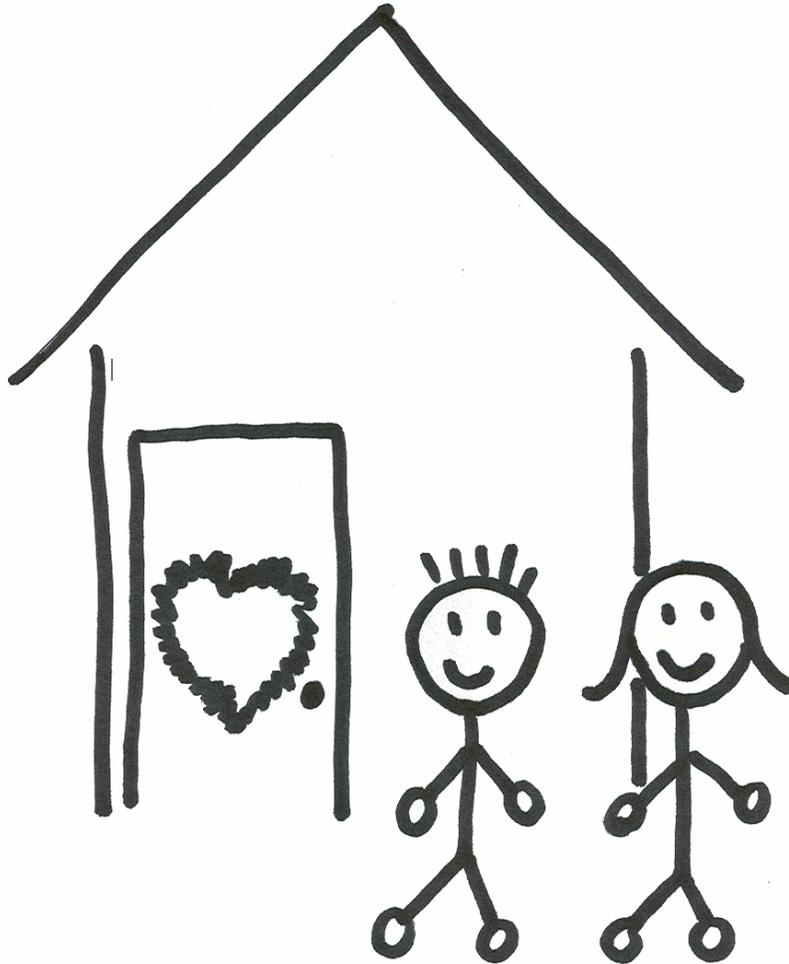


CLERMONT COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES



FOSTER CARE POLICIES AND STRATEGIES

Revised: 09/24/2013

Introduction

Welcome to Substitute Care! On behalf of the Board of Clermont County Commissioners, the Clermont County Department of Job and Family Services and the children of Clermont County for whom you will serve, thank you for opening your homes and your hearts to those in need.

As a member of a child's treatment team, you will be called upon to be a substitute parent, keeper of secrets and information, a friend, and arbitrator, a companion and a genius as you work daily with the child in your care. You will know that you helped someone when his or her need was greatest and served as a role model to improve the adult world of our future.

We wish to thank you ahead of time for your efforts in our shared goal of serving the children of Clermont County. We hope your experience will be rewarding and enjoyable.

The following pages outline policy and procedure related to child welfare. We trust that you will find it helpful as you prepare to become a member of the team.

Agency Mission

Children's Services is committed to the belief that if possible, a child's place is with his or her family. If a child has to be outside of their family of origin, they then must be placed in a substitute home setting that will safeguard and care for them until they can return to their birth family. As a "service agency" our philosophy is to work with children, their parent(s) and their families. The family continues to be the place where children find identity. You verify this commitment by being a foster/adoptive home where the child's needs can be met in a family situation.

The Department follows State guidelines to return the child when the parents meet minimal conditions of care with supportive services. By State law the family is considered first as efforts are to reunite the family. When the family is unable to become a safe home by Federal, State and County guidelines, the Department looks at other options as prescribed by the Ohio Revised Code (ORC). In the Ohio Revised Code and Senate Bill 89 it states that a child is to be placed in the "least restrictive environment." The child is to be placed:

- 1) In the family, or if care is questionable, in a
- 2) Relative's home, or if the home is not available or appropriate, in a
- 3) Foster home, or if the child is not returning to the home, placed for
- 4) Adoption, or if adoption is not an appropriate option, in
- 5) Long term foster care, group home or residential care depending on the child's needs.

Decisions of custody have to be made within one year of the child's placement with a possible six-month extension under the direction of Clermont County Juvenile Court.

State and Federal Mandates enumerate and qualify timetables of custody, case plans, and other specifications that the Department has to follow regarding child welfare in order to retain accreditation and its ability to license foster/adoptive homes.

Table of Contents

Foster Caregiver Recruitment	7
The Care and Treatment Team	9
Initial Application for Child Placement	10
Assessment of An Initial Application for a Foster Home Certificate	16
Foster Caregiver Pre-Placement and Continuing Training	20
Good Cause	21
Policies To Be Explained to Potential Foster Caregivers During Initial Orientation	22
Foster to Adopt Approval	23
Foster Home Recertification Procedure	25
Child Placement Procedures	28
Occupancy Limitations and Accessibility	29
Site and Safety Requirements for a Foster Home	31
Payments to Foster Caregivers	34
Foster Home Sharing and Transfer of a Foster Home Policy	398
Operation of Treatment or Medically Fragile Foster Care Program Policy (Specialized Foster Home Program)	44
Respite Care for Treatment and/or Medically Fragile Foster Care Program (Specialized Foster Home Program)	45
Matching Specialized Foster Caregivers with Children	46
Specialized Programs Access to Crisis Counseling	47
Behavior Intervention Policy for Treatment and/or Medically Fragile Foster Care Program (Specialized Foster Care Program)	48
Evaluation of a Specialized Foster Care Program Policy	50
Foster to Adopt Notification	51
Records and Confidentiality	52
Required Notification	53
Criminal Records Check Required for Certain Prospective Employees and Certified Foster Caregivers	56
Additional Requirements for a Treatment Foster Caregiver and a Treatment Foster Home	60
Foster Child Smoking Policy	67

Civil Rights	68
Care, Supervision and Discipline Policy	70
Religious Participation Socialization and Education	75
Medical/Educational	77
Transportation	78
Care of a Foster Child Under Age Two	80
Human Research Projects, Fund Raising and Publicity Activities Policy	82
Driving Privileges	83
Volunteer and College Interns	84
Discharge Policy	85
Accessibility of the Administrator	86
Foster Caregiver Grievance.....	87
Non-Discrimination Requirements for Foster Care and Adoptive Placements	89
Standards of Conduct.....	90
Procedure for Complaint Process of Alleged Discriminatory Acts, Policies or Practices in the Foster Care or Adoption Process That Involve Race, Color or National Origin	92
Waivers and Variances.....	94

Appendix

Confidentiality Policy

Training Agreement

Alternate Care Agreement

Discipline Agreement

Physical Examination Form

Dental Exam Form

Clothing Inventory (Boy)

Clothing Inventory (Girl)

Day Care Expense Report

Transportation Expense Report

Incident Report

Standards of Conduct

Non-Discrimination Requirements for Foster Care and Adoptive Placements
(JFS 1611)

Foster Caregiver Recruitment

Clermont County Department of Job and Family Services generally serve children from birth through age 18, or until age 21 if extenuating circumstances exist.

