



November 3, 2022

**Family, Children and Adult Services Manual Transmittal Letter No. 509**

**TO:** Family, Children and Adult Services Manual Holders

**FROM:** Matt Damschroder, Director

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

This letter transmits amendments to three Ohio Administrative Code (OAC) rules regarding foster care training and certification as a result of House Bill 8 of the 134<sup>th</sup> General Assembly and Five Year Review. These rules will be effective January 1, 2023.

The following is a brief summary of the changes:

OAC 5101:2-5-28 entitled **Agency Cause for Denial of Initial Certification, Denial or Recertification or Revocation of a Foster Home Certificate** provides guides to agencies on the process for recommending denial or revocation of a foster home. Paragraph (A) was updated for clarity. No substantive changes were made.

OAC 5101:2-5-33 entitled **Foster Caregiver Pre-placement and Continuing Training** provides guidance to agencies on the required training for certification for a foster caregiver. All the training topics listed throughout paragraph (C) were moved to a new appendix A. In paragraphs (C)(2)(b) and (C)(3)(b), there are newly required resource readiness training topics that will be effective January 1, 2023. Paragraph (F)(3) was amended to increase the number of outside classroom hours to one-half of all required continuing training hours. Paragraph (F)(5) was amended to allow all training to be completed via live-synchronous training.

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 payment of training allowances and reimbursement of stipend payments regarding training of foster caregivers. Paragraph (B)(1) was amended to increase the amount of foster caregiver stipends from ten dollars per training hour to fifteen dollars per hour. Paragraphs (C)(2)(a)(ii) and (iii) were amended to reduce the number of reimbursable training hours for both family and treatment foster care to twenty-four. Paragraph (C)(3)(b) was amended to reduce the reimbursable family foster caregiver continuing hours to thirty. Paragraph (C)(3)(c) was amended to reduce the reimbursable specialized foster caregiver continuing hours to forty-five. Paragraph (D) was amended to increase the agency training allowance from fifteen dollars per training hour to twenty dollars per hour.

To accommodate a transition period, an agency will be able to submit and receive reimbursement for training hours above the 24-hour requirement, if, upon the effective date of the rule, they meet the following:

1. The agency's training plan requires more than 24 hours of pre-placement training.
2. An individual has completed at least one course toward obtaining their initial certification prior to the effective date of the rule.

If an agency continues to use a previous training plan which requires more than 24 hours, the individual must complete their training no later than June 30, 2023.

The agency will be permitted to complete the training of an individual for more than 24 hours if they meet the reimbursement criteria above. Per rule 5101:2-5-20 (K)(8)(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.

If an individual began training prior to the effective date of the rule, the individual may complete the topic requirements that correspond to the previous training plan which requires more than 24 hours.

If an individual began training prior to the effective date of the rule and has completed more than six hours of self-directed training as allowed in FCASPL 382, the training will still be accepted and eligible for stipend reimbursement.

### **INSTRUCTIONS:**

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

<b>LOCATION</b>	<b>REMOVE AND FILE AS OBSOLETE</b>	<b>INSERT/REPLACEMENT</b>
Foster Care Licensing	5101:2-5-28	5101:2-5-28
	5101:2-5-33	5101:2-5-33
	5101:2-5-38	5101:2-5-38
Transmittal Letters		FCASMTL No. 509

5101:2-5-28

**Agency cause for denial of initial certification, denial of recertification 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 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 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, 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):
- (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 ~~paragraph (J)~~ appendix A of rule 5101:2-7-02 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 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.
  - (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 notify the entity that has custody of the child that it has received a notice subject to paragraph ~~(E)~~(R) 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 ~~(E)~~(R) of rule 5101:2-7-02 or paragraph (G) of rule 5101:2-7-14 of the Administrative Code, it shall immediately notify the entity that has custody if applicable, and ODJFS.
- (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 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 sufficient basis for any such action, and shall not require any additional justification.

