the alleged child victim.
- (d) Is not involved in daily or regular out-of-home care for the alleged child victim.
- (e) Is a stranger, previously unknown to the alleged child victim and the alleged child victim's family.

~~(306)~~(309) "Subcontractor" means any person who by a legal agreement with an agency provides services for an agency.

~~(307)~~(310) "Substance affected infant" means a child under the age of twelve months who has any detectable physical, developmental, cognitive, or emotional delay or harm which is associated with a parent, guardian, or custodian's abuse of a legal or illegal substance; excluding the use of a substance by the parent, guardian, or custodian as prescribed.

~~(308)~~(311) "Substance exposed infant" means a child under the age of twelve months who has been subjected to legal or illegal substance abuse while in utero.

~~(309)~~(312) "Substance Use Disorder (SUD) Residential Facility" means a family-based residential treatment facility for adults with substance abuse licensed by Ohio mental health and addiction services that allows the placement of child(ren) with a parent. A SUD residential facility shall meet the following programmatic criteria:

- (a) The recommendation for the placement is specified in the child's case plan before the placement.
  - (b) The SUD residential facility provides, as part of the treatment for substance abuse, services regarding parenting skills training, parent education, individual counseling, and family counseling.
  - (c) The services are provided under an organizational structure and treatment framework with recognized principles of a trauma-informed approach and trauma-specific interventions to address the consequences of trauma and facilitate healing.
- ~~(310)~~(313) "Substantiated report" means the report disposition in which there is an admission of child abuse or neglect by the person(s) responsible; an adjudication of child abuse or neglect; or other forms of confirmation deemed valid by the PCSA.
- ~~(311)~~(314) "Substitute care" is the care provided for a child apart from his parent or guardian, while the child's custody is held by a PCSA or PCPA.
- ~~(312)~~(315) "Substitute caregiver" means an individual providing care for a child who is in the custody of the PCSA or PCPA including, a relative other than the child's parents, a nonrelative having a familiar and longstanding relationship with the child or the family, a foster parent or pre-adoptive parent, and a staff person of a group home or residential facility who is providing care for the child.
- ~~(313)~~(316) "Supervising agency" is the agency providing pre-finalization services to an adoptive family or adoptive child during the period prior to an adoption finalization.
- ~~(314)~~(317) "Supervisor" as the term is used in rules contained in Chapter 5101:2-33 of the Administrative Code means a person who is employed by the PCSA to oversee, direct or manage one or more workers employed by the agency in a social services capacity.
- ~~(315)~~(318) "Supplemental plan" means a written plan for a child outlining the agency's plan to locate a permanent placement for the child and which may be developed concurrently with the case plan.
- ~~(316)~~(319) "Support system" means the involvement of relatives, mentors, and caregivers in the development of independent living skills; and training children or families in decision making, planning, and time management.



- ~~(317)~~(320) "Supportive services" are services provided or arranged to protect, strengthen, or assist children and families or caretakers. Supportive services may include family preservation services, family support services, family reunification services, or adoption promotional and support services.
- ~~(318)~~(321) "Temporary certificate" means a certificate issued as a sanction by ODJFS to a PCSA, PCPA, PNA pursuant to section 5103.03 of the Revised Code for a period of less than one year.
- ~~(319)~~(322) "Temporary custody" means legal custody of a child who is removed from the child's home, which may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement.
- ~~(320)~~(323) "Temporary emergency care" is physical care and meeting the emotional needs of a child in a facility established to receive children at any time of day, twenty-four hours per day.
- ~~(321)~~(324) "Therapeutic counseling" means, pursuant to section 2151.011 of the Revised Code, psychiatric or psychological services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or persons licensed under Chapter 4757. of the Revised Code.
- ~~(322)~~(325) "Therapeutic services" are medical, psychiatric or psychological services performed by licensed or certified physicians, psychiatrists, psychologists, and persons licensed under Chapter 4757. of the Revised Code for the purpose of correcting or alleviating physical, mental, or emotional illnesses, or disorders.
- ~~(323)~~(326) "Third party" means the requirement that a PCSA request the assistance of law enforcement or another PCSA or both when conducting an assessment/ investigation due to the potential conflict of interest a PCSA may have assessing/investigating an entity.
- ~~(324)~~(327) "Title IV-E Adoption assistance" is a federally funded program in which a public children services agency (PCSA) may provide financial assistance and medical coverage to special needs children who meet the eligibility requirements of 42 U.S.C 673 (amended 2/8/06 as if enacted 10/1/05) and have been placed for adoption or are living with parents who have legally adopted them.

~~(325)~~(328) "Title IV-E agency" means a public children services agency or a public entity with whom the Ohio department of job and family services has a Title IV-E subgrant agreement in effect.

~~(326)~~(329) "Toddler" means any child from eighteen months of age to thirty-six months of age.

~~(327)~~(330) "Training" means the training and staff development activities which directly or indirectly benefit or assist agency staff in the delivery of services.

~~(328)~~(331) "Training episode" means a class, session or workshop for foster caregivers of two consecutive hours duration or more, as contained in an agency's approved foster caregiver pre-placement and continuing training proposal.

~~(329)~~(332) "Transfer" means an agreement between two recommending agencies and a foster or adoptive parent for transferring the responsibility for future utilization, supervision and recertification or updates of a homestudy from one agency to another.