Clermont County Department of Job and Family Services typically come into contact with children with significant developmental delays. Most of these delays are manifested either cognitively or environmentally.

Clermont County Department of Job and Family Services serve children who are in need of intervention to address their emotional needs created by their abusive or neglectful situations. These children are typically angry, confused, distrustful and seeking nurturance.

Clermont County Department of Job and Family Services serve children who are in need of a physically safe environment, food and clothing. There are also children who are medically fragile and are in need of ongoing intense medical intervention/treatment.

Clermont County Department of Job and Family Services will offer services to all children regardless of their race, color or national origin. The Department primarily comes into contact with children who are Caucasian and of Appalachian descent.

Clermont County Department of Job and Family Services serve children in need of protective services.

The level of supervised care needed to serve children in Department custody varies from child to child, and could include such services as foster care, group home and residential services.

The Department utilizes many forms of public advertisement to reach the residents of Clermont, and other southwestern Ohio counties. These forms include, but are not limited to, newspaper articles, radio and television advertisements and interviews, the Clermont for Kids website, personal appearances by the Department staff at schools, churches, places of business and advertisements in local private business flyers. A staff member is available to speak with the public during normal working hours, and other times by appointment, about the characteristics of children served.

The Clermont County Department of Job and Family Services assure the flexibility of service to the community in which it serves. Informational sessions, pre-service training and ongoing training classes are held in various locations throughout Clermont County. This assures that prospective and current foster caregivers have access to the application process, training and ongoing supportive services.

In cooperation with the Southwest Ohio Regional Training Center, Clermont County Department of Job and Family Services (CCDJFS) staff members are trained yearly to understand and work with diverse cultural, racial, ethnic and economic communities. Each staff member must complete the Ohio Department of Job and Family Services required "Core Training." In addition,

each staff member attends thirty six hours of required ongoing training yearly. These training hours include education regarding diverse cultural, racial and economic communities.

The Department utilizes linguistic interpreters when necessary. The Clermont County Department of Job and Family Services shall create a listing of employees who are fluent in foreign languages and post that list on Department bulletin boards for other employees to access when the need arises. If there isn't an employee fluent in a specific foreign language, CCDJFS will access interpreters from the University of Cincinnati and Xavier University Foreign Language Departments. Should the applicant be hearing/speech impaired, CCDJFS will secure services of an individual from Cincinnati Speech and Hearing who is Sign Language Certified. CCDJFS will also secure TTY equipment from Cincinnati Speech and Hearing when the need arises to communicate with an applicant telephonically.

The Clermont County Department of Job and Family Services will make every effort to ensure a timely search for an appropriate foster caregiver. Attempts will be made to match a child with a foster caregiver certified through the Clermont County Department of Job and Family Services that is able to meet the individual needs of the child. If an appropriate foster caregiver is not identified through this process, the Department will contact other Ohio Public Children Services agencies to facilitate a shared home agreement, and/or private licensed foster care agencies who have contracts with the Department to ensure appropriate placement. These procedures will ensure that placement of a child is not delayed by the search for a same race or ethnic placement.

The Department assures that all recruitment activities and materials are in compliance with the Multiethnic Placement Act (MEPA), Title VI, the Indian Child Welfare Act of 1978, 25 U.S.C.A. 1901, et seq., as amended, and the Adoption and Safe Families Act of 1997.

Effective: 12/11/06

Pursuant to Rule(s): 5101:2-5-13 (A) (3)

The Care and Treatment Team

- (A) A foster caregiver shall work cooperatively with CDJFS representatives as a member of a care and treatment team responsible for planning, providing and discussing the care and services provided to a foster child and shall fully disclose all information related to a foster child's problems or progress to Department representatives.
- (B) As a member of the care and treatment team, a foster caregiver shall participate in a review with CCDJFS once every two years to evaluate the strengths and growth areas of the foster home and of the support services of agency representatives to the foster caregiver.
- (C) A foster caregiver shall work cooperatively with CCDJFS representatives in conducting an independent living skills assessment on an age appropriate foster child, and, as requested, provide instruction to a foster child on independent living skills.
- (D) Cooperate and participate with Department representatives as a team member seeking "the best interest of the child."

Effective Date: 8/01/09

Pursuant to Rule(s): 5101:2-7-03

Initial Application for Child Placement

(A) A public children services agency (PCSA), private child placing agency (PCPA) or private non custodial agency (PNA) acting as a representative of the Ohio department of job and family services (ODJFS) in recommending foster homes for certification and/or to placing children for foster care and adoption is responsible for:

(1) Informing all individuals applying for an initial foster home certificate they can also be considered for approval for adoptive placement.

(2) Conducting a joint home study pursuant to the requirements contained in rule 5101:2-48-12 of the Administrative Code resulting in the simultaneous approval of the applicant for:

(a) Foster care placement.

(b) Adoptive placement.

(B) Upon request, the agency shall provide a JFS 01691 "Application for Child Placement" (rev. 6/2009) to any person who is twenty-one 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. The agency shall also provide, free of charge to an applicant, a copy of Chapters 5101:2-5 and 5101:2-7 of the Administrative Code.

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

(2) As prohibited by the Multiethnic Placement Act, 42 U.S.C. 1996(b) (1996), as amended, (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.

(3) 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 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 (formerly the immigration and naturalization service of the U.S. department of justice) allowing the person to reside in the United States. If the immigration document(s) provided by the applicant show the person is a conditional permanent resident of the United States or is not a permanent United States resident, the application shall not 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.

(4) 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 and currently resides in Ohio.

(C) The agency shall use the JFS 01691 for all initial foster home and adoption applications.

(1) The agency shall not accept an incomplete JFS 01691. Applications found to contain inaccurate or wrong information shall be denied pursuant to rule 5101:2-5-26 of the Administrative Code.

(2) The agency shall require 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.

(3) The agency shall not accept more than one application per household and shall not recommend certification of more than one foster home per household.

(4) Except as provided in paragraph (I) of rule 5101:2-7-02 of the Administrative Code, an agency shall not 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 paragraph (J) of rule 5101:2-7-02 of the Administrative Code.

(5) The agency shall not approve a prospective foster caregiver on a conditional basis awaiting the results of the criminal records check(s) required by rule 5101:2-7-02 of the Administrative Code. The required criminal records check(s) must be completed prior to the agency recommending a prospective foster caregiver for certification. An agency may require any person subject to a criminal records check successfully complete the criminal records check(s) before participating in any pre placement training required by rule 5101:2-5-33 of the Administrative Code.

(D) The applicant who submits an incomplete application shall not have an opportunity for a hearing pursuant to Chapter 119 of the Revised Code.

(E) If the recommending agency has access to the statewide automated child welfare information system (SACWIS), the agency shall conduct a search of abuse and neglect report history in the system for each foster care applicant and each adult who resides with the applicant. The recommending agency shall also request a search of the central registry of abuse and neglect from ODJFS for each foster caregiver and each adult who resides with a foster caregiver. If the agency does not have access to 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.

