



March 15, 2023

Family, Children and Adult Services Manual Transmittal Letter No. 517

TO: Family, Children and Adult Services Manual Holders

FROM: Matt Damschroder, Director

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

This letter transmits amendments to five Ohio Administrative Code (OAC) rules regarding foster care licensing as a result of the five-year review. These rules will be effective April 1, 2023.

The following is a brief summary of the changes:

OAC 5101:2-5-04.1 entitled **Acceptance of Accreditation in Lieu of Certification Requirements** provides guidance to agencies on the process for presenting materials to show their accreditation meets specific rule requirements for licensure. The rule was updated for clarity. No substantive changes were made.

OAC 5101:2-5-14 entitled **Treatment or Diagnostic Services** provides guidance to agencies on additional services used for children in foster care and how to document those services. The rule was updated to add mental health to the list of services in paragraph (A). No other changes were made.

OAC 5101:2-5-15 entitled **Volunteers and College Interns** provides guidance to agencies on the requirements for the use of interns and volunteers in foster care agencies. The rule was updated for clarity. No substantive changes were made.

OAC 5101:2-5-34 entitled **PCPA and PNA Case Plans and Administrative Case Reviews for Direct Placements** provides guidance to agencies on the requirements for completion of a case plan for foster children who were directly placed by their guardian. The rule was updated for clarity. No substantive changes were made.

OAC 5101:2-7-11 entitled **Socialization and Education** provides guidance to agencies on how to engage foster children in day-to-day activities for socializing within and outside of a school setting. The rule was updated to add paragraph (D) to the list of reasonable and prudent parenting standards located in paragraph (E). No other changes were made.

INSTRUCTIONS:

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

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
Foster Care Licensing	5101:2-5-04.1	5101:2-5-04.1
	5101:2-5-14	5101:2-5-14
	5101:2-5-15	5101:2-5-15
	5101:2-5-34	5101:2-5-34
	5101:2-7-11	5101:2-7-11
Transmittal Letters		FCASMTL No. 517

5101:2-5-04.1 **Acceptance of accreditation in lieu of certification requirements.**

- (A) The Ohio department of job and family services (ODJFS) may consider an agency to have met a certification requirement if the agency can document to the satisfaction of ODJFS that it has met a comparable requirement to be accredited by a nationally recognized accreditation organization.
- (B) The agency requesting such consideration shall submit a written request to the assigned ODJFS district office licensing specialist at the time of application for initial certification or at recertification, with the following documentation:
- (1) A copy of the certificate, license or award letter of accreditation.
 - (2) A copy of the written accreditation report.
 - (3) A copy of any corrective action plans and the approval from the accreditation organization of ~~such~~these plans.
 - (4) Specific documentation on which certification requirements are met by accreditation, including a copy of the standards met.
- (C) If the accreditation organization does not have a comparable standard to an ODJFS certification requirement, the agency shall meet the ODJFS certification requirement.
- (D) The acceptance of accreditation in lieu of an ODJFS certification requirement is restricted to the accreditation period or current ODJFS certificate, whichever expires first.
- (E) The acceptance of accreditation in lieu of an ODJFS certification requirement rests solely at the discretion of ODJFS. The refusal of ODJFS to accept accreditation, in whole or in part, shall be final and shall not be construed as creating any rights to a hearing under Chapter 119. of the Revised Code.

Effective: 4/1/2023

Five Year Review (FYR) Dates: 12/29/2022 and 04/01/2028

CERTIFIED ELECTRONICALLY

Certification

03/10/2023

Date

Promulgated Under: 119.03
Statutory Authority: 5103.03
Rule Amplifies: 5103.03
Prior Effective Dates: 09/18/1996, 09/01/2002, 10/08/2007, 04/15/2013

5101:2-5-14

Treatment or diagnostic services.

- (A) An agency shall inform the individual or agency that placed a child in out of home care of any of the following services:
- (1) If the child needs treatment for non-routine mental health, medical, dental, or vision care and this treatment is not included in the current case plan.
 - (2) If the child needs diagnostic services for non-routine mental health, medical, dental, or vision care and this diagnostic service is not included in the current case plan.
- (B) If an agency does not directly employ or contract with a vendor for treatment or diagnostic services, the agency shall arrange with the custodial agency or individual for the provision of these services.
- (C) Any treatment or diagnostic services provided to any child pursuant to this rule shall be documented in the child's case record required pursuant to rule 5101:2-5-10 of the Administrative Code.

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Prior Effective Dates: 12/30/1966, 10/01/1986, 07/02/1990 (Emer.),
10/01/1990, 01/01/1991, 10/08/2007, 04/15/2013

5101:2-5-15

Volunteers, interns and subcontractors.