Effective: 1/1/2023  
Five Year Review (FYR) Dates: 8/26/2022 and 01/01/2028

CERTIFIED ELECTRONICALLY

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Certification

11/01/2022

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Date

Promulgated Under: 119.03  
Statutory Authority: 5103.03  
Rule Amplifies: 5103.02, 5103.03, 5103.0319, 5103.0321, 5103.0326  
Prior Effective Dates: 12/30/1966, 10/01/1986, 07/02/1990 (Emer.),  
10/01/1990, 01/01/1991, 09/18/1996, 01/01/2003,  
08/01/2009, 07/01/2014, 03/01/2017, 10/01/2017

5101:2-5-33

**Foster caregiver preplacement and continuing training.**

- (A) A recommending agency shall 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 document that each foster caregiver for whom recertification 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 complete a minimum of twelve hours of preplacement training prior to the agency recommending the home for certification. The required training ~~courses~~topics ~~are to address at least all of the following topics:~~listed in appendix A of this rule.

~~(i) The legal rights and responsibilities of foster caregivers.~~

~~(ii) The policies and procedures of the recommending agency regarding foster caregivers.~~

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

~~(iv) Infant care.~~

~~(v) Early childhood development.~~

~~(vi) Cultural issues in placement, including cultural diversity training.~~

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

~~(viii) 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.~~

~~(ix) Medication administration.~~

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

(b) A foster caregiver certified to operate a pre-adoptive infant foster home shall 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 complete ~~a minimum of twenty-four hours of preplacement training prior to the agency recommending the home for certification. No more than thirty-six hours will be reimbursable pursuant to rule 5101:2-5-38 of the Administrative Code.~~ The preplacement training program shall 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 ~~paragraph (C)(2)(a) of this rule in twenty-four to thirty-six hours, or the limited list of topics in paragraph (C)(2)(b) of this rule in twenty-four hours~~ appendix A of this rule. The full list of topics for family foster homes are:

~~(i) The legal rights and responsibilities of foster caregivers.~~

~~(ii) The recommending agency's policies and procedures regarding foster caregivers.~~

~~(iii) ODJFS requirements for certifying foster homes.~~

~~(iv) The effects of childhood trauma, placement, separation, and attachment issues have on children, their families, and foster caregivers.~~

~~(v) The importance of maintaining meaningful connections between the child and parents, including regular visitation.~~

~~(vi) Foster caregivers' involvement in permanency planning for children and their families.~~

- ~~(vii) The effects of childhood trauma, physical abuse, sexual abuse, emotional abuse, neglect, and substance abuse on normal human growth and development.~~
  - ~~(viii) Behavior management techniques.~~
  - ~~(ix) Effects of caregiving on children's families.~~
  - ~~(x) Cultural issues in placement, including cultural diversity training.~~
  - ~~(xi) Prevention, recognition, and management of communicable diseases.~~
  - ~~(xii) Community health and social services available to children and their families.~~
  - ~~(xiii) 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.~~
  - ~~(xiv) The reasonable and prudent parent standard as described in division (C) of section 5103.162 of the Revised Code.~~
  - ~~(xv) 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.~~
  - ~~(xvi) Medication administration.~~
  - ~~(xvii) Procedures for reporting suspected child abuse or neglect pursuant to section 2151.421 of the Revised Code.~~
  - ~~(xviii) The appropriate knowledge and skills to understand and support older youth preparing for independent living so that the foster parent can help provide such services to the youth as needed and appropriate. These independent living skills shall 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.~~
- (b) The limited list of topics for family foster homes are:
- ~~(i) The legal rights and responsibilities of foster caregivers.~~