(1) The search is used to determine the suitability of the applicant to provide foster care.

(2) The search shall be conducted within ten days of the addition of any new adult member of the applicant's household once the applicant is certified.

(F) The recommending agency shall request a check of the child abuse and neglect registry of any other state a prospective foster caregiver or other adult household member in the applicant's home 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.

(G) Preparation of summary report of involvement of applicant and other adult household members in reports of child abuse and neglect contained in SACWIS.

(1) A summary report shall be placed in the applicant's file,

(a) If the applicant is subsequently certified as a foster caregiver, the summary report shall also be placed in the record of each child placed in the caregiver's home.

(b) Prior to the placement of each child in the caregiver's home, the summary report shall be considered as a tool to help determine the appropriateness of the placement.

(2) One summary report shall be prepared for each foster home. The summary report shall include, for each applicant and each adult household member, a chronological list of abuse and neglect determinations or allegations in which the person was involved where a PCSA has done one of the following:

(a) Determined abuse or neglect occurred.

(B) Initiated an ongoing investigation,

(c) Initiated and investigation and the agency are unable to determine whether abuse or neglect occurred. This provision is limited to report dispositions the PCSA determined to be unable to locate.

(3) The summary report shall not contain any of the following:

(a) Any information concerning a report of abuse or neglect where the PCSA determined that abuse or neglect did not occur or was unsubstantiated.

(b) The name of the person who or entity that made, or participated in the making of, the report of abuse or neglect. This includes any additional collateral contact that made, or participated in, the report of abuse or neglect.

(c) Any information release prohibited by state or federal law.

(d) The name of or other identifying information regarding a child.

(4) If the search indicates no allegations or reports of involvement in child abuse or neglect investigations for any applicant or adult household member, the summary report shall indicate no record involving any applicant or adult household member in an allegation or report of involvement in a child abuse or neglect investigation reported to SACWIS or the central registry.

(H) The agency shall require the applicant provide a statement for all members of the household on the JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" (rev. 6/2009), completed by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife within one year prior to an initial recommendation by the agency for certification.

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

(2) The statement shall 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.

(3) The agency may require the medical statement(s) be provided before the person participates in any pre placement training required by rule 5101:2-5-33 of the Administrative Code.

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

(1) The applicant or any person residing within the household has suffered a serious illness or injury within the past year.

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

(3) The agency may require the person to provide the report of an additional examination required by the agency pursuant to this paragraph before the applicant may participate in any pre placement training required by rule 5101:2-5-33 of the Administrative Code.

(J) The agency shall review the items required by paragraph (D) of rule 5101:2-7-02 of the Administrative Code in order to show the household has an income sufficient to meet the basic needs of the household and makes timely payment of shelter costs, utility bills, and other debts.

(K) Prior to recommending initial certification of a foster home, an agency shall require and assure that each applicant successfully completes all pre placement training required by rule 5101:2-5-33 of the Administrative Code.

- (1) The pre placement training shall be completed within the eighteen month period immediately prior to the date the agency recommends the foster home for certification.
- (2) Each foster home recommended for certification shall receive preplacement training on the Administrative Code rules and the recommending agency's policies and procedures that are in effect on the date the agency recommends the home for initial certification.
- (L) The agency shall require that each applicant provide to the agency the names of three people who are unrelated to the applicant, and who do not reside with the applicant, and can be contacted by the agency as references. The agency may require the person to provide the names of the references and any signed release of information statements before the person participates in any pre placement training required by rule 5101:2-5-33 of the Administrative Code.
- (M) The agency shall require that each applicant provide the name of any other agency or organization with which the applicant has been previously recommended for certification as a foster caregiver or has provided care and supervision of children, as well as a written and signed release of information statement in order that any so the reference may be contacted.
- (N) Prior to making an initial recommendation for certification of a foster home, the agency shall contact all references given by the applicant, pursuant to paragraphs (L) and (M) of this rule. All contacts with references shall be documented in the narrative section of the JFS 01673, "Assessment for Child Placement (Home study)" (rev. 8/2005).
- (O) The agency shall require each foster caregiver obtain an inspection of the foster home by a state certified fire safety inspector or the state fire marshal's office using the JFS 01200 "Fire Inspection Report For Homes or Residential Facilities Certified/Approved by ODJFS" (rev. 10/2000) or other form used for a local or state fire inspection, not more than six months prior to the agency's recommendation for initial certification, certifying the foster home is free from conditions hazardous to the safety of foster children.
- (P) If a state certified fire safety inspector or the state fire marshal's office is unavailable within twelve months prior to the agency's recommendation for initial certification, the fire inspection required by paragraph (O) of this rule must still be completed as soon as a state certified fire safety inspector or the state fire marshal's office is available.
- (Q) A safety audit shall be completed within six month prior to the agency's recommendation for initial certification using the JFS 01348 "Safety Audit of a Foster Home" (rev. 1/2003) and shall document that the residence has met all safety standards required by rules 5101:2-7-05, 5101:2-7-10, 5101:2-7-12 and 5101:2-7-15 of the Administrative Code.
- (R) In accordance with rule 5101:2-5-09.1 of the Administrative Code, the agency shall request the conducting of a criminal records check for the foster care applicant and each adult residing with the foster care applicant prior to the agency's recommendation for initial certification.

(S) The agency shall not approve a foster care applicant on a conditional basis awaiting the results of the criminal records check required by paragraph (R) of this rule. The required criminal records check must be completed prior to an agency recommending a prospective foster caregiver for certification

(T) The agency shall not recommend an applicant for certification to ODJFS prior to the completion of all requirements of Chapters 5101:2-5 and 5101:2-7 of the Administrative Code that are applicable to initial certification and documentation that the applicant is in compliance with the requirements of Chapter 5101:2-7 of the Administrative Code.

Effective: 10/1/11

Pursuant to Rule(s): 5101:2-5-20

Assessment of An Initial Application for a Foster Home Certificate

A) As used in this rule, "family member" means a spouse or significant other, or a parent, child, sister, brother, aunt, uncle, niece, nephew, or cousin whether through birth or adoption. "Significant other" means a person in a domestic relationship between two or more people living together and sharing a common domestic life but is not joined in any type of legal partnership, marriage or civil union recognized under Ohio law.

(B) An The agency shall not discriminate in recommending foster caregivers on the basis of age, color, race, sex, religion, national origin, marital status or disability in violation of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 and of Title II of the Americans with Disabilities Act of 1990, 42 U.S.C., 1201 et seq. An agency 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 rule 5101:2-5-13 of the Administrative Code.

(C) A public children services agency (PCSA), private child placing agency (PCPA) or private non custodial agency (PNA) shall not consider the race, color or national origin of a foster caregiver applicant to determine whether that person shall be certified as a foster caregiver.

(1) A PCSA, PCPA, or PNA shall not consider the race, color or national origin of a child, for whom a prospective foster caregiver or a certified foster caregiver indicates an interest in providing foster care, in determining whether the applicant is certified or the child placed with the foster caregiver.

