



Common Sense Initiative

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Business Impact Analysis

Agency, Board, or Commission Name: Ohio Department of Job and Family Services

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Regulation/Package Title (a general description of the rules' substantive content):

Continuous Certification (FYR)

Rule Number(s): 5101:2-5-02, 5101:2-5-03, 5101:2-5-04, 5101:2-5-04.1, 5101:2-5-06, 5101:2-5-07, 5101:2-5-13.1, 5101:2-5-20, 5101:2-5-24, 5101:2-5-25, 5101:2-5-26, 5101:2-5-28, 5101:2-5-31, 5101:2-5-33, 5101:2-5-38, 5101:2-9-08 and 5101:2-9-37

Date of Submission for CSI Review: 08/27/24

Public Comment Period End Date: 09/03/24

Rule Type/Number of Rules:

New/ 1 rules

No Change/ rules (FYR?)

Amended/ 16 rules (FYR? Y)

Rescinded/ 1 rules (FYR?)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

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Reason for Submission

1. **R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.**

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a. ☒ **Requires a license, permit, or any other prior authorization to engage in or operate a line of business.**
- b. ☒ **Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.**
- c. ☒ **Requires specific expenditures or the report of information as a condition of compliance.**
- d. ☐ **Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.**

Regulatory Intent

2. **Please briefly describe the draft regulation in plain language.**
Please include the key provisions of the regulation as well as any proposed amendments.

OAC 5101:2-5-02 entitled Application for an agency to perform specific functions; amended applications provides guidance to agencies on the process for applying for agency certification. Paragraph (A) was amended to require an agency application to be processed in the new Ohio Certification for Agencies and Families (OCAF) system. New paragraphs (F) and (G) were added to include system guidelines for inactivity. Minor changes were made throughout the rule to refer to the new OCAF system.

OAC 5101:2-5-03 entitled Certification of an agency to perform specific functions provides guidance to agencies on the various types of certifications for foster care agencies. Paragraph (E) was amended to establish a new initial certification period of four years. Paragraph (J) was added to address agency audits as required by statute. There is a one-time permission for an extension of the timeframe for submission of the agency audit. New paragraphs (K)(J)(L) and (M) were moved here from rule 5101:2-5-24 as rule 5101:2-5-24 now covers continuous certification.

OAC 5101:2-5-04 entitled Recertification of and agency to perform specific functions has been rescinded and replaced with the title of Continuous certification of an agency to perform

specific functions. This rule provides guidance to agencies on how to apply for continuous certification. Paragraph (A) guides the agency on when to apply and the parameters around the application. Paragraph (B) speaks to agency audits not being required by public agencies. Paragraph (C) speaks to what happens if an agency fails to apply for continuous certification at the end of their four-year initial certification.

OAC 5101:2-5-04.1 entitled Acceptance of accreditation in lieu of certification requirements provides guidance to agencies on requirements for submission of a request to accept an accreditation requirement in place of a certification requirement. Paragraph (B) was amended to removed recertification and replace it with continuous certification language. Paragraph (D) was amended to require the agency to re-submit their approval if anything regarding the approval has changed.

OAC 5101:2-5-06 entitled Corrective action plans provides guidance to agencies on the procedures for submitting a corrective action plan when the agency has been found to be out of rule compliance. The reference to the Ohio certification and licensing management system (OCALM) was replaced with the new Certification for Agencies and Families (OCAF) system.

OAC 5101:2-5-07 entitled Denial or revocation of an agency's certificate or certification to perform specific functions; temporary certificate was retitled Denial or revocation of an agency's certificate or certification to perform specific functions; temporary certificate; administrative closures. This rule provides agencies with guidance on the process of denying, revoking, or closing of an agency's certificate. A new paragraph (H) was added which provides guidance on administrative closures of an agency's certificate.

OAC 5101:2-5-13.1 entitled Disaster preparedness plan requirements provides guidance to agencies on disaster plan requirements for foster care agencies. Paragraph (B)(1) was amended to remove the term "recertification." Other minor changes were made to references for Ohio SACWIS.

OAC 5101:2-5-20 entitled Initial application and completion of the foster care homestudy provides guidance to agencies on the requirements for the completion of a foster care home study. Paragraph (G) was amended to add the ability to apply to be a foster caregiver through the new OCAF system. New paragraphs (G)(4) and (G)(5) were added to address system related issues. Other minor changes were made throughout the rule referencing the application process rather than a form.

OAC 5101:2-5-24 entitled Foster home recertifications was rescinded and entitled Continuous certification and Periodic Reviews for foster caregivers. This new rule provides guidance to agencies on the process for continuous certification for foster caregivers.

Appendix A specifies what items are to be periodically reviewed once a caregiver has been approved for continuous certification.

OAC 5101:2-5-25 entitled Changing the certification of a foster caregiver from one type of foster home to another provides agencies guidance on the process for upgrading or lowering a foster caregiver's certification status. Paragraph (D) was amended to reference the new location of caregiver qualifications for a specialized certification. Paragraphs (E)(2), (E)(4) and (E)(5) were removed as a result of being obsolete due to continuous certification.

OAC 5101:2-5-26 entitled Procedures for revocation, denial of initial certification or denial of a foster home certificate was retitled Procedures for revocation, denial of initial certification or denial of continuous certification of a foster home certificate. This rule provides guidance to agencies on how to deny, revoke or administratively close a foster home certificate. A new paragraph (I) was added to provide information on administrative closures for foster caregivers. The term "recertification" was removed throughout the rule and replaced with continuous certification.

OAC 5101:2-5-28 entitled Agency cause for denial of initial certification, denial of recertification or revocation of a foster home certificate was retitled Agency cause for denial of initial certification, denial of continuous certification or revocation of a foster home certificate. This rule provides guidance to agencies on the process for revoking or denying a foster care certification. Paragraph (C)(1) was amended to address denial and revocation with the change to continuous certification. The rule was amended throughout to change verbiage to continuous certification.

OAC 5101:2-5-31 entitled Sharing or transferring a foster home provides guidance to agencies on the process for sharing or transferring a foster home. Minor changes throughout the rule to change verbiage to continuous certification.

OAC 5101:2-5-33 entitled Foster caregiver preplacement and continuing training provides guidance to agencies on the required training for foster caregivers. Paragraph (C)(1)(b) was amended to require twelve hours of training annually instead of twenty-four during a certification period. Paragraph (C)(2)(b) was amended to require fifteen hours annually instead of thirty hours during a certification period. Paragraph (C)(3)(b) was amended to require twenty-two hours annually instead of forty-five during a certification period. Paragraph (D) was amended to allow the mentor of a foster caregiver to receive credit for up to fifty percent of their outside classroom training. The mentee may also receive credit. Paragraphs (F)(2) and (3) were amended to require a pre-test and post-test for outside classroom training. Paragraph (G)(1) was amended to require the written need assessment plan to be effective for a one-year period. Paragraph (G)(8) was added to incorporate any

training received as a result of caregiver supports for a treatment placement. Other changes were made throughout the rule to reduce the continuing training for a caregiver to a one-year period.

OAC 5101:2-5-38 entitled Payment of foster caregiver training stipends; reimbursement of training allowances to recommending agencies provides guidance to agencies on the reimbursement for foster care training stipends and training allowances. Paragraphs (C)(3) and (4) were amended to change the training from a certification period to annual.

OAC 5101:2-9-08 entitled Fire safety provides guidance to agencies on fire safety for foster care residential facilities. Paragraph (B) was amended to remove the word “recertified.”

OAC 5101:2-9-37 entitled Information to be provided by residential facilities provides guidance to agencies on required information to be shared with other agencies. Paragraph (B) was amended to remove recertification and add wording to comply with continuous certification.

3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.

<u>Rule Number</u>	<u>Statutory Authority</u>
Rule 5101:2-5-02	ORC 5103.03, 5103.54, 5153.166
Rule 5101:2-5-03	ORC 5103.03, 5103.6017, 5103.0318, 5103.54, 5153.166
Rule 5101:2-5-04	ORC 5103.03, 5103.54, 5153.166
Rule 5101:2-5-04.1	ORC 5103.03
Rule 5101:2-5-06	ORC 5103.02, 5103.03
Rule 5101:2-5-07	ORC 5103.02, 5103.03
Rule 5101:2-5-13.1	ORC 5103.02, 5103.03, 5103.07, 5153.166
Rule 5101:2-5-20	ORC 2151.86, 5103.02, 5103.03, 5103.0327
Rule 5101:2-5-24	ORC 2151.86, 5103.02, 5103.03, 5103.18
Rule 5101:2-5-25	ORC 5103.02, 5103.03, 5103.0316
Rule 5101:2-5-26	ORC 5103.02, 5103.03
Rule 5101:2-5-28	ORC 5103.02, 5103.03, 5103.0319, 5103.0321, 5103.0326
Rule 5101:2-5-31	ORC 3107.033, 5103.02, 5103.03
Rule 5101:2-5-33	ORC 5101.14, 5101.14, 5103.03, 5103.031, 5103.0316, 5103.032, 5103.033, 5103.034, 5103.038, 5103.036
Rule 5101:2-5-38	ORC 5103.012, 5103.0313, 5103.0314, 5103.0316
Rule 5101:2-9-08	ORC 5103.02, 5103.03
Rule 5101:2-9-37	ORC 5103.03, 5103.05, 5103.051

- 4. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**

If yes, please briefly explain the source and substance of the federal requirement.

Yes. Background checks and other safety regulations for foster caregivers are required by SEC. 471. [42 U.S.C. 671] (a) (20) of the Social Security Act. The agency must also be certified by the state in order to receive federal funding.

- 5. If the regulation implements a federal requirement, but includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

These rules do not exceed any federal requirements.

- 6. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

All rules are a result of the general rule writing authority regarding the safety of children in care as directed in section 5103.03 paragraph (A) of the Revised Code.

For rule 5101:2-5-02, the purpose of the regulation is to provide guidance to agencies on the requirements to apply for certification as a foster care agency.

For rule 5101:2-5-03, the purpose of the regulation is to provide guidance on the requirements of what foster care agency functions can be certified.

For rule 5101:2-5-04, the purpose of the regulation is to provide guidance on the requirements of the continuous certification of an agency.

For rule 5101:2-5-04.1, the purpose of the regulation is to provide guidance on the requirements for submission of a request to accept an accreditation requirement in place of a certification requirement.

For rule 5101:2-5-06, the purpose of the regulation is to provide guidance on the procedures for submitting a corrective action plan when the agency has been found to be out of rule compliance.

For rule 5101:2-5-07, the purpose of the regulation is to provide guidance on the process of denying, revoking, or closing of an agency's certificate.

For rule 5101:2-5-13.1, the purpose of the regulation is to provide guidance on disaster plan requirements for foster care agencies.

For rule 5101:2-5-20, the purpose of the regulation is to provide guidance on the requirements for the completion of a foster care home study.

For rule 5101:2-5-24, the purpose of the regulation is to provide guidance on the requirements for the process of continuous certification for foster caregivers.

For rule 5101:2-5-25, the purpose of the regulation is to provide guidance on the requirements for upgrading or lowering a foster caregiver's certification status.

For rule 5101:2-5-26, the purpose of the regulation is to provide guidance on how to deny, revoke or administratively close a foster home certificate.

For rule 5101:2-5-28, the purpose of the regulation is to provide guidance on the process for revoking or denying a foster care certification.

For rule 5101:2-5-31, the purpose of the regulation is to provide guidance on the process for sharing or transferring a foster home.

For rule 5101:2-5-33, the purpose of the regulation is to provide guidance on the required pre-placement and continuing training for foster caregivers.

For rule 5101:2-5-38, the purpose of the regulation is to provide guidance on the reimbursement, for foster care training stipends and training allowances.

For rule 5101:2-9-08, the purpose of the regulation is to provide guidance on fire safety for foster care residential facilities.

For rule 5101:2-9-37, the purpose of the regulation is to provide guidance on required information to be shared with other agencies.

7. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

Rules 5101:2-5-02, 5101:2-5-03, 5101:2-5-04, 5101:2-5-04.1, 5101:2-5-06, 5101:2-5-07, 5101:2-5-13.1, 5101:2-5-20, 5101:2-5-24, 5101:2-5-25, 5101:2-5-26, 5101:2-5-28, 5101:2-5-31, 5101:2-5-33, 5101:2-5-38, 5101:2-9-08 and 5101:2-9-37 will be measured against the criteria specific to the rule content. Licensing specialists will monitor compliance ensuring the health and safety of children in care and preventing those who are ineligible/prohibited to provide care.

8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?

If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.

No.

Development of the Regulation

9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

DCY presented at the Public Children Services Association of Ohio (PCSAO) rules committee meeting and the Ohio Children's Alliance (OCA) committee monthly meeting regarding the proposed rule changes. The rules went through the public clearance process in April, 2024.

10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

There were comments received by individual private agencies as well as the Ohio Children's Alliance (OCA). Several of the comments were in opposition to reducing foster caregiver training from every two years to one year. As a result, DCY decided to not make a change and leave the training at every two years. Several other comments were received regarding generalized flow and work when moving to a continuous certification period. DCY provided clarity in response to these areas.

11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

Not applicable.

- 12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**
Alternative regulations may include performance-based regulations, which define the required outcome, but do not dictate the process the regulated stakeholders must use to comply.

There were no other alternatives considered for the rules as requirements are driven by statute.

- 13. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

There is no duplication as the rules are specific to foster care agencies and no other rules address these specific issues. These rules were reviewed by the legal staff at DCY to ensure they do not duplicate any existing Ohio regulations.

- 14. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

DCY licensing specialists review the agencies to ensure the regulations are applied consistently and they offer technical assistance in areas of inconsistency.

Adverse Impact to Business

- 15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:**

- a. Identify the scope of the impacted business community, and
- b. Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a representative business. Please include the source for your information/estimated impact.

- a. Scope of impacted business community:
The rules included in this BIA contain requirements for foster care and adoption agencies that include eighty-eight public and over one hundred private agencies. Requirements must be met in order to obtain and/or maintain certification or approval.
- b. Quantify and identify the nature of adverse impact:

The rules require the application and continuous certification process for a private agency and the application and continuous certification process for a foster caregiver. The adverse impact for each of the requirements would vary based upon the size and staffing of each agency and would include the actual cost of completing each requirement for the processing of an agency application or for a foster caregiver application along with the maintenance of both certifications.

The current average wage for use in the examples below for a social worker is \$22 per hour, according to Zip Recruiter. However, the specific anticipated cost of compliance for an impacted agency to comply with these rules would vary, depending on administrative and staffing variables.

16. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify. (*Reductions in regulatory burden may include streamlining reporting processes, simplifying rules to improve readability, eliminating requirements, reducing compliance time or fees, or other related factors*).

The proposed changes do reduce a regulatory burden by reducing the time and effort involved in the recertification process for both foster caregivers and for agencies. Continuous certification streamlines the agency application process by reducing paperwork and allowing more flexibility of time frames to allow agencies and resource caregivers to serve families and children more efficiently in Ohio.

17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

To ensure the safety of children in substitute care, the adverse impact of these rules is necessary.

Regulatory Flexibility

18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

For rules 5101:2-5-02, 5101:2-5-03, 5101:2-5-04, 5101:2-5-04.1, 5101:2-5-06, 5101:2-5-07, 5101:2-5-13.1, 5101:2-5-20, 5101:2-5-24, 5101:2-5-25, 5101:2-5-26, 5101:2-5-28, 5101:2-5-31, 5101:2-5-33, 5101:2-5-38, 5101:2-9-08 and 5101:2-9-37, there are no apparent alternative means of compliance or possible exemptions given the nature of the rules.

19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

For rules 5101:2-5-02, 5101:2-5-03, 5101:2-5-04, 5101:2-5-04.1, 5101:2-5-06, 5101:2-5-07, 5101:2-5-13.1, 5101:2-5-20, 5101:2-5-24, 5101:2-5-25, 5101:2-5-26, 5101:2-5-28, 5101:2-5-31, 5101:2-5-33, 5101:2-5-38, 5101:2-9-08 and 5101:2-9-37, there are no fines or civil penalties for non-compliance other than the forfeiture of certification through denial or revocation.

20. What resources are available to assist small businesses with compliance of the regulation?

DCY has regional office with licensing specialists assigned to each agency to assist in the obtaining and maintaining compliance. Specialists are available to provide technical assistance to meet the requirements of all regulations. DCY helpdesk is also available for directing questions via email at HELP-DESK-OCF@childrenandyouth.ohio.gov.