- ~~(ii) The recommending agency's policies and procedures regarding foster caregivers.~~
  - ~~(iii) ODJFS requirements for certifying foster homes.~~
  - ~~(iv) Effects of caregiving on children's families.~~
  - ~~(v) Cultural issues in placement, including cultural diversity training.~~
  - ~~(vi) Prevention, recognition, and management of communicable diseases.~~
  - ~~(vii) Community health and social services available to children and their families.~~
  - ~~(viii) 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.~~
  - ~~(ix) The reasonable and prudent parent standard as described in division (C) of section 5103.162 of the Revised Code.~~
  - ~~(x) 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.~~
  - ~~(xi) Medication administration.~~
  - ~~(xii) Procedures for reporting suspected child abuse or neglect pursuant to section 2151.421 of the Revised Code.~~
  - ~~(xiii) The appropriate knowledge and skills to understand and support older youth preparing for independent living so that the foster parent can help provide such services to the youth as needed and appropriate. These independent living skills shall 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.~~
- ~~(e)~~(b) A foster caregiver certified to operate a family foster home shall complete a minimum of thirty hours of continuing training during each certification period. A continuing training program shall consist of courses that a foster caregiver must complete in accordance with the caregiver's written needs

assessment and continuing training plan. Effective January 1, 2023 a foster caregiver is to complete resource readiness topics during the first certification period as specified in appendix A of this rule. ~~If a currently certified foster caregiver has not completed first aid and CPR training, the caregiver is to complete the training by their subsequent recertification. If a caregiver has only completed twenty-four hours of preplacement training and the limited topics listed in paragraph (C)(2)(b) of this rule, the topics listed in this paragraph are to be completed within the first certification period:~~

- ~~(i) The effects childhood trauma, placement, separation, and attachment issues have on children, their families, and foster caregivers.~~
- ~~(ii) The effects of childhood trauma, physical abuse, sexual abuse, emotional abuse, neglect, and substance abuse on normal human growth and development.~~
- ~~(iii) The importance of maintaining meaningful connections between the child and parents, including regular visitation.~~
- ~~(iv) Behavior management techniques.~~
- ~~(v) Foster caregivers' involvement in permanency planning for children and their families.~~

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

(3) Specialized foster home:

- (a) A person seeking certification to operate a specialized foster home shall complete ~~a minimum of~~ twenty-four hours of preplacement training prior to the agency recommending the home for certification. ~~No more than thirty-six hours will be reimbursable pursuant to rule 5101:2-5-38 of the Administrative Code.~~ The preplacement training program is to consist of ~~course~~topics in the role of foster caregivers as a part of the care and treatment of foster children and additional issues specific to the children who may be placed in the type of foster home the person seeks to operate listed in appendix A of this rule. ~~To continue the certification process, prospective specialized foster caregivers are to complete the full list of topics in paragraph (C)(3)(a) of this rule in twenty-four to thirty-six hours, or the limited list of topics in paragraph (C)(3)(b) of this rule in twenty-four hours. The full list of topics for specialized foster homes are:~~

- ~~(i) The legal rights and responsibilities of foster caregivers.~~
- ~~(ii) The recommending agency's policies and procedures regarding foster caregivers.~~
- ~~(iii) ODJFS requirements for certifying foster homes.~~
- ~~(iv) The effects of childhood trauma, placement, separation, and attachment issues have on children, their families, and foster caregivers.~~
- ~~(v) The importance of maintaining meaningful connections between the child and parents, including regular visitation.~~
- ~~(vi) Foster caregivers' involvement in permanency planning for children and their families.~~
- ~~(vii) The effects of childhood trauma, physical abuse, sexual abuse, emotional abuse, neglect, and substance abuse on normal human growth and development.~~
- ~~(viii) Issues concerning appropriate behavioral intervention techniques, such as de-escalation, self-defense and physical restraint techniques and the appropriate use of such techniques.~~
- ~~(ix) Effects of caregiving on children's families.~~
- ~~(x) Cultural issues in placement, including cultural diversity training.~~
- ~~(xi) Prevention, recognition, and management of communicable diseases.~~
- ~~(xii) Community health and social services available to children and their families.~~
- ~~(xiii) 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.~~
- ~~(xiv) The reasonable and prudent parent standard as described in division (C) of section 5103.162 of the Revised Code.~~