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

(D) The agency shall document in the record of each applicant that the applicant has been evaluated by an assessor to determine the applicant's compliance with Chapter 5101:2-7 of the Administrative Code and the suitability of the applicant to be certified as a foster caregiver considering all occupants of the caregiver's household and the availability of appropriate accommodations for any foster child that placed in the home. The evaluation shall be a completed JFS 01673 "Assessment for Child Placement" (rev. 8/2005). In completing the form, a written narrative shall be compiled and signed by the assessor, indicating the assessor's approval or denial of the application.

(E) In addition to the criteria on either the JFS 01673 an agency may establish a written policy, applicable to all applicants, which requiring applicants to submit additional materials or documents and to participation in additional assessment activities.

(F) The agency shall begin the assessment required by paragraph (D) of this rule within thirty days of the date the agency receives the JFS 01691, "Application for Child Placement" (rev. 6/2009) and complete the assessment within one hundred eighty days of the date the agency received the application.

(1) If an agency fails to commence an assessment within thirty days or complete the assessment within one hundred eighty days, it shall document the reasons it was unable to meet one or both of these requirements in the foster caregiver's record.

(2) 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 for the assessor to complete the homestudy. The assessment shall include:

(a) At least one visit by an assessor to the applicant's home ensuring the physical facilities of the home are in compliance with the requirements set forth in Chapter 5101:2-7 of the Administrative Code.

(b) The determination of any placement limitations due to the physical environment of the home.

(G) In order to complete the JFS 01673 the assessor shall interview all members of the household over the age of four years.

(1) The interview may be conducted in conjunction with the visit to the prospective foster home as required by paragraph (F) of this rule, or conducted during a separate visit to the home or held elsewhere.

(2) The interview with all members of the household over the age of four years may be a joint interview or separate individual interviews.

(H) Prior to recommending initial certification of a foster home, the agency shall ensure:

(1) The applicant completes all of the pre placement training requirements for the type of foster home for which the applicant is seeking certification.

(2) The agency receives a signed and fully completed JFS 01691.

(3) A criminal records check is conducted and successfully completed for the applicant(s) and all other adult members of the home.

(4) Personal references are received, satisfactory and verified.

(5) A JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" (rev. 1/2002) is received indicating the applicant and all household members are free from any physical, emotional, or mental condition that would endanger children or impair the ability of the household to care for a foster child; if determined necessary by the agency, an additional report of an examination by a physician, psychologist or other certified or licensed professional.

(6) A fire safety inspection of the applicant's home is conducted by a state certified fire safety inspector certifying the applicant's home is free from conditions hazardous to the safety of foster children.

(7) An assessor completed a JFS 01673 or JFS 01349, including a written narrative, indicating the assessor's approval of the application and the suitability of the applicant to be certified as a foster caregiver.

(I) The agency shall not place a child or cause a child to be placed in a foster home until:

(1) The initial assessment of the foster home and the JFS 01673 or the JFS 01349 is completed by an assessor and the assessor has recommended recommends the applicant(s) be certified as foster caregiver(s);

(2) The foster caregiver completes the pre placement training required by rule 5101:2-5-33 of the Administrative Code for the type of foster home certification the caregiver is seeking;

(3) An original JFS 01317 "Recommendation for Certification/Recertification of a Foster Home" (rev. 1/2003) recommending certification has is submitted to the Ohio department of job and family services (ODJFS);

(4) The effective date of a foster home certificate that has is issued by ODJFS is effective.

(J) The determination of the specific number, age, and sex of children to be placed in a foster home is the joint responsibility of the foster caregiver and the recommending agency based on the assessor's evaluation of the foster caregiver's capabilities and physical facilities as required by Chapter 5101:2-7 of the Administrative Code.

(K) All placements in a foster home shall conform with the provisions of paragraph (J) of this rule and with the provisions of rule 5101:2-5-32 of the Administrative Code.

(L) To avoid a conflict of interest, or the appearance of a conflict of interest, an assessor shall not conduct or approve a foster care home study or home study update for any of the following:

(1) Him or her self;

(2) Any person family member of the assessor;

(3) Any agency employee the assessor supervises or is supervised by

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

(M) The agency administrator and a family member of the agency administrator shall not serve as a foster caregiver for the agency the administrator is employed.

(N) A member of the agency's governing body and a person known to the agency as a family member of the agency's governing body shall not serve as a foster caregiver for the agency with governing body member is associated.

(O) Foster care inquiries from anyone mentioned in paragraphs (L) and (M) and (N) of this rule wishing to become certified foster caregivers shall be referred to another recommending agency with no conflict of interest.

(P) An existing foster home certificate of any person referred to in paragraphs (M) and (N) of this rule shall 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. The person shall not accept any additional placements of foster children.

(Q) If the agency becomes aware a certified foster caregiver of the agency is a family member of the administrator or a family member of a member of the agency's governing body, it shall take the necessary steps to initiate a transfer of the foster caregiver's foster home certificate. The transfer shall be accomplished within thirty days of the discovery.

Effective: 7/1/09

Pursuant to Rule(s): 5101:2-5-21 AND 5101:2-7-02

Foster Caregiver Pre-Placement and Continuing Training

The Clermont County Department of Job and Family Services recommends specialized (treatment and medically fragile) and family foster homes. Both specialized and family foster caregivers recommended by the Clermont County Department of Job and Family Services will be required to attend thirty-eight hours of pre-placement training. Training is offered through the Ohio Child Welfare Training Program and CCDJFS personnel, and includes the following topics in order to meet the training requirements of Rule 5101:2-5-33 of the Ohio Administrative Code:

A person seeking certification to operate a family foster home shall complete a minimum of thirty six hours of pre-placement training prior to the agency recommending the home for certification. The pre-placement training shall consist of the courses listed below:

- Orientation and Overview of Foster Care, Adoption and Kinship Care (3 Hours)
- Teambuilding (3 Hours)
- Child Abuse and Neglect and the Impact on Child Development (3 Hours)
- Attachment, Separation and Placement (3 Hours)
- Discipline/Behavior Intervention Techniques (3 Hours)
- Cultural Issues in Placement (3 Hours)
- Primary Families (3 Hours)
- Effects of Care giving on the Family (3 Hours)
- Sexual Abuse (3 Hours)
- Permanency Issues for Children (3 Hours)
- Permanency Issues for the Family (3 Hours)
- Administrative Code rules and CCDJFS' policies and procedures that are in effect on the date the agency recommends the home for initial certification. (2 Hours)

A person seeking certification to operate a specialized foster home shall complete a minimum of thirty-nine hours of pre-placement training prior to the agency recommending the home for certification. The pre-placement training program shall consist of all the courses listed above and the additional course:

- Education advocacy training

In addition, foster caregivers are required to maintain Adult/Child CPR certification through such entities as the American Red Cross or the American Heart Association. Parents are required to have knowledge and skills related to basic first aid and home safety.

Following the date of initial certification, each family foster caregiver is required to complete 40 hours of ongoing training per certification period. Each specialized foster family caregiver is required to complete 60 hours of ongoing training per certification period. With **prior approval**, foster caregivers may complete up to one-third of **self-directed study** per two-year certification period which can include internet research, reading, instructional videos, and small groups such as church or civic organizations that may provide opportunities that will enhance parenting skills.