5101:2-5-02 **Application for an agency to perform specific functions;
amended applications.**

- (A) An applicant seeking to operate a private child placing agency (PCPA) or a private noncustodial agency (PNA) with the purpose of performing any of the functions specified in rule 5101:2-5-03 of the Administrative Code ~~shall~~ is to electronically submit a complete and correct ~~JFS 01290 "Application for Certification of Agency Functions" with the Ohio department of job and family services (ODJFS)~~ application using the Ohio comprehensive child welfare information system (Ohio CCWIS). ~~not less than one hundred twenty days prior to the intended date of commencing operation.~~
- (B) A local public entity (LPE) that is not a public children services agency (PCSA) that operates one or more of the functions specified in rule 5101:2-5-03 of the Administrative Code ~~shall~~ is to be considered ~~by ODJFS~~ as though the local public entity is a PNA. Unless a specific exception is made, references throughout Chapters 5101:2-5, 5101:2-7 and 5101:2-9 of the Administrative Code to a PNA or to an agency ~~shall~~ is to apply to a LPE that is not a PCSA. "Local public entity" (LPE) as used in this chapter of the Administrative Code means a county, including county courts, a municipal corporation, a combination of counties, a combination of municipal corporations, or a combination of one or more counties and one or more municipal corporations and that is not a PCSA.
- (C) An applicant ~~shall~~ is to submit all materials and documentation required ~~by the JFS 01290~~ for the application.
- (D) Any PCSA which intends to operate a residential facility ~~shall~~ is to electronically ~~file~~ submit a complete and correct ~~JFS 01290~~ application using Ohio CCWIS with ODJFS to be certified to operate the facility not less than one hundred twenty days prior to the intended date of commencing operation.
- (E) Applicable rules for agencies.
- (1) Any PCSA, PCPA or PNA certified to perform functions listed in rule 5101:2-5-03 of the Administrative Code ~~shall~~ is to comply with all provisions of the Administrative Code applicable to the agency's performance of functions listed on its certificate. For agency noncompliance with applicable administrative rules, ~~ODJFS~~ the Ohio department of children and youth (DCY) may require the agency to submit and comply with a corrective action plan or may deny initial certification, or in the case of a certified agency, ~~deny renewal of a certificate~~

~~or~~ revoke the PCSA's, PCPA's or PNA's certificate pursuant to Chapter 119. of the Revised Code.

- (2) Any PCSA performing any function listed in rule 5101:2-5-03 of the Administrative Code not requiring certification ~~by ODJFS shall~~ is to comply with all applicable provisions of the Administrative Code. For PCSA noncompliance with applicable administrative rules when performing any function not requiring certification, ~~ODJFS~~ DCY may take any action permitted under division (C) of section 5101.24 of the Revised Code.

~~(F) The application shall be submitted to the appropriate ODJFS field office. The date of initial application shall be the date of receipt as noted by the ODJFS date stamp. The application shall not be considered to have been filed until it is submitted to the appropriate ODJFS field office in complete and correct form.~~

(F) If an agency user has been inactive in Ohio CCWIS for one hundred twenty days, the agency is to re-register to enter the system.

(G) If an agency application is incomplete or inactive in Ohio CCWIS for at least twelve months from the date of submission, the application may be invalidated. If the application is invalidated, the agency is to re-apply.

~~(G)~~ (H) An application may be denied ~~by ODJFS~~ for failure to comply with any requirement of this rule or for any reason specified in rule 5101:2-5-07 of the Administrative Code.

~~(H)~~ (I) An agency ~~shall~~ is not to operate until a certificate is issued ~~by ODJFS~~.

~~(I)~~ (J) ~~When an~~ An application to amend the certificate is ~~required~~ needed for the following:-

- (1) ~~When~~ If an agency certified to operate a function listed in rule 5101:2-5-03 of the Administrative Code seeks to operate another function that is required to be certified by rule 5101:2-5-03 of the Administrative Code, ~~not~~ Not less than one hundred-twenty days prior to the anticipated operation of the new function, ~~it the agency shall~~ is to electronically submit a complete and correct amended ~~JFS 01290 to ODJFS~~ JFS 01290 application requesting certification of the additional function. All additional information ~~required by ODJFS~~ necessary for certification of the new function ~~shall~~ is to be submitted ~~with the JFS 01290~~ in Ohio CCWIS.

- (2) ~~When~~ If an agency certified to operate one or more functions listed in rule 5101:2-5-03 of the Administrative Code seeks to relocate a residential facility or operate a new residential facility, except in an emergency situation where residential facility becomes uninhabitable for any reason, it ~~shall~~ is to notify ~~ODJFS~~ DCY not less than sixty days prior to the intended relocation

or operation by submitting an amended ~~JFS-01290 to ODJFS~~ application requesting certification of the residential facilities at the new location.

- (3) If a residential facility has become uninhabitable, due to an emergency situation, the agency ~~shall~~ is to:
- (a) Immediately notify any agency with children in placement and ~~ODJFS~~ DCY of the emergency.
 - (b) Relocate the facility and any children in placement.
 - (c) Submit an amended ~~JFS-01290 to ODJFS~~ application immediately after relocating.
- (4) ~~When~~ If an agency certified to operate one or more functions listed in rule 5101:2-5-03 of the Administrative Code seeks to relocate an office or add an office it ~~shall~~ is to submit a ~~JFS-01290~~ a change in Ohio CCWIS which lists the office to ~~ODJFS~~ not less than thirty days prior to the anticipated operation of the new office. In emergency situations the agency ~~shall~~ is to follow the procedures in their agency policy developed pursuant to rule 5101:2-5-13.1 of the Administrative Code.
- (5) ~~An~~ If an agency ~~shall~~ has any of the following changes, the agency ~~is to~~ is to submit a ~~JFS-01290~~ an amended application to ~~ODJFS~~ DCY not less than ten days prior to ~~any of the following~~ the changes:
- (a) When an agency ceases to operate a certified function.
 - (b) When an agency ceases to operate a branch office.
 - (c) When an agency ceases to operate a residential facility.
- (6) ~~An~~ If ~~an agency~~ an agency certified to operate a private, nonprofit therapeutic wilderness camp, children's residential center or a group home has any of the following changes, the agency ~~shall~~ is to request and receive approval ~~from ODJFS~~ prior to implementing a change in a private, nonprofit therapeutic wilderness camp, children's residential center or a group home by submitting a ~~JFS-01290~~ an application and any supporting documentation to ~~ODJFS~~ indicating the agency wishes to change ~~any of the following~~ requested change:
- (a) Sex of the children served.
 - (b) Age range of the children served.

(c) Number of the children served.

(7) ~~An~~ If an agency has a change to any of the following positions of its governing body, the agency shall ~~is to submit a JFS 01290a change in Ohio CCWIS within ten days of the change to notify ODJFS within ten days after implementing a change to any of the following positions of its governing body:~~

(a) The administrator.

(b) The chairperson.

(c) The president.

(d) The owner.

(8) If an agency ~~wishes to change~~ changes the agency name, the agency ~~shall~~ is to submit ~~a JFS 01290a change in Ohio CCWIS~~ a change in Ohio CCWIS to notify ~~ODJFS~~ DCY not later than thirty days prior to implementing a name change. The agency ~~shall~~ is to submit the following information along with the ~~JFS 01290~~ change in Ohio CCWIS:

(a) A copy of any amended articles of incorporation authorizing the name change.

(b) A copy of the minutes of the governing body meeting authorizing the name change.

~~(J) An agency shall not operate any function requiring certification by ODJFS that has not been certified by ODJFS. An agency shall not operate an office or residential facility that is not correctly listed on the most recent JFS 01290 on file with ODJFS.~~

~~(K) The certificate issued by ODJFS to the agency shall be posted in a prominent place so that visitors to the agency may view it.~~

~~(L) When a PCSA, PCPA or PNA is currently operating one or more functions requiring certification by ODJFS on a temporary certificate, the agency shall not request certification of another function by ODJFS or expansion of an existing certified function.~~

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	5103.03, 5103.54, 5153.166
Rule Amplifies:	5103.03, 5153.16
Prior Effective Dates:	12/30/1966, 10/01/1986, 07/02/1990 (Emer.), 10/01/1990, 01/01/1991, 09/18/1996 (Emer.), 10/21/1996, 01/01/2003, 12/11/2006, 08/01/2010, 07/01/2016, 10/15/2021

5101:2-5-03

Certification of an agency to perform specific functions.

(A) Specific functions of a public children services agency (PCSA) which ~~require~~need certification by the ~~Ohio department of job and family services (ODJFS)~~ Ohio department of children and youth (DCY) 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~~need certification by ~~ODJFS~~ shall are to comply with the Administrative Code rules applicable to the functions performed. ~~ODJFS~~DCY 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~~need 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).
- (8) To operate a scholars residential center(s).

- (9) To act as a representative of ~~ODJFS~~DCY in recommending pre-adoptive infant foster homes for certification.
 - (10) To act as a representative of ~~ODJFS~~DCY in recommending family foster homes for certification.
 - (11) To act as a representative of ~~ODJFS~~DCY in recommending treatment foster homes for certification.
 - (12) To act as a representative of ~~ODJFS~~DCY in recommending medically fragile foster homes for certification.
 - (13) To accept temporary, permanent or legal custody of children.
 - (14) 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~~need 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).
 - (9) To operate a scholars residential center(s).
 - (10) To act as a representative of ~~ODJFS~~DCY in recommending pre-adoptive infant foster homes for certification.
 - (11) To act as a representative of ~~ODJFS~~DCY in recommending family foster homes for certification.
 - (12) To act as a representative of ~~ODJFS~~DCY in recommending treatment foster homes for certification.

- (13) To act as a representative of ~~ODJFS~~DCY in recommending medically fragile foster homes for certification.
- (14) To participate in the placement of children in foster homes or for adoption.
- (E) ~~A~~An initial certificate ~~issued by ODJFS~~ is valid for ~~two years~~ at least four years and until the continuous certificate is issued, 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) To obtain a continuous certification status, an agency is to submit an application, no earlier than ninety days and no later than thirty days prior to the end date of their fourth year of the initial certificate, in the Ohio comprehensive child welfare information system (Ohio CCWIS).
- (1) If an agency fails to apply for a continuous certification by the end of their fourth year of the initial certification period, the agency's certificate will expire.
 - (2) DCY may revoke or deny an agency certificate if the agency fails to maintain compliance with Administrative Code rules applicable to the agency's certified function.
- ~~(F)~~(G) Any certificate issued by ~~ODJFS~~ shall ~~is not to~~ be transferable from one agency, owner, operator, corporation, partnership, or association to another.
- ~~(G)~~(H) A PCPA ~~shall~~ is to 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)~~(I) During a complaint investigation or review of an agency acting as representative of ~~ODJFS~~DCY in recommending foster homes for certification, ~~ODJFS~~DCY may inspect any foster home recommended for certification by the agency. The inspection may be announced or unannounced.
- ~~(I)~~(J) An agency may voluntarily terminate certification of any or all of its authorized functions upon written notice to ~~ODJFS~~DCY. Approval of an agency's voluntary certificate termination is up to DCY's discretion.

(K) Agency audits.

- (1) Two years after obtaining initial certification an agency is to submit a copy of an independent financial statement audit performed by a licensed public accounting firm following applicable american institute of certified public accountants (AICPA) auditing standards for the two most recent fiscal years. DCY may grant a one time extension of one hundred eighty days.
 - (2) Two years after the initial audit is approved and every two years after the most recent audit approval, a PCPA or PNA is to submit a copy of an independent financial statement audit performed by a licensed public accounting firm following applicable AICPA auditing standards for the two most recent fiscal years it is possible for an independent audit to have been conducted.
 - (3) All independent audits are to demonstrate the agency operated in a fiscally accountable manner as determined by the department.
 - (4) This paragraph does not apply to a PCSA or to a local public entity that is not a PCSA.
- (L) An agency is not to operate any function requiring certification without obtaining certification from DCY. An agency is not to operate an office or residential facility that is not previously approved.
- (M) The certificate issued to the agency is to be posted in a prominent place so that visitors to the agency may view it.
- (N) When a PCSA, PCPA or PNA is currently operating one or more functions requiring certification on a temporary certificate, the agency is not to request certification of another function or expansion of an existing certified function.
- (O) An agency administrator or staff person is not to deny DCY access to any relevant records, information, personnel, residential facility, residents, offices or areas of the agency.

Replaces: 5101:2-5-04

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Five Year Review (FYR) Dates:

Certification

Date

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08/01/2010, 07/01/2016, 10/15/2021, 01/01/2023

TO BE RESCINDED

5101:2-5-04 **Recertification of an agency to perform specific functions.**

(A) To apply for recertification an agency shall submit a JFS 01290 "Application for Certification of Agency Functions." The agency shall, at the time of recertification and whenever the agency changes their certification information, submit the following documentation with the JFS 01290:

- (1) Any information required by rule 5101:2-5-02 of the Administrative Code.
- (2) An audit if one is required.
- (3) The first time a private child placing agency (PCPA) or private noncustodial agency (PNA) seeks recertification, it shall submit to the Ohio department of job and family services (ODJFS) with its application:
 - (a) A copy of an independent financial statement audit performed by a licensed public accounting firm following applicable american institute of certified public accountants (AICPA) auditing standards for the most recent fiscal year.
 - (b) The independent audit shall demonstrate the agency operated in a fiscally accountable manner as determined by ODJFS.
- (4) After the first recertification, when a PCPA or PNA seeks recertification, it shall submit to ODJFS with its application, as a condition of recertification:
 - (a) A copy of an independent financial statement audit performed by a licensed public accounting firm following applicable AICPA auditing standards for the two most recent previous fiscal years it is possible for an independent audit to have been conducted.
 - (b) The independent audit shall demonstrate the agency operated in a fiscally accountable manner as determined by ODJFS.
- (5) All audits required by this rule shall be conducted in accordance with AICPA auditing standards. As used in this rule, "AICPA auditing standards" has the same definition as in division (A) of section 5103.0323 of the Revised Code.

(B) If fiscal accountability cannot be readily determined for a PCPA or PNA, the agency may be issued a temporary certificate and be placed on fiscal watch during that period.

During a fiscal watch period, the agency may be expected to submit, but is not limited to, the following:

- (1) An explanation of any internal or external factors that may be affecting the provider's financial status and any action plan as to how provider intends to address such factors.
 - (2) A corrective action plan to address any significant audit issues noted in the financial audit.
 - (3) Any business plan which may specifically address actions taken, or to be taken, by the provider to improve financial condition which could help demonstrate that provider is or can be fiscally accountable.
 - (4) Any subsequent financial audits performed beyond the submitted audit period.
 - (5) Monthly financial statements.
 - (6) Monthly bank statements or similar information.
 - (7) Placement records and related financial activity records.
- (C) ODJFS may work closely with the agency during the fiscal watch period to monitor financial activity to help ensure the agency can remain fiscally viable and financial resources are sufficient for providing the necessary level of care for the well-being of children placed with the agency. At any point up to and including the end of the fiscal watch period, ODJFS may recommend the agency:
- (1) Be removed from the temporary certificate and reinstated to a full certificate.
 - (2) Be placed on a second fiscal watch period and the fiscal watch process will be repeated. The agency will also be issued a second temporary certificate.
 - (3) Be revoked.
- (D) The requirements of paragraph (A) of this rule do not apply to a public children services agency (PCSA) or to a local public entity that is not a PCSA.
- (E) An agency seeking recertification shall electronically submit all information and documentation required for recertification to ODJFS not less than one hundred twenty days prior to the date of expiration of its current certificate unless an extension has been granted pursuant to rule 5101:2-5-03 of the Administrative Code. Failure of an agency to submit an application for recertification within the timeframes required by this rule may cause a lapse in certification or a delay in issuance of a certificate.

- (F) When an application for recertification is received and found to be incomplete or incorrectly completed, the recertification application shall be returned to the applicant for completion and resubmission to ODJFS. A recertification application shall not be considered to have been submitted until it is received by the appropriate ODJFS field office in complete and correct form.
- (G) An agency shall submit a list of all records, as requested by ODJFS, from which a sample will be selected for review during the site inspection.
- (H) An agency shall return the list of records pursuant to paragraph (G) of this rule, within fourteen calendar days of receipt of the ODJFS request. Failure of an agency to submit the list of records as requested shall not cause the start of the recertification review to be delayed but may cause a lapse in certification or a delay in issuance of a certificate.
- (I) If an agency's list of records as requested by ODJFS, pursuant to paragraph (G) of this rule, is received by ODJFS within the timeframe specified in paragraph (H) of this rule, ODJFS may select a random sample of records from the list to be reviewed during the site inspection and shall provide the identity of these records to the agency two weeks prior to the scheduled site inspection.
- (J) If an agency's list of records is not received by ODJFS within the timeframes specified in paragraph (H) of this rule, ODJFS may elect to do a random selection of records at the time of the site inspection with no prior notice to the agency of the identity of the records to be reviewed.
- (K) An agency administrator or staff person shall not deny ODJFS access to any relevant records, information, personnel, residential facility, residents, offices or areas of the agency in the course of a recertification study or at any other time.