~~(330)~~(333) "Transportation" means arranging for or providing transportation to and from needed services, resources and facilities.

~~(331)~~(334) "Treatment foster care" means foster caregiver-based treatment services for children whose special or exceptional needs cannot be met in their own homes. Treatment foster care focuses on providing rehabilitative services to children with special or exceptional needs and their families with the primary location of treatment being in the treatment foster home.

~~(332)~~(335) "Treatment foster caregiver" means a person who has been specifically trained and certified pursuant to rules 5101:2-5-20 to 5101:2-5-35 and 5101:2-7-02 to 5101:2-7-16 of the Administrative Code to provide treatment to children with special or exceptional needs placed in the treatment foster home.

~~(333)~~(336) "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, chemically dependent, with an intellectual disability, or developmentally disabled, or who otherwise have exceptional needs.

~~(334)~~(337) "Treatment team" means the group of individuals who formulate, assess, monitor and revise, as needed, the child's service plan. The treatment team shall include, but is not limited to:

- (a) A treatment team leader;
- (b) Case managers or therapists from agencies providing social, medical or mental health services to the child and his family;
- (c) The treatment or medically fragile foster caregiver(s);
- (d) A representative(s) of the agency holding custody of the child, including, for any child who has attained the age of fourteen, a representative of the custody-holding agency's independent living program;
- (e) A representative of the educational system providing educational services to the child;
- (f) The child, according to his age and functioning level;
- (g) Parent(s) of the child, when reunification with the parent(s) is the plan for the child, or the child's guardian; and
- (h) The child's guardian ad litem or court appointed special advocate, if one has been appointed to represent the child.

~~(335)~~(338) "Treatment team leader" means the member(s) of the treatment team with primary responsibility for day-to-day leadership of the treatment team and for preparation of the written service plan and any revisions thereto. The treatment team leader shall be a professional treatment staff member, as defined in paragraph (B) (334) of this rule, of the treatment or medically fragile foster care program or the child's treatment or medically fragile foster caregiver if the foster caregiver is appropriately licensed/certified to perform the functions of a treatment team leader. Nothing in this definition shall prohibit a treatment team from being co-led by more than one individual.

~~(336)~~(339) "Type A home" means a permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this paragraph, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted. "Type A home" does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings. "Type A home" does not include a child day camp.

~~(337)~~(340) "Type B home," means a permanent residence of the provider in which child care services are provided for one to six children at one time and in which no more than three children may be under two years of age at one time.

(a) In counting children for the purposes of this rule, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. Children six years of age or older who are related to the provider and who are on the premises of the "type B home" shall not be included in this count.

(b) A "type B home" also includes a home which is the permanent residence of both the provider and the parent.

~~(338)~~(341) "Unable to locate" means the report disposition in which the assessment/ investigation was not completed due to the inability to make contact with the family.

~~(339)~~(342) "Unaccompanied refugee minor" is a person who has not yet reached eighteen years of age, or such higher age as the ODJFS has provided for in its child welfare plan under Title IV-B of the social security act, and who entered the United States unaccompanied by and not destined to:

(a) A parent; or

(b) A close non parental adult relative who is willing and able to care for the minor; or

(c) An adult with a court claim to custody of the minor; and

(d) Who has no parent(s) in the United States.

~~(340)~~(343) "Universal precautions" means an approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious for human immunodeficiency virus, hepatitis b virus and other blood borne pathogens.

~~(341)~~(344) "Unsubstantiated report" means the report disposition in which the assessment/ investigation determined no occurrence of child abuse or neglect.

~~(342)~~(345) "Variance" means a discretionary action of ODJFS to permanently suspend all or part of a rule imposed on an agency by the application of Chapter 5101:2-5 or 5101:2-9 of the Administrative Code, or on a foster caregiver by the application of Chapter 5101:2-7 of the Administrative Code.

~~(343)~~(346) "Volunteer" means any individual not being paid but providing services for an agency.

~~(344)~~(347) "Volunteer services" are those services (e.g., transportation) performed by a person of his own free will and without monetary gain or compensation.

~~(345)~~(348) "Waiting child" is a child in the permanent custody of a PCSA with the goal of adoption that is not currently in a pre-finalized adoptive placement or involved in an appeal.

~~(346)~~(349) "Waiver" means a discretionary action of ODJFS to temporarily suspend, pursuant to rule 5101:2-5-18 of the Administrative Code, all or part of a rule imposed on an agency by the application of Chapter 5101:2-5 or 5101:2-9 of the Administrative Code, or on a foster caregiver by the application of Chapter 5101:2-7 of the Administrative Code in order to give the agency or foster caregiver time to come into compliance.

~~(347)~~(350) "Withholding of medically indicated treatment" is the failure to respond to the disabled infant's life-threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) which, in the attending physician's reasonable medical judgment, will most likely be effective in ameliorating or correcting all such conditions. Withholding medically indicated treatment may constitute neglect of a child. This term does not include the failure to provide treatment (other than appropriate nutrition, hydration, or medication) to a disabled infant when, in the attending physician's reasonable medical judgment, any of the following circumstances apply:

(a) The disabled infant is chronically and irreversibly comatose.

(b) The provisions of such treatment would merely prolong dying, or not be effective in ameliorating or correcting all of the disabled infant's life-threatening conditions, or otherwise be futile in terms of survival of the disabled infant.