~~(xv) 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.~~

~~(xvi) Medication administration.~~

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

~~(xviii) The appropriate knowledge and skills to understand and support older youth preparing for independent living so that the foster parent can help provide such services to the youth as needed and appropriate. These independent living skills shall 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.~~

~~(xix) Education advocacy training.~~

~~(b) The limited list of topics for specialized foster homes are:~~

~~(i) The legal rights and responsibilities of foster caregivers.~~

~~(ii) The recommending agency's policies and procedures regarding foster caregivers.~~

~~(iii) ODJFS requirements for certifying foster homes.~~

~~(iv) Effects of caregiving on children's families.~~

~~(v) Cultural issues in placement, including cultural diversity training.~~

~~(vi) Prevention, recognition, and management of communicable diseases.~~

~~(vii) Community health and social services available to children and their families.~~

~~(viii) 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.~~

- ~~(ix) The reasonable and prudent parent standard as described in division (C) of section 5103.162 of the Revised Code.~~
  - ~~(x) 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.~~
  - ~~(xi) Medication administration.~~
  - ~~(xii) Procedures for reporting suspected child abuse or neglect pursuant to section 2151.421 of the Revised Code.~~
  - ~~(xiii) The appropriate knowledge and skills to understand and support older youth preparing for independent living so that the foster parent can help provide such services to the youth as needed and appropriate. These independent living skills shall 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.~~
- (e)(b) A foster caregiver certified to operate a specialized foster home shall complete a minimum of forty-five hours of continuing training during each certification period. The continuing training program shall consist of courses in accordance with the caregiver's written needs assessment and continuing training plan and shall 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 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 resource readiness topics during the first certification period as specified in appendix A of this rule. If a caregiver completed twenty-four hours of preplacement training and only completed the limited topics in paragraph (C)(3)(b) of this rule, the caregiver is to complete the following topics within the first certification period:
- ~~(i) The effects childhood trauma, placement, separation, and attachment issues have on children, their families, and foster caregivers.~~

~~(ii) The effects of childhood trauma, physical abuse, sexual abuse, emotional abuse, neglect, and substance abuse on normal human growth and development.~~

~~(iii) The importance of maintaining meaningful connections between the child and parents, including regular visitation.~~

~~(iv) Issues concerning appropriate behavioral intervention techniques, such as de-escalation, self-defense and physical restraint techniques and the appropriate use of such techniques. A foster caregiver is not to use these techniques until this training is completed.~~

~~(v) Foster caregivers' involvement in permanency planning for children and their families.~~

~~(vi) Education advocacy training.~~

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

(D) A foster caregiver may complete up to twenty per cent 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. To qualify for teaching or mentoring services a foster caregiver shall:

- (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.

(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 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.
    - (c) ODJFS 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 not be considered as meeting training requirements unless transfer of learning components are included prior to or following the video presentation. Transfer of learning components may include a pretest, a posttest, or a discussion following the video presentation. Video presentations prepared for entertainment purposes shall not 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 be considered by the recommending agency on an individual basis and shall not be used for more than six hours of preplacement training or to meet more than ~~one-fourth~~ 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 include a transfer of learning component prior to or following the training. Such training shall 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 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 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) Training completed outside a classroom may include training offered through the following methods:

- (i) Video presentations.
- (ii) Books or magazines.
- (iii) Computer programs.
- (iv) Internet sites.
- (v) Interactive video presentations.

(b) Transfer of learning components may 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) Live synchronous distance learning, where the trainer or facilitator is available real time to deliver the training, may be used to meet ~~up to fifty per cent~~ all of preplacement and continuing training.

~~(6) Fifty per cent of either preplacement training or continuing training is to be completed in the classroom with an instructor present.~~

~~(7)~~(6) Pursuant to rule 5101:2-5-38 of the Administrative Code, neither a foster caregiver training stipend nor an agency training allowance payment shall be

made for training completed outside a classroom where a person in the role of a trainer is not present.