Effective: 12/28/11

Pursuant to Rule(s): 5101:2-5-13 (A) (8), 5101:2-5-33

Good Cause

Each certified foster caregiver must complete the required on-going training hours, unless good cause is presented to the Clermont County Department of Job and Family Services and the Department accepts the good cause reason. Good Cause examples could include: documented illness, critical emergency, and/or lack of available trainings. If the good cause is accepted by the Department, the next step is to prepare and complete a corrective action plan that will ensure continued training. If the foster caregiver does not comply with the agreed upon corrective action plan then the foster home certificate will be recommended for revocation with the State office (ODJFS).

Effective: 2/01/05

Pursuant to Rule(s): 5101:2-5-13 (A) (14)

Policies To Be Explained to Potential Foster Caregivers During Initial Orientation

Clermont County Department of Job and Family Services are not liable for damage resulting from the actions of children placed in foster care. As such, foster parents are encouraged to explore the option of purchasing liability insurance, as Clermont County will not compensate for damages incurred through foster care giving.

The Department will not provide the following for foster caregivers for matters directly related to the proper performance of their roles;

- A) Legal representation;
- B) Legal fees;
- C) Counseling; or
- D) Legal advocacy
- E) Liability Insurance for damages done by children placed in foster care

If an investigation of abuse and/or neglect involving a child living in a family foster home occurs, the family will be asked to work with the police Department, CCDJFS and the Courts. Clermont County Department of Job and Family Services will not provide legal representation, legal fees or counseling for the foster family.

There are times statements concerning abuse or neglect by a substitute caregiver are received (which can be made by anyone, including the child). During these times a third party investigation is warranted. Law enforcement will become involved as dictated in the Ohio Revised Code (5101:2-5-11). The child may be removed from a foster home until the investigation has been completed. An independent investigation does not relieve the Department of its responsibility to investigate each report of suspected child abuse and neglect. Written reports are generated by the Department, law enforcement and others. A report will be on file with the Department and information will be forwarded to the appropriate law enforcement agency. To assist in the investigation process, foster caregivers are encouraged to document threats made by children placed in foster care, negative behaviors and other issues that may be of concern.

Effective: 4/01/10

Pursuant to Rule(s): 5101:2-5-13 (A) (13)

Foster to Adopt Approval

The assessment and adoptive homestudy shall be a joint decision making process involving the applicant and the Clermont County Department of Job and Family Services. The purpose of this policy is to determine whether foster care/adoption is a viable option for the applicant and to determine the characteristics of children the applicant can parent. Dual certification is also an option for applicants.

- A) The process shall consist of, but not be limited to the following:
- 1) The home assessment shall be conducted by a certified assessor;
 - 2) To determine if an applicant is a suitable candidate for foster care or adoption from documentation obtained pursuant to rule 5101:2-48-05 of the Ohio Administrative Code;
 - 3) Review of the completed ODJFS 1653 “Medical Statement for Foster Care/Adoptive Applicant and all Household Members” signed by the licensed physician to determine if the applicant or members of the household present any medical problems that might interfere with the care of a child;
 - 4) Review of personal reference statements each individual identified for such purposes by the applicant to determine an applicant’s suitability to parent a child;
 - 5) Face to face interviews with the applicant and each member of the household, including children as appropriate to their ages and understanding, one of which shall take place in the home of the applicant;
 - 6) An assessment concerning the personal characteristics of the applicant and the ability of the applicant to successfully parent a child;
 - 7) A safety audit of the home of the applicant in order to ensure that the home meets health and safety standards.
 - 8) Completion of pre-service training pursuant to rule 5101:2-5-33.
- B) The assessor shall complete a written home assessment report and a decision will be made to approve or deny the home assessment and written notification will be provided to the applicant regarding the approval or denial of their home assessment. The written assessment shall be provided within one hundred eighty days from the date of application
- C) If the decision of the assessor is to approve the homestudy, the written notification shall include but not be limited to, the following information:
- 1) Date of approval of the home assessment;

- 2) A description of the characteristics of the child/children for whom the applicant is being approved;
 - 3) Descriptions of the home assessment update process/licensor recertification.
- D) If the decision is to deny the home assessment, the written notification shall contain the following;
- 1) An explanation of the reason for denial;
 - 2) A description of procedures for a Department review pursuant to rule 5101:2-48-11 of the Ohio Administrative Code.

Effective: 8/01/09

Pursuant to Rule(s): 5101-2-5-13 (A) (4), 5101:2-5-20 (A) (2)

Foster Home Recertification Procedure

(A) Not less than ninety or more than one hundred twenty calendar days prior to the expiration of a foster home certificate, CCDJFS shall notify a foster caregiver of the date of expiration of the certificate. The notification shall identify any information or documentation which a foster caregiver is required to submit for recertification. The notification shall be on JFS 01331, "Notice of Expiration and Reapplication for a Foster Home Certificate." (Rev. 1/2003).

(B) Following agency notification to the foster caregiver as required by paragraph (A) 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.

(C) If a foster home certificate expires because a caregiver has failed to comply with paragraph (H) of rule 5101:2-7-14 of the Administrative Code there are no rights to appeal pursuant to Chapter 119. of the Revised Code.

(D) Following the expiration of a foster home certificate, CCDJFS shall submit a JFS 01317 "recommendation for certification/recertification of a foster home" (Rev. 1/2003) to the Ohio Department of Job and Family Services (ODJFS) after entering the appropriate data into the agency's FACSIS system ODJFS uniform statewide automated child welfare information system to close the home.

(E) Prior to the recommendation for and expiration of a current certificate, if a foster caregiver(s) has re-applied for a foster home certificate, an assessor shall complete a JFS 01385, "Ohio Department of Job and Family Services Assessment for Child Placement Update" (Rev. 6/2001), to ensure that the foster caregiver(s) remains in compliance with the requirements set forth in Chapter 5101:2-7 of the Administrative Code.

(F) An assessor's reassessment of a foster home shall include at least one home visit and one interview with each member of the household (except foster children) over the age of four years currently residing in the home. This may be a joint interview or individual interviews.

(G) Prior to recommending a foster home for recertification and prior to or within ten working days after any relocation of a foster home an agency shall conduct a safety audit of the foster caregiver's residence and document that the residence has met all safety standards required by rules 5101:2-7-05, 5101:2-7-10, 5101:2-7-12, and 5101:2-7-15 of the Administrative Code by completing a JFS 01348 "Safety Audit of a Foster Home." (Rev. 1/2003). 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.

(H) In addition to completion of the JFS 01348 an agency may require a foster caregiver to have the foster home inspected by a certified fire safety inspector prior to recommending the home for recertification if the agency deems it necessary to ensure that the home is free from conditions which may be hazardous to the safety of a foster child.

(I) In order to ensure the safety, health or care of a foster child, CCDJFS may require a report of a physical, psychiatric or psychological examination or treatment of the caregiver or any foster home resident. Such examination shall be conducted by a licensed physician, psychologist, or other certified or licensed professional.