Effective:

Five Year Review (FYR) Dates:

Certification

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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~~ the Ohio department of children and youth (DCY) that it has met a comparable requirement to be accredited by a nationally recognized accreditation organization.
- (B) The agency requesting such consideration ~~shall~~ is to submit a written request to the ~~assigned ODJFS district office~~ department's licensing specialist at the time of application for initial certification or at ~~recertification~~ application for continuous certification, 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 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~~ a certification requirement, the agency ~~shall~~ is to meet the ~~ODJFS~~ certification requirement.
- (D) The acceptance of accreditation in lieu of ~~an ODJFS~~ a certification requirement is restricted to the accreditation period or ~~current ODJFS certificate~~ if the accreditation criteria changes, whichever expires occurs first. If DCY's requirements change regarding a previously approved criteria, the agency is to show how the change affects the previously approved criteria and if the criteria needs to be altered to comply with the new requirement.
- (E) The acceptance of accreditation in lieu of ~~an ODJFS~~ a certification requirement rests solely at the discretion of ~~ODJFS~~ DCY. The refusal of ~~ODJFS~~ DCY to accept accreditation, in whole or in part, ~~shall~~ is to be final and ~~shall~~ is not to be construed as creating any rights to a hearing under Chapter 119. of the Revised Code.

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5101:2-5-06

Corrective action plans.

- (A) An agency shall submit a corrective action plan, ~~as prescribed by the Ohio department of job and family services (ODJFS)~~, for any finding of noncompliance cited by ~~ODJFS~~ the Ohio department of children and youth (DCY) on a summary of noncompliance, through ~~the Ohio certification and licensing management system (OCALM)~~ the Ohio comprehensive child welfare information system (Ohio CCWIS) within fifteen working days of the exit interview or of the receipt of an appeal decision pursuant to rule 5101:2-5-05 of the Administrative Code. An agency may take longer than fifteen days to submit the corrective action plan if the agency has requested and received an extension from ~~ODJFS~~ DCY.
- (B) A corrective action plan submitted by an agency pursuant to paragraph (A) of this rule shall specify:
- (1) What the agency is going to do to correct an area of noncompliance.
 - (2) How noncompliance will be prevented in the future.
 - (3) Who in the agency will be responsible for the implementation of the corrective action plan.
 - (4) How the agency will document the corrective action plan has been implemented.
- (C) The timeframe for implementation of all corrective action plans shall be no longer than thirty calendar days from the date ~~ODJFS~~ DCY approves the corrective action plan unless more time is given by written approval of the appropriate ~~ODJFS~~ licensing supervisor.
- (D) When a corrective action plan is disapproved by ~~ODJFS~~, the agency shall submit another corrective action plan to ~~ODJFS~~ DCY within ten working days of receipt of the ~~ODJFS~~ written notification that the corrective action plan was disapproved. The action of ~~ODJFS~~ DCY to approve or disapprove a corrective action plan shall have no effect on the decision of ~~ODJFS~~ DCY to deny or revoke an agency's certification.

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5101:2-5-07

Denial or revocation of an agency's certificate or certification to perform specific functions; ~~temporary certificates;~~ administrative closures.

(A) An application for an agency certificate or for any of the functions an agency intends to perform may be denied and an existing certificate or certification to perform specific functions may be revoked for any of the following reasons:

(1) An agency has failed to comply with any applicable requirement of Chapter 5101:2-5 of the Administrative Code or any requirement of any other applicable chapter of the Administrative Code relevant to the intended or certified functions of the agency.

(2) An agency has failed to comply with an approved corrective action plan for previously cited areas of noncompliance.

(3) An agency is found to have provided to the ~~Ohio department of job and family services (ODJFS)~~ any of the following:

(a) Misleading or false statements.

(b) Misleading or false reports.

~~(4) An agency refuses or fails to submit to ODJFS required policy statements, application materials, plans or reports requested by ODJFS within required time frames.~~

~~(5)~~(4) An agency has refused to admit onto its premises any person performing duties required by described in Chapter 5101:2-5 of the Administrative Code or other applicable chapters of the Administrative Code relevant to the intended or ~~authorized~~certified functions of the agency, state or federal law or regulations or municipal ordinance.

(B) All actions of ~~ODJFS~~the Ohio department of children and youth (DCY) with respect to denial or revocation ~~shallis to~~ be by prior adjudicatory hearing pursuant to and subject to the requirements of Chapter 119. of the Revised Code.

(C) Any act of omission or commission by an agency which results in the death, injury, illness, abuse, neglect or exploitation of a child in the care of the agency may be grounds for the revocation or denial of the agency's certification to perform any or all certified functions. This ~~shallis to~~ include any situation in which an agency has failed to inform any agency employee of the employee's obligation, pursuant to section

2151.421 of the Revised Code, to report any knowledge or suspicion of any physical or mental abuse, sexual abuse or exploitation or neglect or threatened abuse or neglect of a child by any person, including another child, to the public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect has occurred or is occurring.

(D) At the time ~~ODJFS~~DCY proceeds with an agency denial or revocation, ~~ODJFS~~DCY is to notify all of the following of the proposed adjudication order:

- (1) Title IV-E courts.
- (2) Public children services agencies (PCSAs).
- (3) Private child placing agencies (PCPAs).
- (4) Any other person or entity ~~ODJFS~~DCY deems necessary.

(E) If an order of denial or revocation is not upheld after any administrative hearing held pursuant to Chapter 119. of the Revised Code or if an order of denial or revocation is overturned on appeal to a court of competent jurisdiction, ~~ODJFS~~DCY is to notify the decision to all entities that were notified pursuant to paragraph (D) of this rule.

(F) When ~~ODJFS~~DCY enters an adjudication order to deny or revoke an agency's certificate pursuant to Chapter 119. of the Revised Code, the agency and those parties identified as the principals of the agency ~~shall~~is not to be eligible ~~for certification~~ for any ~~ODJFS~~DCY certification for five years from the effective date of the denial or revocation or the exhaustion of all appeals, whichever is later. As used in this rule, "principal" means the agency's administrator(s) or director(s) and the agency's owners, partners, or members of the agency's governing body. In any denial or revocation action, ~~ODJFS shall~~DCY is to identify the principals of the agency against whom the denial or revocation action is taken.

~~(G) When an agency certified to operate one or more of the functions listed in rule 5101:2-5-03 of the Administrative Code is found to be operating at less than an acceptable level of compliance with applicable rules of the Administrative Code ODJFS may issue a temporary certificate for one or more of the functions to the agency.~~

~~(1) A temporary certificate shall not be issued for an initial certification of a function requiring certification pursuant to rule 5101:2-5-03 of the Administrative Code.~~

~~(2) A temporary certificate shall be effective for less than one year.~~

~~(3) A temporary certificate allows an agency to operate until ODJFS is satisfied that minimum requirements have been met.~~

~~(4) Whenever ODJFS issues a temporary certificate to an agency, the word "temporary" shall appear on the certificate in a contrasting color to words on the certificate in letters not less than one-half inch in height.~~

(G) DCY may administratively close an agency application or certificate for the following:

(1) Failure to provide an address change.

(2) Loss of contact after thirty calendar days.

(3) The applicant(s) are not eligible pursuant to paragraph (F) of this rule.

(4) An applicant refuses or fails to submit policy statements, application materials, plans or reports requested by DCY within the necessary time frames.

(H) When DCY conducts an administrative closure as described in paragraph (G) of this rule, such action is not subject to administrative hearing rights under Chapter 119 of the Revised Code.

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5101:2-5-13.1 **Disaster preparedness plan requirements.**

- (A) A public children services agency (PCSA), private child placing agency (PCPA), private non-custodial agency (PNA), and any residential facility ~~shall~~is to create, in writing, a disaster preparedness plan and include this plan in its agency ~~foster care~~ policy. All residential facilities ~~shall~~are to comply with this rule in addition to rule 5101:2-9-07 of the Administrative Code.
- (B) A PCSA, PCPA, PNA or residential facility ~~shall~~is to submit its plan to the ~~Ohio department of job and family services (ODJFS)~~Ohio department of children and youth (DCY) at any of the following times:
- (1) At the time of application for initial certification ~~or recertification~~.
 - (2) Upon review of PCSA foster home records ~~by ODJFS~~.
 - (3) Within ten days of a foster care policy change that would have an effect on the disaster preparedness plan.
- (C) The following areas ~~shall~~are to be addressed in a PCSA or a PCPA disaster preparedness plan:
- (1) Identification of essential personnel needed for the operation of the agency.
 - (2) Alternative physical work location including provisions for temporary work sites.
 - (3) Communication plan for agency staff, substitute caregivers, and other critical team members with or without e-mail, internet, ~~statewide automated child welfare information system (SACWIS)~~the Ohio comprehensive child welfare information system (Ohio CCWIS) or telephone access.
 - (4) Identification of essential work activities that ~~must~~need to continue in order to ensure the safety of children, support caregivers and service providers.
 - (5) Procedures for handling new reports of child maltreatment if the agency is responsible for responding to reports concerning children.
 - (6) Procedures for tracking clients and substitute caregivers with or without ~~SACWIS~~Ohio CCWIS or other technical system in place.
 - (7) Continuity of services to families receiving in-home supportive services.

- (8) Continuity of services to children in substitute care and kinship care placements.
- (9) Maintenance and security of agency records not included in ~~SACWIS~~Ohio CCWIS including soft copies stored in other software applications and hard copies.
- (10) Maintenance and security of court records for child protective services cases and PCPA adoption court records.
- (11) Coordination of services with law enforcement, hospitals/medical providers or other disaster response agencies for the following:
 - (a) Children in agency custody.
 - (b) Children with no known or available parent, guardian or custodian.
- (12) Working with emergency shelters for the following:
 - (a) Staff training in disaster preparedness.
 - (b) Coordination of services for children and families in emergency shelters (physical location; shared responsibilities).
 - (c) Volunteers.
- (13) Plans of cooperation/memoranda of understanding with another agency which, at a minimum, would address duties and requirements.
- (D) The following areas ~~shall~~are to be addressed in a disaster preparedness plan for a PNA or any residential facility including those residential facilities operated by a PCPA or PCSA:
 - (1) Identification of essential personnel needed for the operation of the agency.
 - (2) Identification of an alternative physical work location including provisions for temporary work sites.
 - (3) Communication plan for agency staff, substitute caregivers, and other critical team members with or without e-mail, internet, ~~SACWIS~~Ohio CCWIS or telephone access.
 - (4) Identification of essential work activities that ~~must~~need to continue in order to ensure child safety and support caregivers, youth and service providers, and facility staff, if applicable.

- (5) Procedures for tracking clients and substitute caregivers.
- (6) Continuity of services to children in substitute care.
- (7) Maintenance and security of agency records.

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5101:2-5-20

Initial application and completion of the foster care homestudy.

(A) A public children services agency (PCSA), private child placing agency (PCPA) or private noncustodial agency (PNA) acting as a representative of the ~~Ohio department of job and family services (ODJFS)~~ Ohio department of children and youth (DCY) shall is to:

(1) Inform all individuals applying for an initial foster home certificate they can also be considered for adoption homestudy approval.

(2) Conduct a joint homestudy pursuant to the requirements contained in Chapters 5101:2-5, 5101:2-7 and 5101:2-48 of the Administrative Code resulting in the simultaneous approval of the applicant for:

(a) Foster care placement.

(b) Adoption homestudy approval.

(3) If the PCPA or PNA is not certified to recommend foster homes for certification and place or participate in the placement of children for adoption, then the agency ~~must~~ is to inform the individuals that a joint homestudy could be conducted simultaneously by another agency that is certified for both functions.

(B) The PCSA, PCPA, PNA, or court ~~shall~~ is to ensure that employees or persons under contract with the agency to perform assessor duties comply with the following requirements:

(1) The assessor definition in rule 5101:2-1-01 of the Administrative Code.

(2) Rule 5101:2-48-06 of the Administrative Code.

(3) Section 3107.014 of the Revised Code.

(C) To avoid a conflict of interest, or the appearance of any conflict of interest, an assessor ~~shall~~ is to not perform any assessor duties for any of the following persons:

(1) Him or her self.

(2) Any person who is a relative of the assessor.

(3) Any agency employee for whom the assessor has any supervisory responsibility.

(4) Any agency employee who has any supervisory responsibility for the assessor.

(D) To avoid a conflict of interest, or the appearance of any conflict of interest:

- (1) The agency administrator and a relative of the agency administrator ~~shall~~is not to be certified as a foster caregiver by the agency with which the administrator is employed.
- (2) A member of the agency's governing body and a person known to the agency as a relative of the agency's governing body ~~shall~~is to not be certified as a foster caregiver by the agency with which the member is associated.
- (3) Foster care inquiries from anyone mentioned in this paragraph wishing to be certified foster caregivers ~~shall~~are to be referred to another recommending agency ~~with no~~without such an appearance of a conflict of interest.
- (4) An existing foster home certificate of any person referred to in paragraph (D) of this rule ~~shall~~is to be transferred to another recommending agency except the foster caregiver may maintain the certificate and continue to provide care for any currently placed foster children placed in the home prior to January 1, 2008. This foster caregiver ~~shall~~is to not accept any additional placements of foster children and shall transfer to another recommending agency within sixty days of the date the current foster children are no longer placed in the home.
- (5) If the agency becomes aware a certified foster caregiver of the agency is a relative of the administrator or a relative of the agency's governing body, it ~~shall~~is to initiate a transfer of the foster caregiver's certificate. The transfer ~~shall~~is to be completed within sixty days of the discovery.

(E) A PCSA, PCPA or PNA may selectively recruit on the basis of the need for foster homes for specific types of children as specified in the agency's recruitment plan ~~as required by~~outlined in rule 5101:2-5-13 of the Administrative Code.

- (1) The agency ~~shall~~is not to consider the age, gender, sexual identity, sexual orientation, religion, or marital status of a family for whom the agency is conducting a homestudy in determining whether to recommend the applicant be certified as a foster caregiver or whether to place a child with the foster caregiver.
- (2) The agency ~~shall~~is not to consider the age, gender, sexual identity, sexual orientation, or religion of a child that may be placed with the foster caregiver in determining whether the applicant be certified as a foster caregiver or whether to place a child with the foster caregiver.
- (3) The agency ~~shall~~is not to discriminate in recommending an applicant for certification on the basis of disability in violation of Section 504 of the

Rehabilitation Act of 1973, 29 U.S.C. 794 (7/2014) and of Title II of the Americans with Disabilities Act of 1990, 42 U.S.C., 1201 (8/1981).

(F) The agency ~~shall~~ is not to consider the race, color or national origin of a foster caregiver applicant to determine whether the applicant be certified as a foster caregiver or whether to place a child with the foster caregiver.

(1) As prohibited by the Multiethnic Placement Act, 42 U.S.C. 1996(b) (1996) (MEPA), agencies may not deny any person the opportunity to become a foster caregiver on the basis of race, color, or national origin of the person, or of any foster child or children involved.

(2) The agency ~~shall~~ is not to consider the race, color or national origin of a child that may be placed with the foster caregiver in determining whether the applicant be certified as a foster caregiver or whether to place a child with the foster caregiver.

(3) The agency may consider a child's race, color or national origin only in those cases it is determined acceptable pursuant to rule 5101:2-42-18.1 of the Administrative Code.

(G) ~~Upon request, the agency shall provide a JFS 01691 "Application for Child Placement"~~ A foster care applicant is to apply to be a caregiver with an agency through the Ohio comprehensive child welfare information system (Ohio CCWIS). This process is available to any person who is eighteen years of age, is a legal resident of the United States, resides in the state of Ohio and meets the specifications of the agency's recruitment plan pursuant to rule 5101:2-5-13 of the Administrative Code. If an applicant requests a JFS 01691 "Application for Child Placement," the agency may provide the applicant with a copy. The agency ~~shall~~ is to also provide, free of charge to an inquirer, a copy of Chapters 5101:2-5 and 5101:2-7 of the Administrative Code, or inform the inquirer how to access the rules electronically.

(1) If the person does not reside in the state of Ohio, an application for foster care ~~shall~~ is not to be considered until the person has established Ohio residency.

(2) If a person requests an application for child placement and an agency has reason to believe the person is not a legal resident of the United States, the agency ~~shall~~ is to request the person to provide a copy of the person's immigration document(s) issued by the bureau of immigration and customs enforcement of the U.S. department of homeland security allowing the person to reside in the United States. If the immigration document(s) provided by the applicant shows the person is a conditional permanent resident of the United States or is not a permanent United States resident, the application ~~shall~~ is not to be considered

for foster care unless the applicant is being considered for placement of a specific child and the person is "kin" to the child as defined in rule 5101:2-1-01 of the Administrative Code.