~~(8)~~(7) 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 not be reimbursable.

(G) Not later than the first thirty days of a foster caregiver's certification period, a recommending agency shall 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 satisfy all of the following requirements:

- (1) Be effective for the two-year period the foster caregiver's certificate is in effect.
- (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 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 state in the needs assessment and continuing training plan the number of hours of continuing training, not to exceed eight during each certification period, 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 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 the applicant or foster caregiver successfully complete additional training as a condition of certification or recertification. A recommending agency may accept up to fifteen hours of continuing training without prior approval from ODJFS 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 shall maintain a record in the statewide automated child welfare information system (SACWIS) 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, 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 by paragraph (C) of this rule to complete during the certification period, 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 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 shall 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 be given an additional amount of time within which to complete the continuing training required under this rule, as applicable to the type of foster home the caregiver is certified to operate. The additional time shall 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 period applying the preceding sentence shall 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 period shall 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 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 days in the preceding two-year 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 days in the preceding two-year 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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**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) 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](http://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 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.

**(Beginning 1/1/23) Resource Readiness – Continuing Training**

**Topics required during the first certification period for Family and Specialized Foster Homes:**

Prevention, recognition, and management of communicable diseases.

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

Education advocacy.

Substance Abuse.

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.

Family Safety.

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.

\*There are no required topics for continuing training after the first certification period except for CPR and First Aid for Specialized foster homes.

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 be made pursuant to the following:
- (1) Stipend payments must 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). Stipend payments shall be rendered for fractional hours in quarter hour increments. The stipend rate paid by recommending agencies shall be calculated as follows:
    - (a) For preplacement training a lump sum payment shall be made in the amount of ~~ten~~fifteen dollars per foster caregiver per training hour for all hours completed.
    - (b) For continuing training, ~~ten~~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 make stipend payments according to the following:
      - (i) For preplacement training, the agency that certifies the caregiver shall record the preplacement training in the statewide automated child welfare information system (SACWIS) and shall be responsible for paying the stipend to the caregiver upon certification.
      - (ii) For continuing training, the caregiver's recommending agency shall be responsible for paying all stipends to the caregiver and shall enter all of the training sessions into SACWIS.
  - (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 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 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 of foster caregiver stipend payments to recommending agencies.

(1) ODJFS will reimburse recommending agencies for stipend payments made to foster caregivers pursuant to paragraph (B) of this rule.

(2) For preplacement training, ODJFS will reimburse lump sum stipend payments made by recommending agencies as follows:

(a) The amount of ~~ten~~fifteen dollars per foster caregiver per training hour for hours recorded by an agency in SACWIS. ODJFS will reimburse according to the following:

(i) For pre-adoptive infant homes, twelve hours.

(ii) For a family foster home, ~~no less than twenty-four hours and no more than thirty-six hours.~~

(iii) For a specialized foster home, ~~no less than twenty-four hours and no more than thirty-six 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 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 training hours during each two-year certification period for each caregiver that is required to be trained.
  - (b) For a family foster home, not more than ~~forty~~thirty training hours during each two-year certification period for each caregiver that is required to be trained.
  - (c) For a specialized foster home, not more than ~~sixty~~forty-five training hours during each two-year certification period 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 will count only training hours that are received during the two-year period after the foster caregiver's date of certification, and for each two-year period thereafter.
- (5) ODJFS 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 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 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 ~~fifteen~~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 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 in order to receive a training allowance, the agency must have paid a stipend to the participant for the same training session.
  - (3) ODJFS 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 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 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 for each such use.
  - (4) ODJFS 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 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 register the foster caregiver's training history in SACWIS. ODJFS 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.
- (F) Recommending agencies shall not 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 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 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 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 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 timeframes of this rule shall result in the forfeiture of any stipend reimbursement owed to the agency for the event.

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