(c) The provisions of such treatment would be virtually futile in terms of the survival of the disabled infant and the treatment itself under such circumstances would be inhumane.

~~(348)~~(351) "Witness" means a person who has direct knowledge of the alleged abuse and/or neglect of a child.

~~(349)~~(352) "Working day" means the regular days on which work is performed by the PCSA generally seen as Monday through Friday excluding legal holidays, or the day the holiday is observed.

Effective: 1/1/2023

Five Year Review (FYR) Dates: 6/1/2024

## CERTIFIED ELECTRONICALLY

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### Certification

12/06/2022

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### Date

Promulgated Under: 119.03  
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5101:2-5-03

**Certification of an agency to perform specific functions.**

(A) Specific functions of a public children services agency (PCSA) which require certification by the Ohio department of job and family services (ODJFS) are:

- (1) To operate children's residential center(s).
- (2) To operate group home(s).
- (3) To operate residential parenting facilities.
- (4) To operate children's crisis care facilities.
- (5) To operate residential infant care center(s).
- (6) To operate family preservation center(s).

(B) Functions performed by a PCSA that do not require certification by ODJFS shall comply with the Administrative Code rules applicable to the functions performed. ODJFS may take any appropriate action permitted under division (D) of section 5101.24 of the Revised Code for noncompliance with applicable rules.

(C) Specific functions of a private child placing agency (PCPA) which require certification by ODJFS are:

- (1) To operate children's residential center(s).
- (2) To operate group home(s).
- (3) To operate or provide independent living arrangements.
- (4) To operate residential parenting facilities.
- (5) To operate children's crisis care facilities.
- (6) To operate residential infant care center(s).
- (7) To operate family preservation center(s).
- ~~(6)~~(8) To act as a representative of ODJFS in recommending pre-adoptive infant foster homes for certification.
- ~~(7)~~(9) To act as a representative of ODJFS in recommending family foster homes for certification.

- ~~(8)~~(10) To act as a representative of ODJFS in recommending treatment foster homes for certification.
- ~~(9)~~(11) To act as a representative of ODJFS in recommending medically fragile foster homes for certification.
- ~~(10)~~(12) To accept temporary, permanent or legal custody of children.
- ~~(11)~~(13) To place children for foster care or adoption.
- (D) Specific functions of a private noncustodial agency (PNA) or a local public entity that is not a PCSA which require certification by ODJFS are:
- (1) To operate children's residential center(s).
  - (2) To operate group home(s).
  - (3) To operate or provide independent living arrangements.
  - (4) To operate residential parenting facilities.
  - (5) To operate children's crisis care facilities.
  - (6) To operate private, nonprofit therapeutic wilderness camp(s).
  - (7) To operate residential infant care center(s).
  - (8) To operate family preservation center(s).
  - ~~(7)~~(9) To act as a representative of ODJFS in recommending pre-adoptive infant foster homes for certification.
  - ~~(8)~~(10) To act as a representative of ODJFS in recommending family foster homes for certification.
  - ~~(9)~~(11) To act as a representative of ODJFS in recommending treatment foster homes for certification.
  - ~~(10)~~(12) To act as a representative of ODJFS in recommending medically fragile foster homes for certification.
  - ~~(11)~~(13) To participate in the placement of children in foster homes or for adoption.
- (E) A certificate issued by ODJFS is valid for two years unless revoked sooner. ODJFS may extend a certification span up to six months. An extension request is to be made no



less than one hundred twenty days prior to the end date of the current certificate. An extension may be approved for either of the following if both the agency and ODJFS are in agreement:

- (1) An agency requests an extension due to agency need.
  - (2) ODJFS needs to extend the certification span.
- (F) Any certificate issued by ODJFS shall not be transferable from one agency, owner, operator, corporation, partnership, or association to another.
- (G) A PCPA shall maintain compliance with any applicable rules of the Administrative Code for any child it is serving under a court order for protective supervision or for any child in the temporary, permanent or legal custody of the PCPA.
- (H) During a complaint investigation or review of an agency acting as representative of ODJFS in recommending foster homes for certification, ODJFS may inspect any foster home recommended for certification by the agency. The inspection may be announced or unannounced.
- (I) An agency may voluntarily terminate certification of any or all of its authorized functions upon written notice to ODJFS.

Effective: 1/1/2023  
Five Year Review (FYR) Dates: 9/23/2022 and 01/01/2028

CERTIFIED ELECTRONICALLY

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Certification

12/06/2022

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Date

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5101:2-9-36

**Additional requirements for children's crisis care facilities.**

(A) As used in Chapters 5101:2-5 and 5101:2-9 of the Administrative Code, a "children's crisis care facility" means a facility that has as its primary purpose the provision of residential and other care to the children described in paragraph (A)(1) or (A)(2) of this rule:

- (1) One or more pre-teens voluntarily placed in the facility by the pre-teen's parent or other caretaker who is facing a crisis that causes the parent or other caretaker to seek temporary care for the pre-teen and referral for support services;
- (2) One or more pre-teens placed in the facility by a public children services agency (PCSA) or private child placing agency (PCPA) that has legal custody or permanent custody of the pre-teen and determines that an emergency situation exists necessitating the pre-teen's placement in the facility rather than an institution certified under section 5103.03 of the Revised Code or elsewhere.
- (3) "Children's crisis care facility" does not include either of the following:
  - (a) Any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, residential infant care center, or children's clinic licensed, regulated, approved, operated under the direction of, or otherwise certified by ~~the department of alcohol and drug addiction services,~~ the department of education, a local board of education, the department of youth services, the department of mental health and addiction services, or the department of developmental disabilities;
  - (b) Any individual who provides care for only a single-family group, placed there by their parents or other relative having custody.