- (3) For the purpose of this rule, "legal resident of the United States" means a person who is a native-born or naturalized citizen of the United States or a person who presents credible evidence from the bureau of immigration and customs enforcement of the U.S. department of homeland security that the person is a permanent resident of the United States.
 - (4) If a foster care application is inactive in Ohio CCWIS for twelve months from the date of submission, the application may be invalidated as determined by the recommending agency. To be considered for certification, the applicant is to re-apply after an application has been invalidated.
 - (5) If an individual has been inactive in Ohio CCWIS for one hundred twenty days, the individual is to re-register to enter the system.
- (H) The agency ~~shall~~is to use the JFS 01691 or Ohio CCWIS for all initial foster home applications.
- (1) The agency ~~shall~~is not to accept an incomplete ~~JFS-01691~~application. An individual who submits an incomplete application will not have an opportunity for a hearing pursuant to Chapter 119. of the Revised Code.
 - (2) The agency ~~shall~~is not to begin the homestudy assessment process prior to the receipt of a fully completed ~~JFS-01691~~application signed by the applicant(s).
 - (3) If an adoptive applicant decides during the homestudy process to also become a certified foster caregiver, the homestudy documentation and training completed up to that point may be utilized as long as the documentation or training has not expired upon completion of the homestudy. Applicants ~~shall~~are not to be required to duplicate documentation as a result of a new application date.
 - (4) Applications found to contain inaccurate or wrong information ~~shall~~are to be denied pursuant to rule 5101:2-5-26 of the Administrative Code.
 - (5) The agency ~~shall~~is to require/ensure an application be made in the full name of each adult member of a couple residing in the home, a single person, or each co-parent residing in the home.
 - (6) The agency ~~shall~~is not to accept more than one application per household and shall not recommend certification of more than one foster home per household.

- (I) The agency ~~shall~~is to commence the homestudy assessment within thirty days after the date the agency receives a fully completed ~~JFS 01691~~ signed application ~~by the foster care applicants.~~
- (1) Commencement of a homestudy means, at a minimum, scheduling an appointment to interview the applicant or assuring the applicant is informed of the necessary materials ~~required~~needed for the assessor to complete the homestudy.
- (2) An agency failing to commence a homestudy within thirty days after receiving the application ~~shall~~is to document on the JFS 01673 "Assessment for Child Placement" the reason(s) the agency is unable to meet this requirement.
- (J) The agency ~~shall~~is to complete the homestudy within one hundred eighty days after the date the agency received the completed application. An agency failing to complete a homestudy within one hundred eighty days ~~shall~~is to document on the JFS 01673 the reason(s) the agency is unable to meet this requirement.
- (K) The following is ~~required~~necessary for the homestudy:
- (1) An assessor ~~shall~~is to conduct an in home, face to face interview with all members of the household based on his or her age and development. The interview with all members of the household may be a joint interview or separate individual interviews.
- (2) The agency ~~shall~~is to conduct criminal records checks for all persons subject to a criminal records check pursuant to ~~rules~~rule 5101:2-5-09.1 ~~and 5101:2-7-02~~ of the Administrative Code.
- (a) The ~~required~~ criminal records checks ~~must~~are to be completed and the results received by the agency prior to the agency recommending an applicant for certification.
- (b) Except as provided in ~~paragraph (J)~~appendix C of rule ~~5101:2-7-02~~5101:2-5-09.1 of the Administrative Code, an agency ~~shall~~is not to recommend a person be certified as a foster caregiver if the person or any adult member of the applicant's household has been convicted of any crime listed in appendix A to rule ~~5101:2-7-02~~5101:2-5-09.1 of the Administrative Code.
- (3) The agency is to conduct all other background checks pursuant to rule 5101:2-5-09.1 of the Administrative Code prior to recommending an applicant for certification.

~~(3) If the agency has the ability to complete the search in the statewide automated child welfare information system (SACWIS), the agency shall complete an alleged perpetrator search of abuse and neglect report history through the system for each foster care applicant and each adult who resides with the applicant. If the agency does not have the ability to complete the search in SACWIS, the agency shall request a search of the system from ODJFS for each foster care applicant and each adult who resides with the applicant.~~

~~(a) A report with the results of the search shall be placed in the foster caregiver record.~~

~~(b) This report is used to determine the suitability of the applicant to provide foster care.~~

~~(4) The agency shall request a check of the child abuse and neglect registry of any other state an applicant or adult household member has resided in the five years immediately prior to the date of the criminal records check as required by division (A) of section 2151.86 of the Revised Code.~~

~~(5)~~(4) A physical exam and a JFS 01653 "Medical Statement for Foster Care/ Adoptive Applicant and All Household Members" are to be completed by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife within one year prior to the recommendation for certification for the applicant. All household members are to complete a JFS 01653.

(a) Any written documentation of a physical examination ~~shall~~is to be completed by the individual conducting the examination.

(b) The form ~~shall~~is to document the applicant and all members of the household are free from any physical, emotional, or mental condition which would endanger children or seriously impair the ability of the household members to care for a foster child.

(c) The agency may ~~require~~ask an applicant or household member to secure and provide to the agency a report of an additional examination by a licensed physician, psychologist, or other certified or licensed professional if any of the following apply:

(i) The applicant or any household member has suffered a serious illness or injury within the past year.

- (ii) It is determined to be necessary by the agency to ensure the safety, health, or care of any foster child who may be placed in the home of the applicant.

~~(6)~~(5) Immunizations for homes certified after June 1, 2020.

- (a) All children who are household members are to be up to date on immunizations consistent with the recommendations of the american academy of pediatrics, the advisory committee on immunization practices of the centers for disease control and prevention, and the american academy of family physicians, unless the immunization is contrary to the child's health as documented by a licensed health care professional or for reasons of conscience, including religious convictions.
- (b) All household members in a home caring for infants and children with special medical needs are to have an annual influenza vaccine consistent with the recommendations of the advisory committee on immunization practices (ACIP), unless the immunization is contrary to the individual's health as documented by a licensed health care professional or for reasons of conscience, including religious convictions.
- (c) All household members in a home caring for infants are to be up to date on the pertussis vaccine consistent with the recommendations of the ACIP, unless the immunization is contrary to the individual's health as documented by a licensed health care professional or for reasons of conscience, including religious convictions.
- (d) Copies of the immunization records are to be placed in the file of the home.

~~(7)~~(6) The applicant ~~shall~~is to have an income sufficient to meet the basic needs of the household and to make timely payment of shelter costs, utility bills, and other debts. To show this, an applicant ~~shall~~is to provide at a minimum:

- (a) A completed JFS 01681 "Applicant Financial Statement".
- (b) Proof of income for the household for the most recent tax year prior to the date of application.
- (c) Proof of income for the household for a two month period. The verification of income ~~shall~~is not to be dated more than six months prior to the agency's recommendation for certification.

- (d) At least one utility bill for each utility necessary to maintain the household. The bill or bills should not be dated more than six months prior to the agency's recommendation for certification.

~~(8)~~(7) Prior to recommending initial certification of a foster home, an agency ~~shall~~is to ~~require and~~ assure each applicant successfully completes all preplacement training ~~required~~specified by rule 5101:2-5-33 of the Administrative Code.

- (a) Only the preplacement training completed within the eighteen month period immediately prior to the date the agency recommends the foster home for certification will meet the training requirement.

- (b) Each foster home recommended for certification ~~shall~~is to receive preplacement training on the Administrative Code rules and the agency's policies and procedures that are in effect on the date the agency recommends the home for certification.

~~(9)~~(8) References ~~shall~~are to be received by the agency prior to the date the agency recommends the home for certification.

- (a) The applicant ~~shall~~is to provide the names and contact information of at least three people who do not reside with the applicant, so that they may be contacted as references. A minimum of three personal references ~~shall~~are to be received prior to the date the agency recommends the home for certification. A minimum of one of the required references is to be from a relative and at least two references from non-relatives.

- (b) The applicant and all adult household members ~~shall~~is to provide the name of any agency the applicant and any household member has applied to or had a homestudy approved for foster care or adoption, or any organization they have worked with in providing care and supervision of children. The applicant and any adult household members ~~shall~~are to complete a written and signed release of information statement so any such reference may be contacted.

- (c) The agency ~~shall~~is to contact all adult children of the applicant for a reference. If the adult children are unable or unwilling to provide a reference this ~~shall~~is to be assessed during the homestudy process and documented on the homestudy.

- (d) All contacts with references listed in this rule ~~are required and shall~~are to be documented in the narrative section of the homestudy.

- (9) The JFS 01200 "Fire Inspection Report for Residential Facilities Certified by ODJFS" or other form used for a local or state fire inspection certifying the home is free from conditions hazardous to the safety of children. The report shall not to be dated more than twelve months prior to the date the agency recommends the home for certification.
- (10) The JFS 01348 "Safety Audit" completed not more than six months prior to the date the agency recommends the home for certification and two years after initial certification, documenting the residence satisfactorily meets all safety standards.
- (11) A foster home shall to have a continuous supply of safe drinking water. Well water used for drinking and cooking shall to be tested and approved by the health department or any entity the health department recommends, prior to the date the agency recommends the home for certification and annually thereafter.
- (12) Prior to the end of the assessment process, applicants shall are to complete and sign the JFS 01673-A "Child Characteristics Checklist for Foster Care and/or Adoption" indicating the acceptable characteristics and type of child the applicant is willing to foster.
- (a) The determination of the specific number, age, and gender of children the foster home is certified for is the joint decision of the caregiver(s) and the assessor, based on the caregiver's strengths and needs, and the physical structure of the residence.
 - (b) All placements in a foster home shall are to be in compliance with this determination and with the provisions of rule 5101:2-5-32 of the Administrative Code.
 - (c) Upon the request from an applicant or caregiver, the JFS 1673-A may be updated as often as needed.
- (L) The agency shall is to document in each record that the applicant has been evaluated by an assessor to determine the applicant's compliance with all homestudy requirements and the suitability of the applicant to be certified as a foster caregiver considering all household members and the availability of appropriate accommodations for any foster child that may be placed in the home.
- (1) In completing the evaluation, a written narrative shall is to be compiled, signed by the assessor, and approved by the supervisor, indicating approval or denial of the application.

- (2) The evaluation ~~shall~~is to be a completed JFS 01673.
- (M) In addition to the requirements of the JFS 01673, the agency may establish a written policy that applies to all applicants, requiring submission of additional materials or documents, or participation in additional assessment activities. The agency ~~shall~~is not to recommend an applicant for certification ~~to ODJFS~~ prior to the completion of those requirements, in addition to all requirements of Chapters 5101:2-5 and 5101:2-7 of the Administrative Code that are applicable to initial certification of the foster home.
- (N) The agency ~~shall~~is not to place a child or cause a child to be placed in a foster home until:
- (1) The foster caregiver completes the preplacement training ~~required~~as specified by rule 5101:2-5-33 of the Administrative Code for the type of foster home certification the caregiver is seeking.
 - (2) The assessment of the foster home, including the JFS 01673 and all supporting documentation, is completed by an assessor who recommends certification of the applicant for foster care.
 - (3) The homestudy has been approved ~~by ODJFS~~ through the ~~SACWIS~~Ohio CCWIS system.
 - (4) The effective date of a foster home certificate ~~issued by ODJFS~~.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	5103.03, 3107.033
Rule Amplifies:	2151.86, 5103.02, 5103.03, 5103.0327
Prior Effective Dates:	12/30/1966, 10/01/1986, 07/02/1990 (Emer.), 10/01/1990, 01/01/1991, 09/18/1996, 10/01/1997 (Emer.), 12/30/1997, 01/01/2003, 12/11/2006, 08/14/2008, 07/01/2009, 10/01/2011, 03/01/2012, 11/01/2015, 06/15/2020

Ohio Department of Job and Family Services
SAFETY AUDIT

Name of Caregiver #1	Name of Caregiver #2	
Address	Name of Caregiver #3 (if applicable)	Provider ID
Name of Agency	<input type="checkbox"/> Initial Foster/Adopt <input type="checkbox"/> Relocation / Renovation <input type="checkbox"/> Update <input type="checkbox"/> Other _____	

All items listed can be found in rule 5101:2-7-12 of the Administrative Code. The shaded items are for both foster and adoption. Items after the shaded area are for foster homes only.

1.	The home and all structures associated with the home are maintained in a clean, safe, and sanitary condition and in a reasonable state of repair.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	The home is adequately heated, lighted and ventilated.	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.	Bleach, cleaning materials, other poisonous or corrosive household chemicals, flammable and combustible materials, potentially dangerous tools/utensils, and electrical equipment, machinery or alcoholic beverages in or on the grounds of the home are stored in a safe manner that prevents the child's access, as appropriate for his or her age and development.	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.	There is reasonable access to a working phone for emergency situations	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.	Emergency telephone numbers posted: <input type="checkbox"/> Fire <input type="checkbox"/> Police <input type="checkbox"/> Squad/Rescue <input type="checkbox"/> Poison Control <input type="checkbox"/> Recommending Agency <input type="checkbox"/> Placing Agency	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.	All locks on at least one door to any room or walk in storage area inside the home in which a person could become confined, and from which the only other means of exit requires the use of a key, shall be able to be unlocked from either side.	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.	The home has a continuous supply of safe drinking water. If well water is used for drinking and cooking, it was tested and approved by the health department prior to initial certification (and annually thereafter for foster care)	<input type="checkbox"/> Yes <input type="checkbox"/> No
8.	The home has working bathroom and toilet facilities located within the home and connected to an indoor plumbing system.	<input type="checkbox"/> Yes <input type="checkbox"/> No
9.	The home ensures a proper water heater temperature not to exceed 120 degrees Fahrenheit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
10.	Garbage shall be disposed of on a regular basis. Garbage stored outside shall be in covered containers or closed bags.	<input type="checkbox"/> Yes <input type="checkbox"/> No
11.	The home has a working smoke alarm approved by "Underwriter's Laboratory" or a certified fire inspector on each level of occupancy and at least one alarm near all sleeping areas.	<input type="checkbox"/> Yes <input type="checkbox"/> No
12.	The home has a working carbon monoxide detector on each level of occupancy of the home and at least one near all sleeping areas.	<input type="checkbox"/> Yes <input type="checkbox"/> No
13.	The home has first aid supplies.	<input type="checkbox"/> Yes <input type="checkbox"/> No
14.	The home has a written evacuation plan for evacuating the home or seeking shelter in the event of fire, tornado or other disaster.	<input type="checkbox"/> Yes <input type="checkbox"/> No
15.	The evacuation plan contains a primary and alternate escape for each floor, and the escape routes are kept free of clutter and other obstructions.	<input type="checkbox"/> Yes <input type="checkbox"/> No
16.	The home has an "Underwriter's Laboratory" approved or certified fire inspector approved portable fire extinguisher in working order in or near the cooking area of the home.	<input type="checkbox"/> Yes <input type="checkbox"/> No
17.	The home is free from rodents and insect infestation.	<input type="checkbox"/> Yes <input type="checkbox"/> No
18.	Swimming pool has barriers on all sides, access through the safety barrier equipped with a safety device such as a bolt lock, a life saving device such as a ring buoy and a working pump if it cannot be emptied after each use.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
19.	Hot tub and spas have a safety cover which is locked when not in use.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
20.	Outdoor recreation equipment on the grounds of the home is maintained in a safe state of repair.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

21.	Potentially hazardous outdoor areas on the grounds of or immediately adjacent to the home are reasonably safeguarded.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
22.	Firearm, air rifles, hunting slingshot or other projectile weapons kept on the grounds of or in the home are stored in an inoperative condition in a locked area inaccessible to children.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
23.	Ammunition, arrows or projectiles for weapons are stored in a locked area separate from the weapon.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
24.	All heaters used in the home are approved by "Underwriter's Laboratory" or a certified fire inspector and are equipped with safeguards in accordance with age and functioning level of foster children in the home. Unvented heaters that burn kerosene or oil are not used.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
25.	Pets or domestic animals in or on the premises of the home are kept in a safe and sanitary manner in accordance with state and/or local laws.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
26.	Interior and exterior stairways accessible to children are protected by child safety gates or doors according to the child's age and functioning level.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
27.	The foster home provides a smoke free environment for foster children.	<input type="checkbox"/> Yes <input type="checkbox"/> No
28.	If the foster home has peeling or chipping paint, the recommending agency provided the guidance document on lead hazards.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
29.	All prescription drugs in a home are stored in a locked cabinet or storage area except that an inhaler or medication may be left unlocked if a person has a special health condition that requires it to be immediately available.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
30.	Each foster child's bedroom has an outside wall window that is screened and capable of opening and closing, unless the room has a fresh air ventilation system.	<input type="checkbox"/> Yes <input type="checkbox"/> No
31.	Bedrooms for foster children accommodate no more than four children.	<input type="checkbox"/> Yes <input type="checkbox"/> No
32.	Bedrooms for foster children provide reasonable access to an emergency exit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
33.	Bedrooms for foster children are not located on a floor higher than the second floor or in a basement unless approved in writing by a fire safety inspector.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
34.	A bunk bed in use for a foster child is equipped with safety rails on the upper tier for a child under the age of ten years, or an older child who needs such protection.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
35.	<p>Cribs used for children under two years of age or under 35 inches in height are:</p> <ul style="list-style-type: none"> • full-sized • slats no more than 2 3/8 inches apart • no decorative cutout areas on end panels which could entrap a child's head • compliant with the U.S Consumer Product Safety Commission • mattress is at least 1½ inches thick and covered with a waterproof material • mattress is close enough to the frame that there is no more than one inch between the mattress and sides of the crib 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Will Obtain Crib Manufacture Date: _____
36.	If a bassinet is used, it is used only for infants less than 15 lbs. in weight.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
37.	All vehicles used to transport foster children are covered by liability insurance in accordance with current state laws.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
38.	In accordance with the age and weight of foster children placed in the home, child restraint seats or booster seats are available for use in vehicles used to transport foster children.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Will Obtain

Assessor and Supervisor Action: Check one or both boxes below and sign indicating approval or need for a fire safety inspection

- I. ☐ I certify that based on my observations of this home on this date, this home appears to be reasonably safe for placement of a foster or adoptive child (ren).
- II. ☐ Based on my observations of this home on this date, the required fire inspection will need to be completed before a decision can be made regarding the safety of the home.