- (A) Volunteers, subcontractors or interns whose duties include any of the same general duties as child care staff shall be trained in the mission of the out-of-home care setting to which they are assigned.
- (B) An agency is to ensure a volunteer, intern or subcontractor complies with the background check requirements of rule 5101:2-5-09 of the Administrative Code.
- (C) Volunteers, subcontractors or interns whose duties include any of the same general duties as child care staff shall: ~~receive training pursuant to rule 5101:2-9-03 of the Administrative Code, shall be supervised by agency staff, and shall participate in at least monthly face-to-face supervisory conferences.~~
- (1) Receive training pursuant to rule 5101:2-9-03 of the Administrative Code.
 - (2) Be supervised by agency staff.
 - (3) Participate in at least monthly face-to-face supervisory conferences.
- (D) Volunteers, subcontractors or interns shall be given a specific written job description delineating the functions to be performed.
- (E) An agency shall not use volunteers, subcontractors or interns as a replacement for or in lieu of paid staff. Volunteers, subcontractors or interns shall not be counted to meet required staff ratios as required by rule 5101:2-9-02 of the Administrative Code.
- (F) An agency which accepts interns shall have a written agreement with each school placing students. This agreement shall, at a minimum, include:
- (1) A statement of the student's role and responsibilities.
 - (2) A description of the minimum qualifications the student must possess.
 - (3) A statement outlining the respective supervisory and evaluation responsibilities of the agency and the placing school.

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10/01/1990, 01/01/1991, 10/08/2007, 04/15/2013,
11/15/2021

5101:2-5-34

PCPA and PNA case plans and administrative case reviews for direct placements.

(A) A private child placing agency (PCPA) or private noncustodial agency (PNA) which accepts a direct placement of a child from a parent, guardian or custodian, shall develop and prepare a case plan on the child and family. ~~within thirty days from the date of placement on the child and family which shall be a separate part of the case record. If the child is placed for less than thirty consecutive days, a case plan is not required.~~

(1) The case plan is to be developed and prepared within thirty days from the date of placement of the child.

(2) The case plan is to be a separate part of the case record.

(3) If the child is placed for less than thirty consecutive days, a case plan is not required.

(B) A PCPA or PNA shall develop, review or amend the case plan only with the participation of the child's parent, guardian or custodian. A case plan or amendment to the case plan shall be signed by the child's parent, guardian or custodian. A copy of the signed case plan or any amendment to the case plan shall be provided to the child's parent, guardian or custodian.

(C) A PCPA or PNA which has accepted a direct placement of a child shall complete an administrative review of the case plan no later than six months after the date of placement.

(D) After the first administrative review, the PCPA or PNA shall continue to conduct administrative reviews every six months.

(E) Each administrative review required for a child in a direct placement shall comply with the following requirements:

(1) The administrative review shall be conducted by a review panel of at least three persons. The review panel shall include at a minimum:

(a) A caseworker with day-to-day responsibility for, or familiarity with the management of the child's case plan; and

(b) A person who is not responsible for the management of the child's case plan, or the delivery of services to the child or his parent, guardian, or other individual holding custody of the child.

(2) The administrative review shall include a joint meeting by the review panel with:

- (a) The child if age appropriate.
 - (b) The child's parent, guardian, or custodian.
 - (c) The child's substitute caregiver.
 - (d) Any other person the agency deems appropriate.
- (3) All persons shall be given the opportunity to submit any written materials to be included in the child's case record. If a parent, guardian, custodian or substitute caregiver declines to participate in the administrative review after being contacted, the PCPA or PNA does not have to include them in the joint meeting.
- (4) The administrative review shall be summarized in writing by the PCPA or PNA to include all of the following:
- (a) A conclusion regarding the appropriateness of the child's placement;
 - (b) The extent of compliance by all parties with the case plan;
 - (c) The extent of progress made toward alleviating the circumstances that precipitated the parent, guardian or custodian to enter into a direct placement agreement with the agency;
 - (d) An estimated date by which the child may be returned home, placed with a relative or other suitable nonrelative or prepared for independent living;
 - (e) An explanation regarding any changes that the PCPA or PNA is proposing in the case plan; and
 - (f) The names of all persons who participated in the administrative review.

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04/15/2013

5101:2-7-11

Socialization and education.

- (A) A foster caregiver shall allow privileges and assign responsibilities to a foster child similar to those which would be assigned to a family member of the foster caregiver who is of similar age and functioning level.
- (B) A foster caregiver shall make arrangements with the placing agency for each school-age foster child to attend a school which complies with the minimum standards as prescribed by the state board of education and shall ensure that the foster child attends school in accordance with the child care agreement. A foster caregiver that provides home schooling for a foster child shall do so only with the approval of the child's custodial agency. Any home schooling program used by a foster caregiver shall be approved by the public school district in which the caregiver resides and a copy of the approval shall be placed in the foster home record.
- (C) A foster caregiver shall encourage a foster child to participate in the following activities as appropriate to the child's age and functioning level:
- (1) Community.
 - (2) School.
 - (3) Recreation.
 - (4) Cultural heritage.
- (D) Pursuant to section 5103.162 of the Revised Code, a foster caregiver shall use a reasonable and prudent parent standard when considering whether to authorize a foster child who resides in the foster home to participate in extracurricular, enrichment, and social activities in accordance with section 2151.315 of the Revised Code.
- (E) A foster caregiver shall, as is necessary and reasonable, arrange appropriate transportation for the foster child to and from the activities listed in ~~paragraph~~paragraphs (C) and (D) of this rule.
- (F) A foster caregiver shall permit a foster child to practice the chosen religious faith of the foster child or the foster child's parents, unless it is determined and documented in the child's case plan by the custodial agency that it is not in the child's best interests; and a foster caregiver shall not subject a foster child to any form of religious coercion.
- (G) A foster child shall not be baptized or submitted to any religious procedures without prior consent of the child according to their age and functioning level and prior approval of the foster child's parent, guardian or custodian.

- (H) A foster caregiver shall, as appropriate, teach a foster child tasks and skills required for life in the community.

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