(B) "Pre-teen" means an individual under thirteen years of age.

(C) No certified children's crisis care facility shall do any of the following:

- (1) Provide residential care to a pre-teen for more than one hundred twenty days in a calendar year;
- (2) Subject to paragraph (C)(3) of this rule and except as provided in paragraph (D) of this rule, provide residential care to a pre-teen for more than ~~sixty~~ninety consecutive days, which includes transfer of a pre-teen in a different location of the same agency;

(3) ~~Except as provided in paragraph (E) of this rule, provide~~ Provide residential care to a pre-teen for more than ~~seventy-two consecutive hours~~ fourteen consecutive days if a PCSA or PCPA placed the pre-teen in the facility;

(4) Fail to comply with section 2151.86 of the Revised Code.

~~(D) A certified children's crisis care facility may provide residential care to a pre-teen for up to ninety consecutive days, other than a pre-teen placed in the facility by a PCSA or PCPA, if any of the following are the case:~~

~~(1) The pre-teen's parent or other caretaker is enrolled in an alcohol and drug addiction service or a community mental health service certified under section 5119.36 of the Revised Code;~~

~~(2) The pre-teen's parent or other caretaker is an inpatient in a hospital;~~

~~(3) The pre-teen's parent or other caretaker is incarcerated;~~

~~(4) A physician has diagnosed the pre-teen's parent or other caretaker as medically incapacitated.~~

~~(E) A certified children's crisis care facility may provide residential care to a pre-teen placed in the facility by a PCSA or PCPA for more than seventy-two consecutive hours if the director of job and family services or the director's designee issues the agency a waiver of the seventy-two consecutive hour limitation. The waiver may authorize the certified children's crisis care facility to provide residential care to the pre-teen for up to fourteen consecutive days.~~

~~(F)~~ (D) The director of job and family services may suspend or revoke a children's crisis care facility's certificate pursuant to Chapter 119. of the Revised Code and in accordance with rule 5101:2-5-07 of the Administrative Code if the facility ceases to meet any provision of this rule or the facility's operator ceases to comply with any of the rules governing the certification of children's crisis care facilities. A PCSA, PCPA or PNA operating a children's crisis care facility shall comply with all the requirements of Chapter 5101:2-5 of the Administrative Code as applicable to the type of the agency, depending on whether the agency is a PCSA, a PCPA, or a PNA. An agency operating a children's crisis care facility shall comply with all applicable requirements of the rules in Chapter 5101:2-9 of the Administrative Code for residential facilities, depending on whether the facility is a group home or a children's residential center, including those rules specified for a residential parenting facility. If there is a conflict between a requirement of any provision in this rule or any provision of Chapter 5101:2-5 of the Administrative Code or Chapter 5101:2-9 of the Administrative Code, the provisions of this rule shall take precedence.

~~(G)~~(E) An agency operating a children's crisis care facility shall reasonably ~~assure~~ensure that child care staff persons are assigned to care for the same group of children each day and shall adhere to the following child care staff to children ratios:

- (1) For children under the age of six years, including the children of child care staff, there shall be at least one child care staff person on duty during awake hours for every five children or fraction thereof.
- (2) For children over the age of six years, including children of child care staff, there shall be at least one child care staff person on duty during awake hours for every six children or fraction thereof.
- (3) For children ages zero to twelve, including the children of child care staff, there shall be at least one awake child care staff person on duty during sleeping hours for every eight children or fraction thereof.
- (4) When a group of children includes children from more than one of the age groups listed in paragraph ~~(G)(1)~~(E)(1), ~~(G)(2)~~(E)(2) or ~~(G)(3)~~(E)(3) of this rule, the staff to child ratio shall be determined according to the age of the youngest child within any group of children.
- (5) There shall be at least two staff members on duty at all times when children are present in a crisis care facility.
- (6) In case of an emergency, the children's crisis care facility may include administrative staff, interns and volunteers toward the required staff ratio for a period of no more than three hours if the administrative staff, interns, or volunteers meet the following requirements:
  - (a) Completed training in the mission of the children's crisis care facility.
  - (b) Completed training pursuant to rule 5101:2-9-03 of the Administrative Code.
  - (c) Are supervised by facility staff.
  - (d) Have completed a background check pursuant to rule 5101:2-5-09.1 of the Administrative Code.

(F) An agency may use contracted transportation providers on whom a background check and driving record check has been conducted and is on file with the contracted company or agency, if such use is necessary for the facility to maintain the required child care staff to child ratio, while children are being transported.