Assessor Signature	Date
Supervisor Signature	Date

Date Fire Safety Inspection Was Conducted

Note: Completion of this form is required by Chapter 5101:2-5 and Chapter 5101:2-48 of the Ohio Administrative Code. A copy of this form should be provide to the caregiver.

TO BE RESCINDED

5101:2-5-24 **Foster home recertifications.**

- (A) All currently certified foster homes shall be recertified every two years from the beginning date of the current certificate. If a homestudy is simultaneously approved for adoption and certified for foster care by the same agency, the spans shall be the same for both programs from the date of the foster home certification.
 - (1) If an approved adoptive home is subsequently certified for foster care by the same agency that approved the home for adoption, the adoptive homestudy shall be updated at the same time the home is initially certified for foster care so that the spans will coincide.
 - (2) If a certified foster home is subsequently approved for adoption by the same agency that certified the home for foster care, the next adoption update shall be completed when the current foster care certificate is recertified so that the spans will coincide.
- (B) The public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agency (PNA) shall ensure that employees or persons under contract with the agency to complete foster home recertifications comply with the following requirements:
 - (1) The assessor definition in rule 5101:2-1-01 of the Administrative Code.
 - (2) Rule 5101:2-48-06 of the Administrative Code.
 - (3) Section 3107.014 of the Revised Code.
- (C) The recommending agency shall notify the foster caregiver of the date of expiration of the foster home certificate not less than ninety or more than one hundred fifty days prior to the expiration date. The notification shall:
 - (1) Identify any information or documentation that is required for the recertification.
 - (2) Be completed on the JFS 01331, "Notice of Expiration and Reapplication for a Foster Home Certificate or Adoption Homestudy Approval".
- (D) Following agency notification to the foster caregiver as required by paragraph (C) of this rule, if the caregiver fails to either reapply or voluntarily terminate prior to the expiration date of the certificate, the foster home certificate shall expire. If the family

wishes to become certified after the expiration date, they shall reapply for initial certification pursuant to rule 5101:2-5-20 of the Administrative Code.

(1) If a foster home certificate expires because a caregiver has failed to reapply there are no rights to appeal pursuant to Chapter 119. of the Revised Code.

(2) Following the expiration of a foster home certificate:

(a) If the agency has access to the statewide automated child welfare information system (SACWIS), the agency shall enter the appropriate data into the system to recommend closure of the home.

(b) If the agency does not have access to SACWIS, the agency shall submit a JFS 01317 "Recommendation for Certification/Recertification of a Foster Home" to the Ohio department of job and family services (ODJFS) to recommend closure of the home.

(E) If a foster caregiver(s) has re-applied for a foster home certificate at least thirty days prior to the expiration of a current certificate, an assessor shall complete a JFS 01385, "Assessment for Child Placement Update", ensure that the foster caregiver(s) remains in compliance with the requirements set forth in Chapters 5101:2-5 and 5101:2-7 of the Administrative Code, and determine the continued suitability of the caregiver to serve as a foster caregiver. The agency is to compile and review the following documents, in addition to completing the JFS 01385:

(1) The most recent JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" completed for the applicant and all household members. The agency may require a new JFS 01653 if the agency deems it necessary.

(2) The agency may require a report of a physical, psychiatric or psychological examination or treatment of the caregiver or other household member in order to ensure the safety, health or care of a foster child. The examination shall be conducted by a licensed physician, psychologist, or other certified or licensed professional.

(3) Homes certified prior to June 1, 2020 do not have to comply with immunization requirements.

(4) Immunizations for homes certified on or after June 1, 2020.

(a) All household members in a home caring for infants and children with special medical needs are to have an annual influenza vaccine consistent with the recommendations of the advisory committee on immunization

practices (ACIP), unless the immunization is contrary to the individual's health as documented by a licensed health care professional or for reasons of conscience, including religious convictions.

- (b) All household members in a home caring for infants are to be up to date on the pertussis vaccine unless the immunization is contrary to the individual's health as documented by a licensed health care professional or for reasons of conscience, including religious convictions.
- (c) Copies of the immunization records are to be placed in the file of the home.
- (5) The most recent fire inspection by a state certified fire safety inspector or the state fire marshal's office using the JFS 01200 "Fire Inspection Report for Residential Facilities Certified by ODJFS" or other form used for a local or state fire inspection. The agency may require a new fire inspection prior to recommending the home for recertification if the agency deems it necessary to ensure the home is free from conditions which may be hazardous to the safety of a foster child.
- (6) The most recent JFS 01681 "Applicant Financial Statement.". The agency may require a new JFS 01681 if there have been any substantial changes to the foster family's financial situation.
- (7) The most recent annual well water test approved by the health department, if applicable.
- (8) If the agency has the ability to complete the search in SACWIS, the agency shall complete an alleged perpetrator search of abuse and neglect report history through the system for each foster caregiver and adult household member. If the agency does not have the ability to complete the search in SACWIS, the agency shall request and obtain a search of the system from ODJFS for each foster caregiver and each adult household member.
 - (a) A report with the results of the search shall be placed in the foster home record.
 - (b) This report is to be used to determine the continued suitability of the foster family.
- (9) The agency shall conduct a safety audit utilizing the JFS 01348 "Safety Audit" completed within six months prior to recommending a foster home for recertification, documenting that the residence continues to meet all safety standards. Any deficiencies noted on the JFS 01348 shall result in the

completion of a rule violation report and a corrective action plan in accordance with paragraph (E) of rule 5101:2-5-28 of the Administrative Code.

- (10) The most recent criminal records checks for all foster caregivers and adult household members. Once a foster caregiver is certified, a new criminal records check shall be conducted, pursuant to rule 5101:2-5-09.1 of the Administrative Code, for the foster caregiver(s) and each adult household member every four years prior to recommending a foster home for recertification. If an existing resident of the home, including youth placed in the home, turned eighteen years of age during the current certification span, the agency shall have criminal records checks completed at the time of the next recertification and every four years thereafter at the time of recertification.
 - (11) Documentation that the foster caregiver(s) has completed the required ongoing training pursuant to rule 5101:2-5-33 of the Administrative Code. If the foster caregiver has not completed the required continuing training, the agency may recommend recertification if the situation meets the specifications of the agency's good cause policy pursuant to rule 5101:2-5-13 of the Administrative Code.
- (F) An assessor's recertification of a foster home shall include at least one home visit and one interview with each member of the household (except foster children) based on his or her age and development currently residing in the home. This may be a joint interview or individual interviews.
- (G) If an agency receives a completed JFS 01331 at least thirty days prior to the expiration date of a foster home certificate, an agency shall follow the requirements listed in this rule to complete the assessment for recertification.
- (1) At the completion of the assessment and prior to the expiration of the foster home certificate, an agency is to enter the required data into SACWIS documenting one of the following:
 - (a) Recertification.
 - (b) Denial of recertification.
 - (c) Closure, based on receipt of a voluntary withdrawal.
 - (2) The effective date of a foster home certificate shall be the first day following the expiration of the previous certificate. For only those certifications in which paragraph (I) of this rule apply, the effective date shall be the date that ODJFS receives the recommendation for certification from the agency, which shall be no more than thirty days past the expiration date of the current certificate.

- (H) If an agency receives a completed JFS 01331 less than thirty days prior to the expiration date of a foster home certificate, the agency may complete the requirements listed in this rule if they have sufficient time and resources to complete the assessment and submit the requirements listed in paragraph (G) of this rule prior to the expiration of the foster home certificate.
- (1) If the agency is unable to complete the recertification prior to the expiration, the foster care certificate will expire on the date of expiration.
- (2) If the foster care certification expires, the agency shall, within ten days after the expiration date of the certification:
- (a) Provide written notification to the caregiver of the following:
- (i) That the foster care certification has expired.
- (ii) That if the family would like to obtain foster care certification, the family must reapply for initial certification pursuant to rule 5101:2-5-20 of the Administrative Code.
- (b) An agency shall enter the required data into SACWIS to close the provider because the foster care certification has expired.
- (I) The determination of the specific number, age, and gender of children the foster home is certified for is the joint decision of the caregiver(s) and the assessor, based on the caregiver's strengths and needs, and the physical structure of the residence.
- (1) All placements in a foster home shall be in compliance with this determination and with the provisions of rule 5101:2-5-32 of the Administrative Code.
- (2) Upon the request from a foster caregiver, the JFS 1673-A "Child Characteristics Checklist" may be updated as often as needed.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

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5101:2-5-24

Continuous certification and periodic reviews for foster caregivers.

- (A) All currently certified foster homes are to apply for continuous certification no earlier than ninety days and no later than thirty days prior to the end date of their fourth year of the initial certificate. After the initial certification, the caregiver is to comply with periodic updates as described in appendix A of this rule. The caregiver is to complete the continuous certification process in the Ohio comprehensive child welfare information system (Ohio CCWIS). This may be completed online, or the caregiver may go to any agency office to complete the process. Upon request for a hard/paper copy application from the caregiver, an agency will provide a JFS 01331, "Notice of Expiration and Reapplication for a Foster Home Certificate or Adoption Homestudy Approval."
- (B) The public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agency (PNA) is to ensure that employees or persons under contract with the agency to complete foster home certifications comply with all of the following requirements:
- (1) The assessor definition in rule 5101:2-1-01 of the Administrative Code.
 - (2) Rule 5101:2-48-06 of the Administrative Code.
 - (3) Section 3107.014 of the Revised Code.
- (C) The recommending agency is to notify the foster caregiver of the date of expiration of the initial foster home certificate not less than ninety or more than one hundred fifty days prior to the expiration date.
- (D) If a caregiver wishes to apply for continuous certification, they may complete the application by either:
- (1) Entering the necessary information into Ohio CCWIS. This may be completed online, or the caregiver may go to any agency office to complete the process.
 - (2) Completing a JFS 01691 "Application for Child Placement." If an agency receives a JFS 01691 from a caregiver, the agency is to enter the information into Ohio CCWIS.
- (E) If a foster caregiver fails to either apply for continuous certification or voluntarily terminate prior to the expiration date of the initial certificate, the foster home certificate will expire. If the family wishes to become certified after the expiration

date, they are to reapply for initial certification pursuant to rule 5101:2-5-20 of the Administrative Code.

(1) If an initial foster home certificate expires because a caregiver has failed to apply for continuous certification, there are no rights to appeal pursuant to Chapter 119. of the Revised Code.

(2) Following the expiration of an initial foster home certificate, the agency is to enter the appropriate data into Ohio CCWIS to recommend closure of the home.

(F) A list of necessary documentation for continuous certification and periodic updates are listed in appendix A of this rule.

Replaces: 5101:2-5-24

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Requirements to apply for continuous certification

Necessary documentation:

1. Background checks as specified in rule 5101:2-5-09.1 of the Administrative Code.
2. A safety audit utilizing the JFS 01348 "Safety Audit" completed two years after the initial certification, and then within six months prior to recommending a foster home for continuous certification, documenting that the residence continues to meet all safety standards. Any deficiencies noted on the JFS 01348 will result in the completion of a rule violation report and a corrective action plan.
3. Documentation that the foster caregiver(s) has completed continuing training pursuant to rule 5101:2-5-33 of the Administrative Code, or has an applicable waiver for kin homes. If the foster caregiver has not completed continuing training, the agency may recommend continuous certification if the situation meets the specifications of the agency's good cause policy pursuant to rule 5101:2-5-13 of the Administrative Code.
4. The most recent well water test approved by the health department, if used for drinking and cooking.
5. At least one home visit and one interview with each member of the household (except foster children) based on his or her age and development currently residing in the home.
6. Immunizations for homes certified on or after June 1, 2020.
 - (a) All household members in a home caring for infants and children with special medical needs are to have an annual influenza vaccine consistent with the recommendations of the advisory committee on immunization practices (ACIP), unless the immunization is contrary to the individual's health as documented by a licensed health care professional or for reasons of conscience, including religious convictions.
 - (b) All household members in a home caring for infants are to be up to date on the pertussis vaccine unless the immunization is contrary to the individual's health as documented by a licensed health care professional or for reasons of conscience, including religious convictions.
 - (c) Copies of the immunization records are to be placed in the file of the home.

Requirements for periodic review

Appendix A 5101:2-5-24

The agency will complete the following as a periodic review:

1. Background checks as specified in rule 5101:2-5-09.1 of the Administrative Code.
2. Ensure the foster caregiver(s) has completed continuing training in the timeframe specified in rule 5101:2-5-33 of the Administrative Code. If the foster caregiver has not completed continuing training, the agency may continue certification if the situation meets the specifications of the agency's good cause policy pursuant to rule 5101:2-5-13 of the Administrative Code.
3. A safety audit using the JFS 01348 is to be completed every four years after the initial certification.
4. Well water test approved by the health department every four years, if used for drinking and cooking.
5. Complete a JFS 01385 every four years from initial certification.

5101:2-5-25

Changing the certification of a foster caregiver from one type of foster home to another.

~~(A)~~ No child placed in a family foster home on or before March 31, 2005 shall be moved to another placement solely because of the failure of the foster caregiver to meet the requirements for treatment or medically fragile foster homes found in this chapter or in Chapter 5101:2-7 of the Administrative Code.

~~(B)~~(A) An agency ~~shall~~is to recommend a foster caregiver be certified to operate only one type of foster home at a time. A foster home may accept a foster child that is assessed as needing care at or below the level of care for which the home is certified.

~~(C)~~(B) Whenever a foster caregiver who is certified to operate a foster home wishes to seek to change the foster home's certification to another type of certification, the foster caregiver ~~shall~~is to submit a written request to the recommending agency.

~~(D)~~(C) If a foster caregiver seeks to change the foster home's certification to a treatment foster home or a medically fragile foster home, the agency ~~shall~~is to determine if the foster caregiver meets the qualifying experience requirements contained in paragraph (A) of rule 5101:2-7-16 or 5101:2-7-17 of the Administrative Code.

(1) If the foster caregiver meets those requirements, the agency ~~shall~~is to proceed as in paragraph ~~(E)~~(D) of this rule.

(2) If the foster caregiver does not meet those requirements, the agency ~~shall~~is not to proceed with the foster caregiver's request.

(3) Failure of a foster caregiver to prove to the recommending agency's satisfaction that the foster caregiver meets the qualifying experience requirements of paragraph (A) of rule 5101:2-7-16 or 5101:2-7-17 of the Administrative Code does not constitute denial of certification and is not subject to appeal pursuant to Chapter 119. of the Revised Code.

~~(E)~~(D) Changing from one type of foster home to another.

(1) The agency ~~shall~~is to ensure that all the preplacement training requirements of a foster caregiver contained in rule 5101:2-5-33 of the Administrative Code have been completed prior to recommending the home to the ~~Ohio department of job and family services (ODJFS)~~Ohio department of children and youth (DCY) for another type of certification.

