



Department of
Job and Family Services

John R. Kasich, Governor
Cynthia C. Dungey, Director

October 29, 2018

Family, Children and Adult Services Manual Transmittal Letter No. 403

TO: All Family, Children and Adult Services Manual Users

FROM: Cynthia C. Dungey, Director

SUBJECT: **Five Year Rule Review and Amendments to Ohio Administrative Code Rules 5101:2-42-06, 5101:2-42-07, and 5101:2-42-19.1**

This letter transmits Ohio Administrative Code rules governing Substitute Care policy that have been revised as a result of the Five-Year Rule Review. The following is a brief explanation of the changes.

The amended rule 5101:2-42-06 entitled "**Agreement for Temporary Custody of Child**" of the Administrative Code sets forth the requirements of a temporary custody agreement between the PCSAs and PCPAs and a parent. This rule has been amended to update the statutory authority and amplification statute.

The amended rule 5101:2-42-07 entitled "**Extension of "Agreement for Temporary Custody of Child" (JFS 01645)**" of the Administrative Code sets forth the requirements of a temporary custody agreement between the PCSAs and PCPAs and a parent upon the request of an extension. This rule has been amended to update the statutory authority and amplification statute.

The amended rule 5101:2-42-19.1 entitled "**Requirements for independent living arrangements for independent living youth in custody**" sets forth the requirements for the PCSAs and PCPAs when placing a youth in its custody in an independent living arrangement. This rule has been amended to clarify the age requirements pertaining to independent living arrangements.

INSTRUCTIONS: The following chart identifies the material that needs to be removed from and inserted into the Family Children and Adult Service Manual (FCASM).

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LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACE
SOCIAL SERVICES Substitute Care	5101:2-42-06 5101:2-42-07 5101:2-42-19.1	5101:2-42-06 5101:2-42-07 5101:2-42-19.1
FORMS		
TRANSMITTALS		FCASMTL No. 403

5101:2-42-06

"Agreement for Temporary Custody of Child" (JFS 01645).

- (A) The JFS 01645 "Agreement for Temporary Custody of Child" (rev. 4/2006) is the sole form prescribed by the Ohio department of job and family services (ODJFS), pursuant to section 5103.15 of the Revised Code. The JFS 01645 must be utilized for all such agreements.
- (B) Execution of the JFS 01645 creates the status of temporary custody with a public children services agency (PCSA) or private child placing agency (PCPA) for a specified time period subject to the provisions of rule 5101:2-42-08 of the Administrative Code. The agreement for temporary custody may be terminated at the request of either party prior to expiration of the specified time period.
- (C) By execution of the JFS 01645, a PCSA or PCPA accepts the responsibilities as specified on the JFS 01645, in addition to any further responsibility imposed by law on one who holds temporary custody of a child.
- (D) By execution of the JFS 01645, a PCSA or PCPA is given authority for action as specified on the JFS 01645, in addition to any further responsibility prescribed by law to one who holds temporary custody of a child.
- (E) By execution of the JFS 01645, the parent, guardian, or custodian accepts the responsibility as specified on the JFS 01645, in addition to those imposed by law.

Effective: 12/1/2018

Five Year Review (FYR) Dates: 8/13/2018 and 12/01/2023

CERTIFIED ELECTRONICALLY

Certification

10/18/2018

Date

Promulgated Under: 119.03

Statutory Authority: 5103.15, 5153.16

Rule Amplifies: 5103.15, 5153.16

Prior Effective Dates: 01/14/1983, 09/28/1987, 01/01/1989, 02/01/2003,
04/20/2008

5101:2-42-07 **Extension of "Agreement for Temporary Custody of Child" (JFS 01645).**

- (A) The JFS 01645 "Agreement for Temporary Custody of Child" (rev. 4/2006) is the sole form prescribed by the Ohio department of job and family services pursuant to section 5103.15 of the Revised Code. The JFS 01645 must be utilized for an original or additional thirty-day extension of an agreement for temporary custody of a child.
- (B) Court approval of the JFS 01645, either for an original or additional extension extends the status of the agreement with the public children services agency (PCSA) or private child placing agency (PCPA) for the specified time period in accordance with rule 5101:2-42-08 of the Administrative Code.
- (C) An extension of the temporary custody by agreement may be terminated at the request of either party prior to expiration of the specified time period. The PCSA or PCPA shall notify the court of such termination within seven days.
- (D) A PCSA or PCPA shall accept the responsibilities as specified on a court-approved JFS 01645, in addition to any further responsibility imposed by law on one who holds temporary custody of a child.
- (E) A PCSA or PCPA is given authority for action as specified on the court-approved JFS 01645, in addition to any further responsibility imposed by law on one who holds temporary custody of a child.
- (F) The parent, guardian, or custodian, accepts the responsibility as specified on the court-approved JFS 01645, in addition to those imposed by law.

Effective: 12/1/2018
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10/18/2018

Date

Promulgated Under: 119.03
Statutory Authority: 5103.15, 5153.16
Rule Amplifies: 5103.15, 5153.16
Prior Effective Dates: 01/01/1989, 02/01/2003, 04/20/2008

5101:2-42-19.1 **Requirements for independent living arrangements for independent living youth in custody.**

- (A) The public children services agency (PCSA) or private child placing agency (PCPA) ~~shall~~may place a youth in its custody who is at least sixteen years of age in an independent living arrangement, when appropriate. For youth aged sixteen or seventeen years of age, the placement must be a supervised or semi-supervised independent living setting. The PCPA making such arrangements shall be certified by the Ohio department of job and family services (ODJFS) pursuant to rule 5101:2-5-03 of the Administrative Code.
- (B) The PCSA or PCPA shall assure that a youth's independent living arrangement meets the following standards:
- (1) All associated structures are maintained in a safe state of repair and inspected annually by a certified fire inspector or the state fire marshall.
 - (2) The dwelling is safely and adequately heated, lighted and ventilated. Unvented kerosene heaters shall not be used, unless the heater has been approved by "Underwriter's Laboratory (www.ul.com)."
 - (3) Firearms or other projectile weapons and ammunition are not on the premises.
 - (4) An operating telephone is accessible.
 - (5) The bathroom and toilet facilities are located within the building, connected to an indoor plumbing system and are operable.
 - (6) Garbage is disposed of on a regular basis and outside garbage is stored in covered containers or closed bags.
 - (7) Operable smoke alarms approved by "Underwriter's Laboratory" are on each level of occupancy.
 - (8) A portable chemical fire extinguisher is maintained in the cooking area and is operable.
 - (9) A written emergency procedure is in place that assures the youth will have twenty-four hour access to staff familiar with his or her situation.
 - (10) No more than five youth reside in the home. Each youth shall be provided with a bed of his or her own with no more than two youth to a bedroom.
- (C) The PCSA or PCPA shall follow procedures outlined in rule 5101:2-42-65 of the Administrative Code for visitation.-

(D) Nothing in this rule shall preclude an agency from using additional site, safety, and supervision requirements for independent living arrangements.

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Rule Amplifies: 5101.141, 5103.03, 5153.166, 2151.82
Prior Effective Dates: 10/01/1989, 01/01/1991, 10/01/1997, 11/12/2002,
10/09/2006, 11/09/2009