~~(H)~~(G) In place of a service plan and a case plan, ~~a children's crisis care facility shall develop an engagement plan for the individual or agency that placed the child. The engagement plan shall be completed no later than five business days after the child is placed~~ an engagement plan is to be developed and completed no later than five business days for any child placed for more than five business days. A children's crisis care facility is to develop an engagement plan with the individual or agency that placed the child and provide a copy at that time. The engagement plan and shall is to address at a minimum:

- (1) Steps that will be taken to resolve the issues that necessitated the placement.
- (2) Obligations and expectations of the individual or agency that placed the child while their child is placed at the facility.
- (3) Identification of any special care needs of the child that will need to be addressed while in placement.
- (4) Projected timeline for discharge.
- (5) Develop a visitation plan for the pre-teen's parent or caretaker, which may include:
  - (a) On-site visitation, which will not include overnight visits.
  - (b) Off-site, overnight visitation with parent or caretaker and other approved relatives.

(H) If a certified crisis care agency has multiple facilities, a preteen may be transferred between facilities one time during their stay. A transfer summary is to be completed and is to include:

- (1) Reason for transfer.
- (2) Originating location and location of transfer.
- (3) Parent or caretaker contact information.
- (4) Upcoming appointments.
- (5) Dietary restrictions.
- (6) Medical services provided and medications.
- (7) School.
- (8) Adjustment summary.

(9) Projected discharge and discharge caregiver.

(I) Comprehensive health care for a child admitted to a children's crisis care facility shall be in accordance with rules 5101:2-42-66.1 and 5101:2-42-66.2 of the Administrative Code. If there is a conflict between a requirement of any provision in this rule or any provision of rule 5101:2-42-66.1 or rule 5101:2-42-66.2 of the Administrative Code, the provisions of this rule shall take precedence.

(J) An agency is to employ a licensed social worker, a licensed independent social worker, a licensed professional counselor or a licensed professional clinical counselor.

(K) Upon admission to an agency, there is to be a dedicated and private enclosed space for completing admission paperwork and medical forms.

(L) If pediatric medical services are provided at the facility, the following is to be provided:

(1) Medical service is to be provided by a qualified licensed and insured medical professional.

(2) Ensure all staff, volunteers and interns comply with the privacy requirements of the Health Insurance Portability and Accountability Act of 1996.

(3) An examining room which contains:

(a) A sink or tub.

(b) Medical exam table.

(c) Pediatric medical equipment.

(d) Medical record system.

(M) Upon discharge, if a pre-teen is admitted by the parent or caretaker and the pre-teen requires on-going medical care following discharge from the facility, a medical professional or licensed social worker is to ensure the parent or caretaker is competent to provide the on-going care. If the medical professional or licensed social worker determines the parent or caretaker is not able to provide the on-going care, a referral to the PCSA will be completed.

~~(N)~~(N) For the purpose of the management and prevention of communicable diseases, a children's crisis care facility shall adhere to the following procedures:

- (1) A child with any of the following signs or symptoms of illness shall be immediately isolated from other children. The child, while isolated shall be carefully watched for symptoms listed in paragraph ~~(1)(2)(N)(2)~~ of this rule.
- (a) Unusual spots or rashes;
  - (b) Sore throat or difficulty in swallowing;
  - (c) Elevated temperature of one hundred degrees or above;
  - (d) Vomiting;
  - (e) Evidence of lice, scabies or other parasitic infection.
- (2) A child with any of the following signs or symptoms of illness ~~shall~~ is to be immediately isolated and medically assessed by a licensed physician or registered nurse.
- (a) Diarrhea (more than one abnormally loose stool within a twenty-four hour period);
  - (b) Severe coughing, causing the child to become red or blue in the face or to make a whooping sound;
  - (c) Difficult or rapid breathing ~~or wheezing~~;
  - (d) Yellowish skin or eyes;
  - (e) ~~Conjunctivitis~~ Vomiting more than one time or in combination with any other sign or symptom of illness;
  - (f) Temperature of one hundred degrees Fahrenheit taken by the auxiliary method when in combination with any other sign of illness;
  - (g) Untreated infected skin patches, unusual spots or rashes;
  - (h) Unusually dark urine and/or grey or white stool;
  - (i) Stiff neck with elevated temperature.
  - (j) Redness of the eye or eyelid, with eye discharge, matted eyelashes, burning, itching or eye pain.
- (3) A child isolated due to suspected communicable disease shall be:



- (a) Cared for in a room or portion of a room not being used for other types of child care, within sight and hearing at all times by the child care staff.
  - (b) Checked on every fifteen minutes and a notation made on an isolation log regarding the observation made.
  - (c) Made comfortable and provided with a bed. All linens and blankets used by the ill child shall be laundered before being used by another child. After use, the bed shall be disinfected with an appropriate germicidal agent, or, if soiled with blood, feces, vomit or other body fluids, the bed shall be cleaned with soap and water and then disinfected with an appropriate germicidal agent.
  - (d) Observed carefully for worsening condition. If the condition has worsened, a physician shall be contacted.
- (4) The universal blood and body fluid precautions according to the United States department of health and human services' centers for disease control and prevention (CDC) ~~as reported at the following internet address: [http://www.cdc.gov/ncidod/dhqp/bp\\_universal\\_precautions.html](http://www.cdc.gov/ncidod/dhqp/bp_universal_precautions.html).~~
- (5) A procedure for immediate notification of the person or agency holding custody of a child when the child is exhibiting signs or symptoms of illness or has been exposed to a communicable disease.
- (6) The children's crisis care facility's procedures regarding the care of a mildly ill child. A "mildly ill child" is defined as one of the following:
- (a) A child who is experiencing minor common cold symptoms, but who is not exhibiting any of the symptoms specified in paragraph ~~(J)(1)(N)(1)~~ or ~~(J)(2)(N)(2)~~ of this rule, or
  - (b) A child who does not feel well enough to participate in activities, but who is not exhibiting any of the symptoms specified in paragraph ~~(J)(1)(N)(1)~~ or ~~(J)(2)(N)(2)~~ of this rule.
- ~~(K)(O)~~ The children's crisis care facility shall keep the person who placed a child informed of health care provided to the child while residing in the facility on a weekly basis and at discharge.
- ~~(L)(P)~~ The children's crisis care facility ~~shall~~ is to adhere to the following handwashing procedures:

- (1) All staff and volunteers shall wash their hands with soap and running water upon entering and when leaving the children's crisis care facility, after each diaper change, after assisting a child with toileting, after cleaning, after toileting, before preparing or eating food, before feeding any child, before and after administering medication, and after handling animals.
  - (2) Handwashing facilities shall be available within the area where children receive diaper or bathroom care.
  - (3) A handwashing facility is defined as a permanent-type fixture with running water.
  - (4) Children are to wash hands after toileting.
  - ~~(4)~~(5) Children shall wash hands before and after eating.
  - (6) Children are to wash hands after going outside to a play area.
  - (7) Children are to wash hands after handling animals.
  - ~~(5)~~(8) Disposable towels shall be available at the handwashing site at all times and shall be used to dry hands and turn off the water after handwashing.
- ~~(M)~~(O) In addition to the diaper care procedures specified in rule 5101:2-9-05 of the Administrative Code, the following procedures shall be followed:
- (1) No child's diaper shall be changed in the child's bed or crib;
  - (2) Each diaper changing area shall be disinfected after each diaper change with an appropriate germicidal agent. If the diaper changing area is soiled after the diaper change, it shall be cleaned with soap and water and then disinfected with an appropriate germicidal and virus killing agent.
  - (3) Disposable separation materials at a central diaper changing station are recommended for diaper changing, and if used, shall be used once and discarded. If washcloths or other washable materials are used, they shall be used once and stored in an appropriate germicidal and virus killing solution until laundered.
- ~~(N)~~(R) Each child admitted to a children's crisis care facility shall be provided with an opportunity to safely and comfortably sit, crawl, toddle, or walk and play according to the child's stage of development, under supervision and in a designated space apart from sleeping quarters each day in order to enhance development.

- (1) Children of both genders and under twenty-four months in age who are not siblings may share the same bedroom.
  - (2) No children over twenty-four months of age and of different genders may share the same bedroom unless they are from the same sibling group.
  - (3) Siblings of differing genders are, at the discretion of the agency, allowed to share the same bedroom.
  - (4) All sleeping children shall be observed at least once per hour by agency staff.
- ~~(S)~~(S) Each infant in care in a children's crisis care facility shall be removed from his/her crib for all feedings and removed from the crib at other intervals during each day for individual attention. For the purpose of feeding, all infants without the ability to sit up shall either be placed in an infant seat, or held by a child care worker, other adult over twenty-one years of age, or the child's parent, as appropriate to the child's age. No child shall be placed in a crib or bassinet for feeding and no bottle shall be propped to feed an infant. Infants with the ability to sit up may be placed in a high chair for feeding.
- (T) A video monitor may be used to observe napping or sleeping children under the age of two. The video monitor is to:
- (1) Be positioned out of reach of the child.
  - (2) Have only one child in an individual crib in its view.
  - (3) Monitor and not have recording capabilities.
- ~~(U)~~(U) Infant food shall be prepared and served in a manner appropriate to the developmental needs of each child according to the child's stage of development and in sufficient quantities to promote healthy growth and development.
- ~~(V)~~(V) There shall be at least one bathroom designated for use by children in a children's crisis care facility and it shall have at least one wash basin and one toilet accessible for small sized children.
- ~~(W)~~(W) Each dining area in a children's crisis care facility shall be equipped with tables, chairs and eating utensils appropriate to the age, physical condition, and developmental stage of the children who will eat in the area.
- ~~(X)~~(X) A children's crisis care facility shall plan and provide, for each child twelve months and older, an opportunity for an on-site safely accessible, supervised and developmentally appropriate outdoor activity each day in suitable weather unless

~~if not contraindicated by~~ the child's medical condition does not allow the child to participate.

- (1) All children shall be provided with appropriate outerwear and/or sunscreen as applicable to the weather conditions.
- (2) The supervision of children by staff shall adhere to the required child/staff ratios specified in paragraph ~~(G)~~(E) of this rule when the children are using the outdoor play area including going to and coming from the play area. No child shall be left unsupervised in the outdoor play area.
- (3) When a group of children is outdoors, the child care staff person(s) responsible for the group shall be able to summon another adult without leaving the group alone or unsupervised.
- (4) The play area shall be supervised so that all children are within the sight and hearing of the supervising child care staff person(s) at all times.
- (5) The surface of the outdoor play area shall be drained well enough so that standing water does not prohibit the use of the play area on a daily basis.
- (6) The play area shall be free of hazards such as, but not limited to, broken glass, potholes, garbage, flammable materials, and other debris.
- (7) The play area shall be well defined by a fence, hedge, natural or other barrier to protect the area from traffic, animals, or other hazards.
- (8) The outdoor play area shall provide at least sixty square feet of usable space per child using the play area at any one time, regardless of the number of children the children's crisis care facility is certified to serve.