- ~~(2) Training that may be considered as meeting either a requirement for preplacement training for a specialized foster caregiver or a requirement for continuing training for a family foster caregiver, may be counted as meeting either requirement, even though the caregiver may be certified to operate only one type of foster home at a time.~~
- ~~(3)~~(2) At the discretion of the recommending agency, for a currently certified pre-adoptive infant foster caregiver who is seeking to change the type of foster home for which the caregiver is certified, preplacement or continuing training courses successfully completed within the most recent three year period from the date of the caregiver's written request to the agency to be certified as a different type of foster home, may be counted towards meeting the preplacement requirements for the new type of foster home.
- ~~(4) When the change in type of foster home certification takes place during a foster caregiver's certification period, if the foster home's certification designation is changing from a certification designation that has more stringent requirements to a certification designation that has less stringent requirements, the new certification period for the foster home shall be until the end of the caregiver's current certification period.~~
- ~~(5) If the foster home's certification designation is recommended to change from a certification category that has less stringent requirements to a certification category that has more stringent requirements, the new certification period will be for two years, effective from the date ODJFS receives the recommendation for the change of a certification category in the statewide automated child welfare database (SACWIS).~~
- ~~(6)~~(3) When the agency recommends that a foster caregiver's certification be changed to another type of foster home, the recommendation shall be submitted as a change to ODJFS in SACWIS the Ohio comprehensive child welfare information system (Ohio CCWIS). The ~~ODJFS~~ Ohio SACWIS resource identification number shall remain the same as the previous identification number.

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5101:2-5-26

Procedures for administrative closures, revocation, denial of initial certification or denial of ~~recertification~~continuous certification of a foster home certificate.

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

- (3) Specific documentation and evidence supporting the recommendation.
 - (4) A copy of the JFS 01315 and the certified mail return receipt sent to the applicant or foster caregiver.
- (D) Upon receipt of the notification of the recommendation submitted in paragraph (C) of this rule, ~~ODJFS shall~~ DCY is to evaluate the evidence and documentation submitted by the agency and take one of the following actions:
- (1) Return the recommendation and evidence to the agency due to insufficient or inappropriate evidence and documentation with a written explanation of the deficiency.
 - (2) Reject the agency recommendation in writing specifying the reasons for rejection.
 - (3) Proceed with the denial or revocation process.
- (E) At the time ~~ODJFS~~ DCY proceeds with an agency recommendation to deny or revoke a foster home certificate ~~ODJFS shall~~ DCY is to notify the applicant or foster caregiver pursuant to Chapter 5101:6-50 of the Administrative Code. A copy of the notice ~~shall is to~~ be sent to the recommending agency which ~~shall is to~~ immediately notify any other agency which may have a foster child placed in the foster home.
- (F) The decision to proceed or not proceed with a recommendation for denial or revocation rests solely with ~~ODJFS~~ DCY in its exercise of discretion.
- (G) Any action by ~~ODJFS~~ DCY to deny or revoke a foster home certificate ~~shall is to~~ be subject to the requirements of Chapter 119. of the Revised Code and Chapter 5101:6-50 of the Administrative Code.
- (H) If a foster home application or certificate has been denied or revoked pursuant to Chapter 119. of the Revised Code, the applicant or person to whom the certificate was issued ~~shall is~~ not to be eligible for any ~~ODJFS~~ children services license or certification for five years from the date of denial or revocation or the exhaustion of all appeals, whichever is later.
- (I) An agency may recommend DCY administratively close a foster caregiver application or certificate for the following:
- (1) Failure to provide an address change.
 - (2) Loss of contact as determined by the recommending agency. The agency is to have made at least three attempts using multiple methods of contact.

(3) The applicant is not eligible pursuant to paragraph (H) of this rule.

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5101:2-5-28

Agency cause for denial of initial certification, denial of ~~recertification~~continuous certification or revocation of a foster home certificate.

(A) If the recommending agency has knowledge of rule noncompliance or receives an allegation of a rule violation of Chapter 5101:2-7 of the Administrative Code for a currently certified foster home, the agency ~~shall~~is to comply with all of the following:

- (1) Begin an investigation of all allegations of rule noncompliance of Chapter 5101:2-7 of the Administrative Code within three calendar days of receipt of an allegation of a rule violation. At a minimum, an investigation begins with the implementation of paragraph (C) of this rule or documenting the contact of the agency by any third party or law enforcement agency investigating the allegations to determine if the recommending agency can proceed with the rule noncompliance investigation.
- (2) Complete the investigation within thirty calendar days of beginning the investigation unless the investigation of rules violation conflicts with any other third party or law enforcement investigation.
- (3) Document and maintain the following results in the foster caregiver record:
 - (a) Investigations conducted pursuant to this paragraph.
 - (b) If noncompliance is found, the development and implementation of corrective action plans as required by the agency or the recommendation to deny ~~recertification~~continuous certification or revoke the certification of the foster home.
 - (c) If noncompliance is not found, a statement documenting and explaining the reasoning that non-compliance was not found.

(B) Any one or any combination of the following circumstances may be considered valid cause for denial of initial foster home certification, denial of ~~recertification~~continuous certification, or revocation of a foster home certificate either upon the recommendation of a recommending agency or through unilateral action by the ~~Ohio department of job and family services (ODJFS)~~Ohio department of children and youth (DCY):

- (1) A foster caregiver or applicant fails or refuses to comply with any requirement of Chapter 5101:2-5 or 5101:2-7 of the Administrative Code.

- (2) A foster caregiver or applicant knowingly furnishes false or misleading statements or reports to the agency.
- (3) A foster caregiver or applicant knowingly falsifies, refuses or fails to submit any report required by Chapter 5101:2-7 of the Administrative Code.
- (4) A foster caregiver or applicant refuses or fails to make available any record required by or necessary to the administration of Chapter 5101:2-7 of the Administrative Code.
- (5) A foster caregiver or applicant refuses to admit into the residence any person performing duties required by Chapter 5101:2-5, 5101:2-7 or 5101:2-36 of the Administrative Code or any laws of the state or any subdivision therein.
- (6) A foster caregiver or applicant fails or refuses to comply with agency instructions regarding care of a foster child an agency has placed within the home.
- (7) A foster caregiver or applicant interferes or acts in conflict with an agency plan for a foster child's care.
- (8) Any resident of a foster caregiver or applicant's home, other than the foster children who are placed there, is found guilty of any crime perpetrated against a child.
- (9) A foster caregiver or applicant, any adult resident of a foster home, or any minor resident of a foster home at least twelve years of age, but less than eighteen years of age other than a foster child who is placed there, residing with the foster caregiver has been convicted of, pleaded guilty to, or been adjudicated delinquent for commission of any offense listed in appendix A to rule ~~5101:2-7-02~~5101:2-5-09.1 of the Administrative Code.
- (10) A foster caregiver, applicant or any other resident of a foster home who is a person subject to a criminal records check refuses to obtain a criminal records check.
- (11) A recommending agency can document, in their assessment, that a foster caregiver, applicant or a foster home should not care for a foster child.
- (12) Any act of omission or commission by a foster caregiver, applicant or other member of the household which results in the death, injury, illness, abuse, neglect or exploitation of a child.
- (13) Any applicable reason pursuant to section 5103.0319 or 5103.0326 of the Revised Code.

- (C) When the recommending agency has knowledge that one or more of the circumstances listed in paragraph (B) of this rule apply to a resident of a foster caregiver's or prospective foster caregiver's home, the agency ~~shall~~is to do all of the following:
- (1) Review the foster home certificate or the application, if applicable, ~~and if appropriate, recommend that ODJFS revoke the certificate, deny the recertification of the certificate or deny the application and appropriate recommend DCY:~~
 - (a) Revoke the certificate.
 - (b) Recommend denial of the initial application.
 - (c) Recommend denial of the application for continuous certification.
 - (2) Review the appropriateness of the placement in the foster home of any child of whom the agency has temporary, legal, or permanent custody. After review, the agency may, consistent with any court order, remove the child from the foster home in which the child is residing and place the child in another certified foster home or other appropriate placement.
 - (3) If the agency does not have temporary, legal, or permanent custody of a foster child residing in the foster home, the recommending agency ~~shall~~is to notify the entity that has custody of the child that it has received a notice subject to paragraph ~~(R)~~(L) of rule 5101:2-7-02 or paragraph (G) of rule 5101:2-7-14 of the Administrative Code.
 - (4) Assess the foster caregiver's need for training because of the conviction, plea of guilty, or adjudication described in paragraph (B) of this rule and provide any necessary training unless the agency action is to recommend revocation of the certificate.
- (D) If a recommending agency learns that a foster caregiver has failed to comply with the provisions of paragraph ~~(R)~~(L) of rule 5101:2-7-02 or paragraph (G) of rule 5101:2-7-14 of the Administrative Code, it ~~shall~~is to immediately notify the entity that has custody if applicable, and ~~ODJFS~~DCY.
- (E) If an agency determines that any of the conditions listed in paragraph (B) of this rule presents or creates a threat to the life, health, or safety of a foster child, it ~~shall~~is to immediately remove the foster child from the foster home and notify the custody-holding agency or individual within one hour. An agency determination of threat to a foster child's safety ~~shall be considered~~is sufficient basis for any such action, and ~~shall~~does not require any additional justification.

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5101:2-5-31

Sharing or transferring a foster home.

- (A) Prior to an agency sharing use of a foster home that has been recommended for certification by another agency, the agency wishing to use the home ~~shall~~is to obtain a written agreement signed by the recommending agency stating how the home is to be used and that all parties affected by the agreement approve of it. The recommending agency ~~shall~~is to provide a copy of the agreement to the foster caregiver(s) and all agencies currently using the home.
- (B) An agency ~~shall~~is not to solicit homestudies or transfers from other agencies for the purpose of locating a family of a specific race, color or national origin.
- (C) Pursuant to the transfer conditions listed throughout this rule, a foster home ~~shall~~is to only be considered for a transfer to another agency that recommends foster homes of the type that the caregiver is qualified to provide. If a transfer is approved for a foster caregiver certified to operate a specialized foster home to an agency that does not operate a specialized foster home program, the caregiver ~~shall~~is to agree that upon execution of the transfer, the foster home designation will be identified as a family foster home.
- (D) An agency ~~shall~~is to consider a transfer request of a foster home from another agency only if the foster caregiver has been certified with the recommending agency for a minimum of one year. A foster caregiver ~~shall~~is not to transfer more than once ~~during a certification in a two year period~~. Exceptions to these limitations may be made in the following circumstances:
 - (1) If a foster caregiver has relocated to a county not served by the foster caregiver's recommending agency.
 - (2) If the foster caregiver's recommending agency ceases to recommend foster homes for certification ~~to the Ohio department of job and family services (ODJFS)~~ or ceases to recommend the type of foster home that the caregiver is currently certified to provide.
 - (3) If both the sending and receiving agency agree to the transfer of the foster home.
- (E) Upon receipt of a written request from a foster caregiver who meets the requirements of paragraph (D) of this rule and who expresses a desire to transfer from their current recommending agency, a receiving agency ~~shall~~is to make a determination whether to further consider the transfer request.

- (1) If the receiving agency decides to continue the review of the transfer, the receiving agency ~~shall~~is to notify the foster caregiver's current recommending agency in writing to inform them of the transfer request and to request a complete copy of the caregiver's foster home record, with the exception of references and criminal background checks.
- (2) The receiving agency ~~shall~~is to only accept documentation located in the foster home record from the recommending agency. The records ~~shall~~are not to be accepted directly from the foster caregiver or other individual. A caregiver may provide other information to the receiving agency that the caregiver considers to be relevant.

(F) Upon receipt of the transfer request from the receiving agency:

- (1) If the recommending agency has previously made a decision not to place any additional children in the foster caregiver's home, it ~~shall~~is to inform the receiving agency of this decision and the reason why this decision was made. If the receiving agency still wishes to proceed with ~~exploring the transfer~~ request, it ~~shall~~is to notify the recommending agency in writing.
 - (2) The recommending agency ~~shall~~is to ensure that a signed release of information has been obtained from the foster caregiver authorizing release of the record. The release may be initiated by either agency or the foster caregiver.
 - (3) The recommending agency may charge the receiving agency a reasonable fee for copying or scanning the records, not to exceed twenty-five cents per page. No additional fee ~~shall~~is to be charged to any party. If a fee is charged to copy or scan the records, the records ~~shall~~are not to be sent until the fee is paid.
 - (4) While the transfer request is pending, the recommending agency ~~shall~~is to continue to work with the foster caregiver as it does with all other foster caregivers associated with the agency. The recommending agency ~~shall~~is to continue to provide the caregiver with notification of training events needed pursuant to the foster caregiver's needs assessment and continuing training plan. The recommending agency ~~shall~~is to allow the foster caregiver to attend any such events and ~~shall~~is to continue to meet with the caregiver regarding the care of any child placed in the home.
- (G) Within fifteen working days of receipt of the signed release of information and any applicable fee, the recommending agency ~~shall~~is to forward a complete copy of the foster home record, with the exception of references and criminal background checks. The record ~~shall~~is to be sent electronically, by certified mail, return receipt requested, or hand delivered by agency staff. If records are hand delivered, the recommending

agency ~~shall~~ is to be provided with a receipt showing the date the records were delivered to the receiving agency. The receiving agency ~~shall~~ is to also document the date the record was received. The record ~~shall~~ is to include the following:

- (1) The most recent initial homestudy and all previous homestudy recertifications if applicable.
 - (2) The most recent report of the alleged perpetrator search of child abuse and neglect information from ~~the statewide automated child welfare information system (SACWIS)~~ the Ohio comprehensive child welfare information system (Ohio CCWIS).
 - (3) Training records.
 - (4) Fire inspection reports.
 - (5) Safety audits.
 - (6) Medical reports.
 - (7) Foster home exit interviews.
 - (8) Complaint or rule noncompliance investigations and any applicable corrective action plans. If there are any outstanding investigations or corrective action plans that have not been fully completed or implemented, the recommending agency ~~shall~~ is to notify the receiving agency of the nature of those investigations and corrective action plans.
- (H) Upon receipt of the foster caregiver's records, the receiving agency ~~shall~~ is to assign an assessor to review the information received and conduct an assessment of the transfer request.
- (1) In addition to reviewing the recommending agency's records and any information provided by the caregiver, the assessor ~~shall~~ is to:
 - (a) Contact staff from the current recommending agency and the caregiver to determine the reasons why the request to transfer is being made at this time.
 - (b) Determine if there are foster children in the home, and, if so, identify the agency with custody of the child(ren).
 - (c) Make at least one visit to the foster home and conduct a face-to-face interview with ~~each foster caregiver and all other household members~~

~~over the age of four~~ all members of the household based on his or her age and development. The interview with all members of the household may be a joint interview or separate individual interviews.

- (d) Receive three new personal references for the foster caregiver(s) from persons who are unrelated to the caregiver(s) and do not live in the foster home.
 - (e) Receive new references from all adult children of the caregiver(s). If the adult children are unable or unwilling to provide a reference this ~~shall~~ is to be assessed during the transfer process and documented in the caregiver record.
 - (f) Conduct a new criminal records check for all persons subject to a criminal records check residing in the foster home. Results ~~shall~~ are to be obtained, reviewed and approved prior to accepting the transfer request.
 - (g) Complete a new safety audit of the foster home on the JFS 01348 "Safety Audit" to ensure the home meets all current safety requirements for foster homes.
- (2) If the record indicates that there are outstanding investigations or corrective action plans that have not been fully implemented, the assessor ~~shall~~ is not to recommend acceptance of the transfer unless the assessor is satisfied that any outstanding investigations or plans are not material to the request to transfer the home and do not jeopardize the safety of any children who are or may be placed in the home.
- (3) If there are foster children currently placed in the home, all custodial agencies ~~must~~ are to approve of the transfer of the foster home, as evidenced by the custodial agency signature(s) on the JFS 01334 "Notification of Transfer of a Foster Home."
- (a) If the custodial agency does not agree to the transfer while a child in its custody is placed in the home, the transfer ~~shall~~ is not to take place until that child is no longer placed in the home.
 - (b) No child ~~shall~~ is to be removed from a foster caregiver's home solely because the caregiver has requested a transfer from one agency to another.
- (4) If a transfer request of a foster home is pending within ninety days immediately prior to the expiration of the initial certificate, the current recommending agency and the receiving agency may determine through mutual agreement which agency will conduct the ~~recertification~~ continuous

certification of the foster home. If there is no agreement between the agencies, the current recommending agency shallis to be responsible for completing the ~~recertification~~continuous certification of the home.