(J) PCSA shall search for reports of child abuse and neglect contained in SACWIS, and request ODJFS to conduct a check from the central registry of abuse and neglect for each foster caregiver and each adult residing with a foster caregiver.

(K) A PCPA or PNA shall request ODJFS to conduct a search for reports of child abuse and neglect contained in SACWIS, and requests a check from the central registry of abuse and neglect for each foster caregiver and each adult residing with a foster caregiver.

(L) The effective date of a foster home certificate shall be the day of expiration of the previous certificate or the date of receipt of the original JFS 01317, as evidenced by the ODJFS date stamp, if received after the expiration date of the previous certificate, provided that the family reapplied prior to expiration as evidenced by a copy of the JFS 01331. If the family fails to reapply prior to the date of expiration of the previous certificate, the certificate will lapse expire and the family must re-apply for initial certification pursuant to rule 5101:2-5-20 of the Administrative Code.

(M) In addition to the requirements noted above, CCDJFS will require the following at recertification to ensure the safety and care of a child:

- (1) Updated Child Characteristic Checklist, JFS 1673-A
- (2) Financial Statement, JFS 1681
- (3) Verification of Home Owners/Renters Insurance
- (4) Verification of Automobile Insurance
- (5) Verification of pet vaccinations, if applicable
- (6) Documentation of training hours.
- (7) JFS 1653, Medical Statements for Foster Care/Adoptive Applicant and all household members
- (8) Verification of household income
- (9) A minimum of one reference from a professional who is knowledgeable of the prospective adoptive parent(s) family dynamics, or if a reference is not available from a professional, one personal reference from someone who is aware of the foster family's functioning.

(10) Search of the Central Registry/SACWIS

(11) BCII/FBI background records check of all household members over age 18

Effective: 10/1/11

Pursuant to Rule(s): 5101:2-5-24

Child Placement Procedures

The foster parent liaison will contact prospective caregivers who may potentially be able to meet the needs of the child requiring placement. All known information, albeit limited, at the time of initial placement, will be shared with the prospective caregivers to help them make a well-informed decision.

When a caregiver is identified, the Department will transport the child to the caregiver's home. However, there may be times when it is in the child's best interest to meet the caregiver at the Department or another neutral offsite location of mutual convenience. At the time of placement, the caregiver will be given a "Treat and Travel" form and an "Individual Child Care Agreement." Upon initial placement, caregivers are encouraged to schedule the mandated physical exam due within five days of the child's placement. This exam may be scheduled with any physician that accepts Medicaid payment. (A list of Medicaid providers is available upon request.) In addition, a dental examination is required for any child over the age of three, and must be scheduled within the first thirty days of placement. The child's worker should be contacted if the caregiver needs assistance with any arrangements regarding these appointments.

With initial and subsequent placements, caregivers are asked to assist with completion of a Clothing Inventory and Alternate Care Agreement. (See Appendix)

The child's worker is required to conduct a home visit with the child and caregiver within five days of placement. A mutually agreed upon time will be arranged.

Effective: 2/01/05

Occupancy Limitations and Accessibility

(A) The Clermont County Department of Job and Family Services shall place a foster child in a foster home only when the Department and the foster caregiver are in compliance with the provisions of Chapters 5101:2-5 and 5101:2-7 of the Administrative Code.

(B) Except as provided in paragraph (C) of this rule not more than five foster children shall reside in a foster home at any one time, subject to the following limitations:

(1) When a foster caregiver has been certified for less than two years to operate a foster home, or has less than two years of professional child care experience as documented by the recommending agency, not more than three foster children shall be placed in the home at any one time except sibling groups.

(2) Not more than two children under the age of two years, except sibling groups, including the children of a foster caregiver, shall reside in a foster home at any one time.

(3) Not more than four children under the age of five years, except sibling groups, including the children of a foster caregiver, shall reside in a foster home at any one time.

(4) If the foster home is a specialized foster home, the additional placement limitations of rules 5101:2-5-36 and 5101:2-5-37 of the Administrative Code, as applicable, shall apply.

(C) Pursuant to section 5103.0317 of the Revised Code, a foster home shall not receive more than five foster children except in any of the following circumstances:

(1) To accommodate a sibling group or the remaining members of a sibling group.

(2) When the additional child or children are related to the foster caregiver by blood or marriage.

(3) When the additional child or children are foster children who previously resided in the foster home.

(4) When the additional child or children are the children of a foster child who resides in the foster home.

(D) Not more than a total of ten children, including the children of a foster caregiver, children being cared for by a type B child care provider and children receiving any private child care services, shall reside or receive child care services in a foster home at any one time.

(E) Placement of a physically handicapped foster child in a foster home shall be made only after the agency has assured that any necessary special arrangements to meet the child's needs have been made.

Effective: 8/14/08

Pursuant to Rule(s): 5101:2-5-32

Site and Safety Requirements for a Foster Home

- (A) A foster home and all structures on the grounds of the home shall be maintained in a clean, safe, and sanitary condition and in a reasonable state of repair.
- (B) Outdoor recreation equipment on the grounds of a foster home shall be maintained in a safe state of repair.
- (C) Outdoor areas on the grounds of or immediately adjacent to a foster home which are potentially hazardous to a foster child placed in the home shall be reasonably safeguarded, considering the age and functioning level of the foster child. Such areas include, but are not limited to:
- (1) Water areas, including lakes, ponds, rivers, quarries and swimming pools;
 - (2) Open pits and wells;
 - (3) Cliffs and caves;
 - (4) High-speed or heavily traveled roads.
- (D) A foster home shall be adequately heated, lighted and ventilated.
- (E) The following shall be stored in a safe manner:
- (1) Bleach.
 - (2) Cleaning materials.
 - (3) Poisonous or corrosive household chemicals.
 - (4) Flammable and combustible materials.
 - (5) Potentially dangerous tools or utensils.
 - (6) Electrical equipment in or on the grounds of a foster home.
 - (7) Machinery in or on the grounds of a foster home.
- (F) A foster home shall comply with the following requirements regarding weapons:
- (1) The following weapons kept on the grounds of or in a foster home shall be stored in an inoperative condition in a locked area inaccessible to children:
 - (a) Firearms.

- (b) Air rifles.
 - (c) Hunting slingshots.
 - (d) Any other projectile weapon.
- (2) All ammunition, arrows or projectiles for such weapons shall be stored in a separate locked space.
- (3) Any foster caregiver who is also a law enforcement official and can document that their jurisdiction requires them to have ready and immediate access to their weapon shall be exempt from the requirements of this paragraph.
- (G) A foster home shall have a working telephone or be able to demonstrate to the recommending agency reasonable access to a working telephone for emergency situations.
- (H) Appropriate emergency telephone numbers including fire, police, ambulance, poison control, the recommending agency, and each agency with a foster child placed in the home shall be posted in a prominent place in a foster home.
- (I) All locks to at least one door to any room or storage area inside a foster 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. Locking of the children's bedroom doors while children are sleeping is prohibited. Locking of outside doors and fencing around a yard or outside play area is permitted.
- (J) A foster home shall have a continuous supply of safe drinking water. Well water used for drinking and cooking shall be tested and approved by the health department prior to initial certification and annually thereafter.
- (K) A foster home shall have working bathroom and toilet facilities located within the home and connected to an indoor plumbing system.
- (L) Garbage shall be disposed of on a regular basis. Garbage stored outside shall be in covered containers or closed bags.
- (M) A foster home shall have a working smoke alarm approved by "Underwriter's Laboratory" on each level of occupancy of the home.
- (N) A foster caregiver shall have a written evacuation plan for evacuating the home or seeking shelter in the event of fire, tornado or other disaster. This evacuation plan shall contain a primary and alternate escape route for each floor. A foster caregiver shall provide initial orientation and ongoing instruction on the contents of this plan to each foster child in accordance with the foster child's age and functioning level.
- (O) All escape routes shall be kept free of clutter and other obstructions.