~~(F)~~(Y) A children's crisis care facility shall be compliant with section 5103.132 of the Revised Code.

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Date

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5101:2-9-43**Residential infant care center.**

- (A) Residential infant care center (RICC) means a facility that has as its primary purpose the provision of residential services for infants affected by substance use and the preservation of families through infant diversion practices and programs.
- (B) A residential infant care center can not be licensed as a children's crisis care center.
- (C) An infant, from birth to twelve months old, is eligible to be placed in a residential infant care center if one of the following applies:
- (1) The infant was born substance exposed and affected requires additional care.
  - (2) The infant's parent or caretaker requires additional education and support services regarding care for the infant.
  - (3) A public children services agency (PCSA) or private child placing agency (PCPA) requires additional time to determine placement of the infant.
- (D) A RICC may provide residential care for up to ninety consecutive days.
- (E) Any of the following with legal custody of the infant may place an infant in a RICC:
- (1) A parent, guardian, or legal custodian.
  - (2) A public children services agency.
  - (3) A private child placing agency.
- (F) Pediatric medical service means medical service required to be provided by, or with oversight from, a licensed medical professional, including prescribing medication, administering rectal or intravenous medication, and outpatient laboratory service, and providing for sick visits, onsite well child exams, and children assisted by medical technology.
- (G) A RICC, if using medication to treat infants will need a terminal distributor of dangerous drugs license issued by the state board of pharmacy under section 4729.54 of the Revised Code.
- (H) A RICC is to comply with all requirements in accordance with Chapter 5101:2-9 of the Administrative Code. Exceptions to the requirements are listed in Appendix A.
- (I) The RICC is to develop a plan of safe care for an infant born substance exposed and affected including the following:

- (1) Assist with the health and substance use disorder treatment needs of the infant and the parent or caregiver
  - (2) Develop and implement a program monitoring, supporting, and connecting the family or caregiver.
- (J) The RICC is to develop and implement a program for parents and caregivers of the infant, either individually or in a group setting, to address:
- (1) Teaching parenting skills
  - (2) Bonding with the infant.
  - (3) Caring for the infant's special needs.
- (K) A RICC is to ensure the following:
- (1) Child-care staff, volunteers and interns (in positions responsible for the daily direct care or supervision of children) to be at least eighteen years old and have a high school diploma or certificate of high school equivalence.
  - (2) Volunteers and interns who are under twenty-one years of age are to be supervised.
  - (3) A RICC may include volunteers or interns in child-to-staff ratios only during an emergency which includes an extremely ill staff member.
- (L) A criminal records check is to be requested for volunteers and interns in accordance with section 2151.86 of the Revised Code.
- (M) A RICC is to employ registered nurses, patient care assistants, or licensed professional nurses to meet the required child-staff ratio.
- (N) A RICC is to have the center peer supporter, family advocate, licensed social worker (LSW), licensed independent social worker (LISW), licensed professional counselor (LPC), or licensed professional clinical counselor (LPCC) to do the following:
- (1) Provide wraparound services to the infant's family or caregiver.
  - (2) Coordinate with the transferring hospital, PCSA or PCPA.
  - (3) Refer parent or caregiver to appropriate community agencies and services for support and aftercare.
  - (4) Follow-up with the parent or caregiver after the infant's discharge.

(O) The RICC is to encourage employee-supervised dyad care and permit one of the infant's parents or caregivers to room-in with the infant for bonding and education.

(P) The RICC is to provide the following for dyad care and rooming-in stay.

(1) A single bed and all necessary bedding (sheets, pillow and blankets).

(2) All meals and snacks during rooming-in.

(3) A minimum of one private shower and toilet for the use of any parents or caregivers who are rooming-in.

(4) All rules and policies are to be provided to the parent or caregiver and notification of restriction or cancellation if rules are not followed.

(Q) The RICC is to provide one bathing room for every six infants that includes a minimum of one hip level bathtub with hot and cold water, one changing station and a door with a full-length glass window for safety and observation.

(R) The child-staff ratio is at least one awake child-care staff on duty at all times for every five infants.

(S) Use cribs and other infant sleep products that meet the United States consumer product safety commission's safety standards for safe sleep.

(T) Follow the department of health's safe sleep education program recommendations established under section 3701.66 of the Revised Code.



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## Appendix A

### Exceptions for Residential Infant Care Centers

- Provide toilets or potty chair for infants
- The use of the [JFS 01390](#) "ODJFS Medical Statement for Child Care Staff in Residential Facilities".
- Physical restraint and any physical restraint training.
- Guidance pertaining to: Personal belongings, Hygiene, Socialization and Education

### Food Guidelines

- Make provision for each child to have available three nutritious meals per day scheduled at regular intervals.
- The resident's daily allowance of food to meet the most recent dietary guidelines for Americans published by the food and nutrition information center of the United States department of agriculture (USDA).
- All meats served by the facility subject to inspection shall be inspected and graded by the federal or state department of agriculture.
- A minimum of three daily servings of pasteurized milk, vitamin D fortified, shall be provided or made available in recommended amounts according to each child's age and sex.
- A residential facility shall document that all agricultural, livestock, or dairy operations maintained by the facility conform to all applicable regulations adopted by the department of agriculture and the department of health.
- Each children's residential center (CRC) shall prepare menus at least one week in advance.
- A residential facility is not to interfere with documented medical dietary restrictions or religious dietary restrictions of an individual child.
- Meals provided by a residential facility for direct child-care staff is to be the same as the children.