- (5) The assessor shallis to complete the transfer assessment within sixty days of the date the complete record was received from the current recommending agency. If the transfer assessment cannot be completed in that timeframe, the assessor shallis to document the reason(s) in the record.
- (I) Upon the completion of the assessment, the assessor shallis to make a final recommendation regarding the transfer and document that decision in the receiving agency's record. Written notice of the decision shallis to be given to the foster caregiver and the recommending agency within five working days of the date the decision was made. The decision to approve or reject the transfer request rests solely with the receiving agency, subject to the process of approval of ~~ODJFS~~the Ohio department of children and youth (DCY) and the custodial agency of any foster child(ren) placed in the home. Nothing in this rule shallis to be construed to require an agency to accept the transfer of a foster home from another agency. The rejection of a transfer creates no right of appeal pursuant to Chapter 119. of the Revised Code for any party of the transfer request.
- (J) If the decision is to deny the transfer request, all information contained in the copy of the caregiver's record from the current recommending agency, as well as any information gathered during the transfer assessment, including the written recommendation to deny the request, shallis to be maintained in the caregiver's record for at least two years.
- (K) If the decision is to approve the transfer request, all information contained in the copy of the caregiver's record from the current recommending agency, as well as any information gathered during the transfer assessment shallis to be incorporated into the receiving agency's foster care provider record.
 - (1) If the sending agency has the appropriate access to ~~SACWIS~~Ohio CCWIS, the sending agency shallis to enter the applicable data into the system to complete the transfer to the receiving agency.
 - (2) If the sending agency does not have the appropriate access to ~~SACWIS~~Ohio CCWIS to enter the transfer, then either the sending agency or the receiving agency shallis to make a recommendation to ~~ODJFS~~DCY to transfer the foster home by submitting the completed JFS 01334 containing all applicable signatures.

- ~~(3) The certificate shall be effective from the date of transfer until the end of the current certification period. If the foster caregiver is upgrading the type of foster care the home will provide, the caregiver shall begin a new two year certification starting on the date of transfer due to the increased training requirements.~~
- (4)(3) The transfer of a foster home to a receiving agency has the effect of conferring upon the receiving agency all the duties of a recommending agency contained in Chapter 5101:2-5 of the Administrative Code.
- ~~(5)~~(4) Prior to or not later than thirty days after a transfer request has been processed by ~~ODJFS~~DCY, the receiving agency ~~shall~~is to provide an orientation to the foster caregiver of the agency's foster care policies and procedures.
- (L) Upon receipt of a signed release of information form, an agency ~~shall~~is to release a copy of a foster care homestudy to an adoption agency when the foster caregiver is being considered as an adoptive parent.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

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5101:2-5-33

Foster caregiver preplacement and continuing training.

- (A) A recommending agency ~~shall~~is to document that each person seeking certification successfully completes all preplacement training required by this rule according to the type of foster home for which certification is sought.
- (B) A recommending agency ~~shall~~is to document that each foster caregiver for whom ~~recertification~~continuous certification is recommended successfully completes all continuing training ~~required by this rule~~ for the type of foster home operated by the foster caregiver, unless a waiver is approved by the recommending agency pursuant to paragraph (J) of this rule and appropriately documented according to paragraph (K) of this rule.
- (C) A foster caregiver or applicant is to meet the following preplacement or continuing training requirements, as applicable to the type of home for which an applicant is seeking certification or for which a foster caregiver is certified.
 - (1) Pre-adoptive infant foster home:
 - (a) A person seeking certification to operate a pre-adoptive infant foster home ~~shall~~is to complete a minimum of twelve hours of preplacement training prior to the agency recommending the home for certification. The ~~required~~ training topics are listed in appendix A to this rule.
 - (b) A foster caregiver certified to operate a pre-adoptive infant foster home ~~shall~~is to complete a minimum of twenty-four hours of continuing training during each certification period. If a currently certified foster caregiver has not completed infant first aid and CPR training, the caregiver is to complete the training by their subsequent recertification.
 - (2) Family foster home:
 - (a) A person seeking certification to operate a family foster home ~~shall~~is to complete twenty-four hours of preplacement training prior to the agency recommending the home for certification. The preplacement training program ~~shall~~is to consist of courses in the role of foster caregivers as a part of the care and treatment of foster children. To continue the certification process, prospective foster caregivers are to complete the full list of topics in appendix A to this rule.
 - (b) A foster caregiver certified to operate a family foster home ~~shall~~is to complete a minimum of thirty hours of continuing training ~~during each~~

~~certification period every two years.~~ A continuing training program ~~shall~~is to consist of courses that a foster caregiver ~~must~~is to complete in accordance with the caregiver's written needs assessment and continuing training plan. Effective January 1, 2023 a foster caregiver is to complete the resource readiness topics during the first certification period as specified in appendix A to this rule.

- (c) No preplacement training received prior to certification ~~shall~~is to be counted towards the completion of continuing training ~~required by~~specified in this rule.

(3) Specialized foster home:

- (a) A person seeking certification to operate a specialized foster home ~~shall~~is to complete twenty-four hours of preplacement training prior to the agency recommending the home for certification. The preplacement training program is to consist of topics listed in appendix A to this rule.

- (b) A foster caregiver certified to operate a specialized foster home ~~shall~~is to complete a minimum of forty-five hours of continuing training ~~during each certification period every two years.~~ The continuing training program ~~shall~~is to consist of courses in accordance with the caregiver's written needs assessment and continuing training plan and ~~shall~~is to include additional topics specific to the types of children placed in the type of specialized foster home for which the caregiver is certified. Such training ~~shall~~is to also include completion of a first aid training program and a child and adult CPR training program such as those training programs offered by the American red cross, the American heart association, or the equivalent. Effective January 1, 2023 a foster caregiver is to complete the resource readiness topics during the first certification period in the first two years as specified in appendix A to this rule.

- (c) No preplacement training received prior to certification ~~shall~~is to be counted towards the completion of continuing training ~~required by this rule.~~

- (D) A foster caregiver may complete ~~up to twenty per cent a portion~~ of his or her continuing training requirement by teaching one or more training classes to other foster caregivers or by providing mentoring services to other foster caregivers. This portion is to be included within the fifty per cent of outside the classroom training as described in paragraph (F) of this rule. The mentee may also receive credit for receiving this training. To qualify for teaching or mentoring services a foster caregiver ~~shall~~is to:

- (1) Have at least two years experience as a certified foster caregiver.
- (2) Have had at least two child placements in their foster home.
- (3) Be a currently certified foster home.
- (4) Not be under a corrective action plan by a recommending agency.
- (5) Not be under investigation for a violation of state statute or rule by a recommending agency or ~~ODJFS~~ the Ohio department of children and youth (DCY).

(E) As used in this rule, mentoring services means, at a minimum:

- (1) Assisting foster caregivers with information that will encourage communication between the new foster caregivers and human service agencies.
- (2) Offering foster caregivers possible solutions to problems that may occur while caring for a child in placement.
- (3) Assisting and guiding recently certified foster caregivers in day to day activities while caring for a child in placement.
- (4) Offering to assist foster caregivers in utilizing resources within their community.
- (5) Encouraging recently certified foster caregivers to attend training sessions in order to maintain their current certification.

(F) Video presentations and training completed outside of a classroom ~~shall~~ is to be accepted under the following conditions:

- (1) Video presentations may be used as a tool to meet preplacement or continuing foster caregiver training requirements if any of the following requirements are met:
 - (a) A qualified trainer is present during the training session to respond to questions.
 - (b) The video presentation is part of a self-directed learning program approved by ~~ODJFS~~ DCY.
 - (c) ~~ODJFS~~ DCY has approved the video presentation as part of an agency's training proposal as set forth in rule 5101:2-5-40 of the Administrative Code.

- (2) Video presentations prepared for entertainment purposes ~~shall~~are not to be considered as meeting training requirements unless transfer of learning components are included prior to ~~or~~and following the video presentation. Transfer of learning components ~~may~~are to include a pretest, and a posttest; ~~or a discussion~~ following the video presentation. Video presentations prepared for entertainment purposes ~~shall~~are not to be used for preplacement training or to meet more than one-fourth of a foster caregiver's continuing training requirements.
- (3) The acceptance of training that is completed outside a classroom where a trainer is not present, ~~shall~~is to be considered by the recommending agency on an individual basis and ~~shall~~is not to be used for more than six hours of preplacement training or to meet more than one-half of a foster caregiver's continuing training requirements. To be accepted by a recommending agency to meet a foster caregiver's continuing training requirements, the training ~~must~~is to include a transfer of learning component prior to ~~or~~and following the training. Such training ~~shall~~is to be consistent with the recommending agency's written needs assessment and continuing training plan developed for the foster caregiver pursuant to paragraph (G) of this rule. If a private child placing agency (PCPA) or private noncustodial agency (PNA) intends to accept such continuing training on a regular basis, it ~~shall~~is to be included in the agency's training proposal developed pursuant to rule 5101:2-5-40 of the Administrative Code. If a public children services agency (PCSA) intends to accept such continuing training on a regular basis, it ~~shall~~is to provide written notification to the regional training center of the Ohio child welfare training program (OCWTP) responsible for providing foster caregiver training for the county so the training center can make appropriate plans for training.
- (a) Alternative learning activities are to be pre-approved by the agency and may be used for training credit. Training completed outside a classroom may include training offered through the following methods:
- (i) Video presentations.
 - (ii) ~~Books or magazines, journals or articles preapproved by the agency.~~
Books, journals or articles may be used to meet no more than twenty percent of continuing training.
 - (iii) Computer programs.
 - (iv) Internet sites.
 - (v) Interactive video presentations.

(b) Transfer of learning components ~~may~~is to include the following:

(i) A pretest.

(ii) A posttest.

~~(iii) A discussion following the training.~~

~~(4) Continuing training where a foster caregiver is teaching one or more training classes to other foster caregivers or providing mentoring services to other foster caregivers may be used in combination with training completed outside a classroom to meet no more than one-fourth of the foster caregiver's continuing training requirements.~~

~~(5)~~(4) Live synchronous distance learning, where the trainer or facilitator is available real time to deliver the training, may be used to meet all of preplacement and continuing training.

~~(6)~~(5) Pursuant to rule 5101:2-5-38 of the Administrative Code, neither a foster caregiver training stipend nor an agency training allowance payment ~~shall~~is to be made for training completed outside a classroom where a person in the role of a trainer is not present.

~~(7)~~(6) Continuing training hours obtained by a foster caregiver by teaching one or more training classes to other foster caregivers are eligible for stipend and training allowance reimbursement in the amount of hours as specified in the foster caregiver's written needs assessment and continuing training plan. Any continuing training hours obtained by a foster caregiver by teaching one or more training classes to other foster caregivers in excess of the specified amount in the written needs assessment and continuing training plan ~~shall~~is not to be reimbursable.

(G) Not later than the first thirty days of a foster caregiver's certification ~~period, and every two years thereafter,~~ a recommending agency ~~shall~~is to develop and implement a written needs assessment and continuing training plan for each foster caregiver affiliated with the agency. Each needs assessment and continuing training plan ~~shall~~is to satisfy all of the following requirements:

(1) Be effective for ~~the two-year period the foster caregiver's certificate is in effect,~~two years. The plan may be completed more frequently when there are training needs identified based on the demographics and needs of a youth in care.

(2) Be appropriate for the type of foster home the foster caregiver operates, the type of children typically placed in the home and include as appropriate training for

the caregiver that relates to providing independent living services, as defined in section 2151.81 of the Revised Code, to a child placed as provided in division (B)(2) of section 2151.353 of the Revised Code.

- (3) ~~Require~~Have the foster caregiver to successfully complete the courses the agency considers appropriate;
- (4) Include criteria the agency is to use to determine whether the foster caregiver has successfully completed the courses.
- (5) Guarantee that the courses the foster caregiver is required to complete are available to the foster caregiver at reasonable times and places.
- (6) Specify the number of hours of continuing training, if any, the foster caregiver may complete by teaching one or more training classes to other foster caregivers or by providing mentoring services to other foster caregivers as referenced in this rule.
- (7) For a family foster caregiver or a specialized foster caregiver, specify whether the agency will waive any of the hours of continuing training the foster caregiver is required by paragraph (C) of this rule ~~to complete during each certification period~~ if the foster caregiver satisfies the conditions for the agency to issue a waiver. If the agency will issue a waiver, the agency ~~shall~~is to state in the needs assessment and continuing training plan the number of hours of continuing training, not to exceed ~~eight during each certification period~~eight every two years, that the agency will waive.
- (H) For the purpose of determining whether a foster caregiver has satisfied the requirements of paragraph (C) of this rule, a recommending agency ~~shall~~is to accept training for foster caregivers obtained from a regional training center of the OCWTP or an approved preplacement training program or continuing training program operated by a PCPA or PNA under rule 5101:2-5-40 of the Administrative Code regardless of whether the recommending agency operated the preplacement training program or continuing training program. The recommending agency may ~~require that task~~ the applicant or foster caregiver to successfully complete additional training as a condition of initial certification or recertification~~continuous certification~~. A recommending agency may accept up to fifteen hours of continuing training without prior approval from ~~ODJFS~~DCY if both of the following are met:
 - (1) The training is from a program that provides a training course or courses outlined in the foster parent's continuing training plan.

- (2) The program is agreed upon by both the recommending agency and the foster parent.
- (I) The recommending agency ~~shallis to~~ maintain a record in ~~the statewide automated child welfare information system (SACWIS)~~ the Ohio comprehensive child welfare information system (Ohio CCWIS) for each foster caregiver showing the date, location, course name and length of each preplacement and continuing training course each foster caregiver attended, and the name of the trainer.
- (J) ~~At the beginning of a foster caregiver's second certification period or a subsequent certification period~~ After two years, a recommending agency may include within the foster caregiver's written needs assessment and continuing training plan, a waiver of up to eight hours of continuing training that a foster caregiver holding a certificate for a family foster home or specialized foster home is otherwise ~~required~~ specified by paragraph (C) of this rule to complete ~~during the certification period~~ every two years, if all of the following apply:
- (1) The foster caregiver has had or maintained a foster home certificate for at least two years.
 - (2) The foster caregiver has provided care for a foster child for at least ninety days of the twelve months preceding the date the agency issues the waiver.
 - (3) The foster caregiver has not violated any statute or rule governing certification of foster homes during the twelve months preceding the date the agency issues the waiver.
 - (4) The foster caregiver has complied in full with the needs assessment and continuing training plan developed for the foster caregiver under paragraph (G) of this rule for the preceding ~~certification~~ two year period.
- (K) For each continuing training waiver approved by a recommending agency for a family foster home or a specialized foster home pursuant to paragraph (J) of this rule the following documentation ~~shallis to~~ be maintained in the foster caregiver's record:
- (1) The date of the waiver.
 - (2) The number of hours of training waived.
 - (3) A statement that each of the requirements of paragraph (J) of this rule have been met.
 - (4) The name and signature of the authorized agency representative who approved the waiver.

(L) A foster caregiver to whom either paragraph (L)(1) or (L)(2) of this rule applies ~~shall~~is to be given an additional amount of time within which to complete the continuing training ~~required under~~specified by this rule, as applicable to the type of foster home the caregiver is certified to operate. The additional time ~~shall~~is to be one month for each month the caregiver was on active duty. Any ~~required~~ training that is not met at the end of a ~~foster caregiver's certification~~training period applying the preceding sentence ~~shall~~is to be waived by the agency. When a waiver of training is approved by an agency under this paragraph, the ~~required~~ training for the next ~~certification~~training period ~~shall~~is to be the same as for any other caregiver operating a foster home of the type for which the foster caregiver is certified. The agency ~~shall~~is to document any such extension of time in the foster caregiver's record.

- (1) The foster caregiver has served in active duty outside Ohio with a branch of the armed forces of the United States for more than ~~thirty~~fifteen days in the preceding ~~two-year~~training period.
- (2) The foster caregiver has served in active duty as a member of the Ohio organized militia, as defined in section 5923.01 of the Revised Code, which includes the Ohio national guard, the Ohio naval militia and the Ohio military reserve, for more than ~~thirty~~fifteen days in the preceding ~~two-year~~training period and that active duty relates to either an emergency in or outside of Ohio or to military duty in or outside of Ohio.

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Five Year Review (FYR) Dates:

Certification

Date

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Topics for Foster Caregiver Training

*There are no required number of hours for the topics unless specified

Pre-Adoptive Infant Foster Homes

Pre-Placement:

The legal rights roles, responsibilities and expectations of foster caregivers and adoptive parents.

The recommending agency's structure, purpose, policies and services regarding foster caregivers and adoptive parents.

The ~~Ohio department of job and family services' (ODJFS)~~ Ohio department of children and youths' (DCY) requirements for certifying pre-adoptive infant foster homes.

Infant care.

Early childhood development.

Cultural issues in placement, including cultural diversity training.

The reasonable and prudent parent standard as described in division (C) of section 5103.162 of the Revised Code.

A first aid and a child and adult cardiopulmonary resuscitation (CPR) training program such as those training programs offered by the American red cross, the American heart association, or the equivalent.