- (P) Household heating equipment used in a foster home shall be equipped with appropriate safeguards in accordance with the age and functioning level of any foster child in the home.
- (Q) Unvented kerosene heaters may be used, if the heater has been approved by "Underwriter's Laboratory", and they are not prohibited by any local zoning ordinances.
- (R) A foster home shall have an "Underwriter's Laboratory" approved portable fire extinguisher in working order in or near the cooking area of the home.
- (S) Pets or domestic animals in or on the premises of a foster home shall be kept in a safe and sanitary manner in accordance with state and local laws.
- (T) A foster child shall be protected from animals potentially dangerous to the child's health and safety in or on the premises of a foster home.
- (U) Interior and exterior stairways accessible to children shall be protected by child safety gates or doors according to the child's age and functioning level.
- (V) A foster home shall provide a smoke free environment for foster children.
- (1) Smoking on the grounds of a foster home shall be permitted only if all of the following requirements are met:
- (a) Smoking shall not occur in the home or attached building areas.
 - (b) All smoking shall be conducted out of the sight of foster children.
 - (c) The area where smoking is occurring is so far removed from the foster children that the children cannot inhale any smoke.
- (2) Smoking may be permitted in the home or vehicles used for transporting foster children only when no foster child is present.

Effective: 08/01/09

Pursuant to Rule(s): 5101:2-7-12

Per-diem Payments to Foster Caregivers

Effective October 1, 2013

Age	Level I	Level II	Level III
0-5	20.00	25.00	30.00
6-13	30.00	35.00	40.00
14-18	35.00	40.00	45.00
Emergency Rate 0-18	35.00	35.00	35.00
Age	Therapeutic Low		
0-18	40.00		

SPECIAL CIRCUMSTANCES

- 1) Level I – A child that presents with none or few emotional or behavioral management problems.
- 2) Level II - A child eligible for this level must present with moderate emotional or behavioral management problems, and/or have a physical condition determined by a physician which requires specialized care. The foster parent will be required to provide the required transportation for the child to the necessary professional appointments that the child does need on a regular basis (two or more per week, on a regular basis). The care and supervision that will be given by the caregiver of a special needs will include, but not be limited to:
 - A) Twenty-four hour availability for supervision
 - B) Ability to meet the child’s basic needs
 - C) Ability to meet the child’s treatment needs, including, but not limited to supervision or provision of prescribed care, such as preparation of special diets or assisting in a program of physical therapy.
- 3) Level III – This level will include foster care parents who are providing care for three or more Clermont County foster children.

EMERGENCY PLACEMENT

An Emergency Foster Home is provided a \$35.00 per diem to be available on an "emergency on-call basis", 24 hours a day. The \$35.00 per diem will be effective for up to thirty days. If it is determined that the placement will be more long term, the reimbursement will adjust to the foster care per diem according to the child’s age and placement level.

Clothing

- a) Initial Voucher up to \$300
- b) All other clothing is included in above per diem
 - 0-5 2.00
 - 5-11 2.00
 - 12-15 2.50
 - 16-18 2.50

When a child is placed in substitute care, he or she receives an initial clothing voucher up to \$300.00. The child also receives clothing assistance in the per diem rate of \$2.00 or \$2.50, depending on the age of the child. The Department also seeks to obtain clothing from the child's home. If the child is moved from one substitute caregiver to another, a clothing inventory will be completed.

School Expenses

The Ohio Public School System is responsible for payment of the basic school fees of children placed in foster care. (This is accomplished by the child's worker supplying the appropriate documentation and submitting it on the child's behalf to the respective school system.)

Additional expenses such as those noted below may be eligible for Department funding with prior approval. The foster caregiver should submit written summary containing information about the specific request and cost to the child's worker.

- Books, rentals, lab fees and uniforms;
- Class ring (minimal cost)
- High school senior pictures (minimal cost)
- School activities (band, prom, sports, etc.)
- Other extracurricular activities as deemed appropriate by Department staff

Travel

Effective July 01, 2010

The present mileage reimbursement is \$.40 per mile for transporting the child to approved appointments (medical, counseling sessions, & visitations). For reimbursement, the Department utilizes a form which is contained in the appendix. Mileage requests for a particular month should be received by the Department by the 5th day of the following month.

Child Care

Effective October 01, 2013

Childcare, via an in-home provider or licensed facility, must be approved by the Department prior to any service being utilized. The **Alternate Care Agreement** (see appendix) must be also be approved and signed. A criminal background check and fingerprints are required for any individual providing childcare. Reimbursement of \$125.00 per week may be available to foster caregivers. The reimbursement form is located in the appendix of this document, and must be returned to the child's worker by the 5th day of the month following services.

Daycare/mileage reimbursements are due the 5th day of the following month. Forms turned in more than 60 days after the end of the month will not be reimbursed.

WIC

On behalf of a foster child age 0-5, a foster caregiver may apply for Ohio Women, Infants and Children (WIC). WIC is a nutrition education program. WIC services include: nutrition education and support, referral for health care, immunization screening and referral and supplemental foods such as milk, cereal, juice eggs, peanut butter, beans, and infant formula. Upon qualification, coupons are provided to buy healthy foods at local WIC approved grocery stores.

Call (513) 732-7329 to schedule an appointment. (A caregiver that lives outside of Clermont County may visit the WIC office in their county of residence.) Bring the following to the WIC appointment:

- Child
- Identification- shot records, WIC ID folder, medical card or birth certificate
- Proof of Income- Current month's Medicaid card or last 30 days of child's income. If child is related to foster parent, medical card or proof of last 30 days of household income is needed.
- Proof of Address-Such as a piece of mail
- Treat and Travel document provided by CCDJFS at time of placement which includes the child's name and date of birth
- Foster parent's phone number and date of birth

(For education appointments, identification only is required)

Respite

Respite care is an agreement between caregivers. Only respite care providers approved by the Clermont County Department of Job and Family Services will be utilized. Payment is worked out by the two caregivers since the Department will pay the caregiver who is the approved foster parent for the child (ren). An agreement must be reached between the caregivers that include the compensation of services. The Department will not interfere with the caregivers negotiations unless it affects the child's well being. (See appendix for Alternate Care Agreement.)