### Discipline and Restraint

- Guidance pertaining to: Discipline
- Guidance pertaining to: Isolation, Seclusion and Restraint

### Group Dining

- Dining areas, tables and chairs, meal hours

### Sleeping arrangements

- Separate bedrooms to sleep children of the same sex.
- Sleeping arrangements for non-ambulatory children.
- Each CRC utilizing live-in child-care staff shall provide such staff with separate sleeping space and bathroom facilities.

## Appendix A

### Exceptions for Residential Infant Care Centers

- Each group home or residential parenting facility utilizing live-in child-care staff shall provide such staff with separate sleeping space.
- The provision of a bed and sheets, pillow/pillowcases, and blankets
  
- Guidance pertaining to: Bunk beds
- Storage space for clothing and personal items in the bedroom assigned to the child. Each teenage mother in a residential parenting facility shall be provided with storage space for herself, and for her child's clothing, in her bedroom.
- A space in a child's bedroom for hanging clothes. Each teenage mother in a residential parenting facility shall be provided with space in her bedroom for hanging clothes for herself and her child.
- Removal of any required items from a child's bedroom, and the facility to document the reason for the removal.
- A civil service employee engaging in social work or professional counseling for a residential facility operated by a public children services agency (PCSA) or a local public entity (LPE) as described in rule [5101:2-5-02](#) of the Administrative Code. If a civil service employee is not a licensed social worker or licensed counselor, the employee shall not sign statements for any other facility except a residential facility operated by the PCSA they are employed with.
- Each infant, toddler or preschool age child shall have an age-appropriate bed. A bassinet shall be used only for infants under three months of age or less than fifteen pounds in weight. An infant or toddler under thirty-five inches in height shall be provided with a full-sized crib which meets the following requirements:
  - (1) Crib slats shall be no more than two and three-eighths inches apart.
  - (2) Decorative cutout areas on crib end panels which could entrap the head of a child shall not be used.
  - (3) Drop-side cribs shall not be used.
  - (4) Each crib shall have a firm mattress which is at least one and one-half inches thick and covered with a waterproof material. The mattress must fit snugly enough in the frame so that there is no more than a one and one-half inch gap between the mattress and the sides of the crib.
  - (5) The facility is responsible for monitoring for recall and safety information as issued by the consumer product safety commission (CPSC) and ensuring that CPSC recommendations related to equipment used by the facility are followed.
  - (6) Only cribs that are compliant with the U.S. consumer product safety commission specifications shall be used. The specifications can be found in 16 C.F.R. 1219 (2011)
  
- Guidance pertaining to: Bathrooms for children
- Guidance pertaining to: Community engagement plans for Residential Facilities
- Guidance pertaining to: Private, Nonprofit Therapeutic Wilderness Camps
- Guidance pertaining to: The person possesses a current American red cross, American heart association or equivalent first aid and cardiopulmonary resuscitation (CPR) certification. The CPR certification is to be the type applicable to the age and size of the children able to be served in the facility.

## Appendix A

### Exceptions for Residential Infant Care Centers

- Guidance pertaining to: Each residential facility is to assure that all child care staff hired possess a current American red cross, American heart association, or equivalent first aid and cardiopulmonary resuscitation (CPR) certification at the time of hire or within six months following the date of hire. Child-care staff of a group home or children's residential center is to be certified in the type applicable to the age and size of the children to be served in the facility. Child-care staff of a residential parenting facility and a children's crisis care facility is to be certified in infant, adult, and child CPR. The first aid and CPR certifications is to be maintained current at all times unless the employee meets one of the following exceptions:
  - (1) Extended leave.
  - (2) Separation of employment for less than one year.
  - (3) Extended illness.
  - (4) Critical emergencies.
  - (5) Cancellation of training classes.
- A child-care staff person is not to be permitted to work with children without another child-care staff who is current on all first aid and CPR training and who is present at all times. If a child-care staff person's first aid and CPR certification has been expired for more than ninety days, the staff member is not permitted to work in the facility without the required certification.
- There is to be at least one staff person with first aid and CPR certification on duty at all times in a living unit.
- No residential facility is to permit any staff person, child, or security personnel to bear any firearm, chemical weapon, or other weapon or similar device while such person is anywhere on the grounds of the facility or on duty. Nothing in this paragraph shall be construed as prohibiting law enforcement authorities from bearing arms when they are present at the residential facility in conjunction with their official responsibilities.

5101:2-9-44**Family preservation center.**

(A) A family preservation center (FPC) certificate is obtained by a facility actively being licensed first as either a children's crisis care facility, or a residential infant care center, and by meeting the qualifications outlined in this rule.

(B) A FPC is to obtain and maintain accreditation under one of the following:

(1) The commission on accreditation of rehabilitaiton facilities.

(2) The joint commisson on accreditation of healthcare organizations.

(3) The council on accreditation for children and family services.

(C) The FPC is to obtain and maintain certification by the Ohio department of mental health and addiction services.

(D) A FPC is to provide family preservation programs informed by evidence-based or promising practices, including all of the following:

(1) Family case management.

(2) Service referral and linkage.

(3) Parent education.

(4) Trauma screening and healing-centered interventions.

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