Medication administration.

Procedures for reporting suspected child abuse or neglect pursuant to section 2151.421 of the Revised Code.

Continuing:

No required topics.

Family and Specialized Foster Homes

Pre-Placement – Family and Specialized Foster Homes:

Rights, roles, responsibilities, and expectations of foster caregivers and adoptive parents Foster caregivers as part of the child protection team.

The substance of infant safe sleep as found at infantsafesleep.ohio.gov

Supporting positive child development.

The recommending agency's structure, purpose, policies and services regarding foster caregivers and adoptive parents.

Laws and regulations, including ~~ODJFS~~ [DCY](#) requirements for certifying foster homes and approval of adoptive families.

Caring for children who have experienced trauma, including placement and separation, on children, their families, and foster caregivers.

The importance of maintaining meaningful connections between the child and primary parents, including regular visitation.

Foster caregivers' involvement in permanency planning for children and their families and post adoptive issues for children and families including availability of adoption subsidies.

The impact of childhood traumas such as physical abuse, sexual abuse, emotional abuse, neglect, and parental substance abuse on typical human growth and development.

Behavior management techniques, including effectively using discipline and de-escalation strategies.

Building competence in matters of diversity including an overview of MEPA and the Civil Rights Act of 1964 (Title VI), as it applies to the foster care and adoption process.

The substance of section 2152.72 of the Revised Code which deals with the information required to be shared with a foster caregiver when a child who has been adjudicated a delinquent child for the commission of certain violent crimes is placed in a foster home.

Effectively using the reasonable and prudent parent standard as described in division (C) of section 5103.162 of the Revised Code.

A first aid and a child and adult CPR training program such as those training programs offered by the American red cross, the American heart association, or the equivalent.

Procedures for reporting suspected child abuse or neglect pursuant to section 2151.421 of the Revised Code.

Partnering with primary families.

The appropriate knowledge and skills to understand and support older youth preparing for independent/interdependent living so that the foster parent can help provide such services to the youth as needed and appropriate. These independent skills are to be coordinated with the life skill services required by rule 5101:2-42-19 of the Administrative Code. This topic is only required for those prospective caregivers who will be providing care for youth age fourteen years and older.

Medication administration.

Resource Readiness – Continuing Training

Topics required during the first two years after certification for Family and Specialized Foster Homes:

Community health and social services available to children and their foster families.

Trauma and its impact on children and the family, promoting attachment.

Caring for children who have been sexually abused.

Managing placement transitions.

Mental health, self-regulation and self-care.

Legal and ethical issues for caregivers.

Prevention, recognition, and management of communicable diseases.

Education advocacy.

Substance Abuse.

Family Safety.

Cultural and diversity issues –

- a. Understanding how one's own culture and diversity impacts parenting.
- b. Impact of cross-cultural placements on triad members and extended family.
- c. Issues of racism and discrimination.

*There are no required topics for continuing training after the initial certification period except for CPR and First Aid for Specialized foster homes is required every two years.

5101:2-5-38

Payment of foster caregiver training stipends; reimbursement of training allowances to recommending agencies.

(A) As used in this rule, a training hour means sixty consecutive minutes of instruction and may include a break of not longer than five minutes per training hour when a training session is longer than one training hour in duration.

(B) Stipend payments for foster caregivers ~~shall~~are to be made pursuant to the following:

(1) Stipend payments ~~must~~are to be made to the foster caregiver within one hundred twenty calendar days of the completion of the training event for continuing training or within one hundred twenty calendar days after certification for pre-placement training. Stipend payments may not be held or otherwise deferred pending reimbursement by the ~~Ohio department of job and family services (ODJFS)~~Ohio department of children and youth (DCY). Stipend payments ~~shall~~are to be rendered for fractional hours in quarter hour increments. The stipend rate paid by recommending agencies ~~shall~~is to be calculated as follows:

(a) For preplacement training a lump sum payment ~~shall~~is to be made in the amount of fifteen dollars per foster caregiver per training hour for all hours completed.

(b) For continuing training, fifteen dollars per foster caregiver per training hour successfully completed within a training session that is a minimum of one training hour in duration.

(c) Recommending agencies ~~shall~~are to make stipend payments according to the following:

(i) For preplacement training, the agency that certifies the caregiver ~~shall~~is to record the preplacement training in ~~the statewide automated child welfare information system (SACWIS)~~the Ohio comprehensive child welfare information system (Ohio CCWIS) and ~~shall~~is to be responsible for paying the stipend to the caregiver upon certification.

(ii) For continuing training, the caregiver's recommending agency ~~shall~~is to be responsible for paying all stipends to the caregiver and ~~shall~~is to enter all of the training sessions into ~~SACWIS~~Ohio CCWIS.

(2) A recommending agency is solely responsible for any foster caregiver stipend payment due that exceeds the amount reimbursable to the recommending

agency. A recommending agency ~~shall~~is to defer the lump sum stipend payment for preplacement training until the foster caregiver is certified. In these cases, a recommending agency's obligation to remit deferred lump sum stipend payments for preplacement training begins upon the caregiver's date of certification.

- (3) A recommending agency may decline to make a stipend payment to a foster caregiver:
 - (a) If the recommending agency determines that the foster caregiver has not successfully acquired the skills the training was designed to impart and as a result the agency ~~required~~had the foster caregiver ~~to~~ repeat the training in accordance with a corrective action plan.
 - (b) If the training was beyond the scope or the amount of training specified in the foster caregiver's individualized written needs assessment and continuing training plan.
 - (c) If the training the foster caregiver received was part of a program of self-directed study or otherwise not delivered in a conventional or traditional setting where the principal transfer of knowledge occurred through the physical presence of a trainer whose responsibility it was to impart instruction to the foster parent.
- (C) ~~ODJFS reimbursement~~Reimbursement of foster caregiver stipend payments to recommending agencies.
 - (1) ~~ODJFS~~DCY will reimburse recommending agencies for stipend payments made to foster caregivers pursuant to paragraph (B) of this rule.
 - (2) For preplacement training, ~~ODJFS~~DCY will reimburse lump sum stipend payments made by recommending agencies as follows:
 - (a) The amount of fifteen dollars per foster caregiver per training hour for hours recorded by an agency in ~~SACWIS~~Ohio CCWIS. ~~ODJFS~~DCY will reimburse according to the following:
 - (i) For pre-adoptive infant homes, twelve hours.
 - (ii) For a family foster home, twenty-four hours.
 - (iii) For a specialized foster home, twenty-four hours.

- (b) For an existing family foster home that is receiving preplacement training to become a specialized foster home, the reimbursement will be made in the form of continuing training as specified in rule 5101:2-5-25 of the Administrative Code.
- (3) For continuing training, ~~ODJFS~~DCY will reimburse stipend payments made by recommending agencies per the following schedule of training hours:
 - (a) For a pre-adoptive infant home, not more than ~~twenty-four~~twelve training hours ~~during each two-year certification period~~ annually for each caregiver ~~that is required to be trained~~.
 - (b) For a family foster home, not more than ~~thirty~~fifteen training hours ~~during each two-year certification period~~ annually for each caregiver ~~that is required to be trained~~.
 - (c) For a specialized foster home, not more than ~~forty-five~~twenty-two training hours ~~during each two-year certification period~~ annually for each caregiver ~~that is required to be trained~~.
- (4) For the purpose of determining if a stipend reimbursement is owed to a recommending agency for continuing training, ~~ODJFS~~DCY will count only training hours that are received during the ~~two-year~~one year period after the foster caregiver's date of certification, and for each ~~two-year~~one year period thereafter.
- (5) ~~ODJFS~~DCY will not reimburse a recommending agency for any stipend payment made by a recommending agency when the training the foster caregiver received was part of a program of self-directed study or otherwise not delivered in a conventional or traditional setting where the principal transfer of knowledge occurred through the physical presence of a trainer whose responsibility it was to impart instruction to the foster parent. Subject to restrictions that may otherwise be imposed elsewhere by this chapter, such non-traditional training may be counted by the recommending agency as acceptable training hours in meeting the minimum number of training hours necessary to ~~statutorily~~ qualify the foster caregiver to obtain or maintain such foster caregiver's certification.
- (6) ~~ODJFS~~DCY will not reimburse a recommending agency for any stipend payment made for time consumed by a lunch or dinner break that occurs during a training session.

- (7) For the purpose of computing the maximum number of preplacement and continuing training hours that will qualify for stipend reimbursements, a foster caregiver's training history will always be aggregated over the caregiver's entire service history and will not be reset by the movement of the foster caregiver from the supervision of one recommending agency to another.
- (D) ~~ODJFS~~DCY will pay a training allowance to each private recommending agency to compensate that entity for its costs in providing, securing or procuring training for foster caregivers through a preplacement training program or continuing training program operated under rule 5101:2-5-40 of the Administrative Code. The allowance rate will be twenty dollars per foster caregiver per training hour successfully completed within a training session.
- (1) A private recommending agency may enter a preplacement training session into ~~SACWIS~~Ohio CCWIS prior to the certification of a foster caregiver in order to receive a training allowance.
- (2) If a private recommending agency enters a continuing training session into ~~SACWIS~~Ohio CCWIS in order to receive a training allowance, the agency ~~must~~is to have paid a stipend to the participant for the same training session.
- (3) ~~ODJFS~~DCY will consider a private recommending agency to have experienced a cost if any of the following items occur:
- (a) The private recommending agency pays a trainer or another agency to conduct the training session.
 - (b) The private recommending agency uses its own staff to conduct the training session and act as trainer.
 - (c) The private recommending agency rents space and or equipment for the training session.
 - (d) The private recommending agency provides a box meal or catered meal for foster caregivers attending the training session. ~~ODJFS~~DCY will not consider the private recommending agency to have incurred a cost if only break refreshments are provided.
 - (e) The private recommending agency purchases a curriculum or program of instruction for use in the training session. ~~ODJFS~~DCY will not consider the private recommending agency to have experienced a cost for that curriculum or program of instruction when it is used in subsequent training sessions unless the payment of a licensing or royalty fee is ~~required~~necessary for each such use.

- (4) ~~ODJFS~~DCY will not make an allowance payment for training received or provided at no cost to the private recommending agency. As used in this rule, "at no cost" means that the private recommending agency incurred no out-of-pocket expense for the training session. ~~ODJFS~~DCY will not consider a private recommending agency to have incurred a cost when the private recommending agency:
- (a) Uses its own facilities or equipment to host or conduct the training session.
 - (b) Makes copies of instructional materials that will be used in a training session.
 - (c) Mails training announcements to foster caregivers.
 - (d) Uses an uncompensated trainer.
 - (e) Enrolls a foster caregiver for training in a training session held under the auspices of a regional training center of the OCWTP where the regional training center does not require a fee from the private recommending agency for the caregiver to attend the training session.
- (E) The recommending agency ~~shall~~is to register the foster caregiver's training history in ~~SACWIS~~Ohio CCWIS. ~~ODJFS~~DCY will pay foster caregiver stipends and private recommending agency allowances only when the recommending agency fully and accurately completes and registers the foster caregiver's training history in ~~SACWIS~~Ohio CCWIS.
- (F) Recommending agencies ~~shall~~are not to submit training registrations for training received or rendered under the adoption assessor training component of the OCWTP.
- (G) Submission of training registrations that do not accurately reflect the training history of foster caregivers, or that are filed prior to payment of earned stipends to foster caregivers, ~~shall~~will establish a rebuttable presumption that the submitting recommending agency intentionally seeks a training allowance or stipend payment to which it is not entitled.
- (1) If the recommending agency is a private entity, the rebuttable presumption may serve as a basis for licensing enforcement proceedings against that private recommending agency.
 - (2) If the recommending agency is a public children services agency (PCSA), the rebuttable presumption may serve as a basis for the imposition of any penalty permitted by section 5101.24 of the Revised Code.

- (H) Each private recommending agency and PCSA ~~shall~~is to register an update to a foster caregiver's training history no later than thirty calendar days from the date on which the private recommending agency or PCSA renders a stipend payment to the foster caregiver. Failure to complete the update in this time frame will result in the forfeiture of any stipend reimbursement or allowance payment owed to the private recommending agency or PCSA for the event.
- (I) ~~ODJFS~~DCY will not issue allowance payments to PCSAs. OCWTP will be responsible for providing foster caregiver training to foster caregivers under the supervision of a PCSA.
- (J) All claims for allowance payments and stipend reimbursements ~~must~~are to be perfected within eighteen calendar months subsequent to the month in which the training occurred. Claims made after that time frame will not be honored.
- (K) Any failure of an agency to pay a stipend to a foster caregiver within the ~~required~~specified timeframes of this rule ~~shall~~will result in the forfeiture of any stipend reimbursement owed to the agency for the event.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	5103.0316
Rule Amplifies:	5103.0312, 5103.0313, 5103.0314
Prior Effective Dates:	04/01/2003, 01/01/2004, 08/01/2005, 05/22/2008, 11/01/2013, 10/01/2017, 06/01/2021, 01/01/2023

5101:2-9-08

Fire safety.

- (A) A residential facility ~~shallis to~~ secure a JFS 01200 "Fire Inspection Report Child Care Facilities Licensed/Certified by the Ohio Department of Job and Family Services" ~~(rev. 02/2015)~~ fire safety approval or other form used for a local or state fire inspection in each of the following instances:
- (1) Within six months prior to initial certification.
 - (2) At the time of any major modification or alteration of any existing structure, unless the structure will no longer be in use and is inaccessible to children.
 - (3) Not more than twelve months following the date of the previous inspection.
- (B) A residential facility ~~shallis not to~~ be certified ~~or recertified~~ without an approved fire safety inspection obtained pursuant to paragraph (A) of this rule.
- (C) All fire safety approvals ~~shallare to~~ be secured from the state fire marshal or from a township or municipal fire department which has personnel certified to inspect and approve the fire and building code use group applicable to the residential facility.
- (D) Each residential facility ~~shallis to~~ have smoke detectors located according to instructions of the local fire safety inspector or state fire marshal.
- (E) Each smoke detector located in a residential facility ~~shallis to~~ be tested at least twice annually at regularly spaced intervals. Such testing ~~shallis to~~ be documented in a log which indicates the date of the test, the results, and action taken if the result of the test indicated that the smoke detector was inoperable or malfunctioning. If the facility has a combined smoke detector and fire alarm system a fire alarm inspection ~~shallis to~~ be conducted by a company approved to test such equipment at least twice annually at regularly spaced intervals or approved by local or state fire inspector. The facility ~~shallis to~~ obtain annual alarm system testing and ~~shallis to~~ have documentation of testing.
- (F) Each residential facility ~~shallis to~~ have fire extinguishers in specific locations as ~~requiredspecified~~ by the certified fire inspector. Fire extinguishers ~~shallare to~~ be inspected as ~~requiredspecified~~ by the fire inspector and documentation maintained.
- (G) No residential facility ~~shallis to~~ allow candles to be burned in sleeping areas.
- (H) Free-standing wood-burning stoves and unvented heaters that burn kerosene, gas or oil ~~shallare not to~~ be used in a residential facility.

- (I) Portable heaters may be used and maintained in accordance with manufacturer's instructions, if the heater has been approved by the underwriter's laboratory, and are not prohibited by any local or state ordinances or fire inspector.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

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Rule Amplifies:	5103.02, 5103.03
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5101:2-9-37

Information to be provided by residential facilities.

(A) A new residential facility ~~shall~~is to, within ten days after obtaining certification, provide the following information to all county, municipal, or township law enforcement agencies, emergency management agencies and fire departments with jurisdiction over the facility within ten days after obtaining certification:

(1) A written notice that a facility will be operating in the agency's or department's jurisdiction including:

(a) The address of the facility.

(b) The type of residential facility.

(c) The contact information for the facility.

(2) A copy of the facility's procedures for emergencies and disasters pursuant to rule 5101:2-5-13.1 of the Administrative Code.

(3) A copy of the facility's medical emergency plan pursuant to rule 5101:2-9-09 of the Administrative Code.

(4) A copy of the facility's community engagement plan pursuant to rule 5101:2-9-38 of the Administrative Code.

(B) A residential facility ~~shall, within ten days of recertification~~is to, provide to all county, municipal, or township law enforcement agencies, emergency management agencies and fire departments with jurisdiction over the facility updated copies of the following within ten days prior to the second year after the original date of submission as described in paragraph (A) of this rule, and within ten days every second year thereafter:

(1) A copy of the facility's procedures for emergencies and disasters pursuant to rule 5101:2-5-13.1 of the Administrative Code.

(2) A copy of the facility's medical emergency plan pursuant to rule 5101:2-9-09 of the Administrative Code.

(3) A copy of the facility's community engagement plan pursuant to rule 5101:2-9-38 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

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