Training Stipend

The Clermont County Department of Job and Family Services will make stipend payments to foster caregivers. The stipend rate payment is ten dollars per foster caregiver per training hour successfully completed within a training session that is a minimum of one training hour in duration. Stipend payments will not be rendered for fractional hours in increments of less than one-quarter hour. The Clermont County Department of Job and Family Services reserves the right to decline to make a stipend payment to a foster caregiver if the Department determines that the foster caregiver has not successfully acquired the skills the training was designed to impart, or that the training was beyond the scope of the foster caregiver's individualized training plan, or that the training hours received were in excess of the minimum levels specified in sections 5103.031 and 5103.032 of the Revised Code. The Clermont Department of Job and Family Services is unable to make a stipend payment where 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.

Effective January 1, 2009 a person seeking certification to operate a family foster home shall complete a minimum of thirty-six hours of preplacement training prior to the agency recommending the home for certification. For preplacement training a lump sum payment shall be the equivalent of ten dollars per foster caregiver per training hour multiplied by the minimum required training hours.

For on-going certification purposes, a family foster caregiver can potentially be eligible to receive a stipend payment of up to \$10.00 per training hours successfully completed within a training session that is a minimum of one training hour in duration. Neither a foster caregiver 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.

Per OAC 5101:2-5-38 (1): An Agency must pay their foster parents within sixty (60) days of the training session being held. In order to be in compliance with this, Clermont County DJFS must initiate the following:

For a foster caregiver to be eligible to receive a stipend payment the Clermont County Department of Job and Family Services must be in receipt of training certificates noting the date and location of training, the time of attendance, the number of training hours received the training topic and the facilitator's name. These must be received as soon as possible upon

completion of the training but absolutely no later than the 5th day of the month following each training episode. Copies of training certificates are permissible, and should be forwarded to: CCDJS/CPS, 2400 Clermont Center Drive, Batavia, Ohio 45103, and ATTN: Data Entry Coordinator. It is also acceptable to scan the certificate and email this to the DJFS office; please contact the agency for the appropriate email address. For the email method, use the following address. Include your name and address so we properly identify and record your training information:

Fosterparenttrainings@odjfs.state.oh.us

Foster caregivers are expected to keep original certificates on file in their home.

*If the certificate is received beyond the deadline date, the stipend will not be paid. However, the hours towards recertification/pre-service will be applied.

Effective: 09/01/11

Pursuant to Rule(s): 5101:2-5-13 (A) (7); 5101: 2-5-38; 5101:2-5-33

Foster Home Sharing and Transfer of a Foster Home Policy

(A) Prior to CCDJFS sharing use of a foster home that has been recommended for certification by another agency, CCDJFS shall 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 also provide written notification to any other agencies currently using the home.

(B) An agency shall accept a transfer of a foster home from another agency only if the foster caregiver has been certified with the sending agency for a minimum of one year. An exception shall be made in the case of a foster caregiver who has relocated to another county not served by the foster caregiver's recommending agency or if the foster caregiver's recommending agency ceases to recommend foster homes for certification to ODJFS. Exceptions to the one year requirement may be made for the following:

(1) If a foster caregiver has relocated to another county not served by the foster caregiver's recommending agency.

(a) If the foster caregiver's recommending agency ceases to recommend foster homes for certification to ODJFS.

(b) If both the sending and receiving agency agree to the transfer.

(2) Upon receipt of a written request from a foster caregiver who meets the requirements of paragraph (B)(1) of this rule and who expresses a desire to transfer from the caregiver's current recommending agency, a receiving agency shall consider the request and make a decision whether it wishes to proceed further with an assessment to determine whether to accept the transfer. A foster caregiver shall not initiate more than one transfer request more than once during a certification period, and only to one agency at a time.

(3) If an agency determines that it wishes to further explore the possibility of a transfer of a foster home to its supervision, before accepting the transfer of the foster home, the receiving agency shall contact the sending agency of the foster caregiver in writing to notify the sending agency that such a request has been received and to request a complete copy of the caregiver's foster home records except for any personal references and criminal records checks.

(4) Upon receipt of the request from the receiving agency, if the foster caregiver's recommending agency has previously made a decision not to place any more children in the foster caregiver's home, it shall inform the receiving agency of this decision and the reasons why the decision was made. If the receiving agency still wishes to proceed with exploring the transfer request, it shall notify the sending agency in writing. Prior to sending the records to the receiving agency, the sending agency shall ensure that a signed

release of information authorization from the foster caregiver authorizing the sending agency to provide a copy of the agency's foster care records to the receiving agency has been obtained. The release of information may be obtained by either agency or the foster caregiver. While the transfer request is pending, the sending agency shall continue to work with the foster caregiver as it does with all other foster caregivers associated with the agency and shall continue to provide the caregiver with notification of training events needed according to the foster caregiver's written needs assessment and continuing training plan. The sending agency shall allow the foster caregiver to attend any such events and shall continue to meet with the caregiver regarding the care of any child placed in the home. No child shall be removed from a foster caregiver's home solely because the caregiver has requested a transfer from one agency to another.

(5) Within fifteen working days of receipt of the signed release of information and any applicable copying fee, the sending agency shall send a complete copy of the foster home records except for any references and any criminal records background checks conducted pursuant to rule 5101:2-7-02 of the Administrative Code to the receiving agency. The records shall include the most recent homestudy, homestudy updates, training records, fire inspection reports, safety audits and medical reports. The records shall also contain copies of all complaint or rule noncompliance investigations and any applicable corrective action plans. If there are any outstanding complaint or rule noncompliance investigations or corrective action plans that have not been fully implemented, the sending agency shall notify the receiving agency of the nature of any outstanding complaint or rule noncompliance investigations and any corrective action plans that have not been fully implemented. The sending agency may charge the receiving agency a reasonable fee for copying the records, not to exceed twenty-five cents per page. No additional fee shall be charged to any party. If a fee is charged for copying the records, the records shall not be sent until the fee is paid. The records shall be sent by certified mail, return receipt requested or hand delivered by agency staff. If the records are hand delivered, the sending agency shall be provided with a receipt showing the date the records were delivered to the receiving agency and the receiving agency shall document the date it received the records.

(6) The receiving agency shall accept the copy of the foster caregiver's records only from the sending agency. A copy of the records shall not be accepted from a foster caregiver. A caregiver may provide other information to the receiving agency that the caregiver considers to be pertinent.

(7) Upon receipt of the foster caregiver's records, the receiving agency shall assign an assessor to review the information received and conduct an assessment of the transfer request.

(8) To allow the receiving agency an opportunity to make an informed decision as to whether it wishes to proceed with the transfer request, the assessor shall review the foster caregiver's foster home records and any other information received from the sending agency and the foster caregiver(s). The assessor shall complete the review and make a recommendation to the receiving agency regarding the transfer within sixty days after the

records have been received. If the transfer review cannot be completed within sixty days, the assessor shall document in the foster home records the reasons why the review cannot be completed within sixty days. In addition to reviewing the sending agency's records and any information provided by the foster caregiver(s), in conducting the transfer review, the assessor shall contact staff from the sending agency and the foster caregiver(s) to ascertain the reasons why the request is being made and to determine if there are foster children in the home and, if so, to identify the agency with custody of the child (ren). The assessor shall also make at least one visit to the foster home and conduct a face-to-face meeting with each foster caregiver and with all other household members.

If the foster caregiver's records indicate that there are any outstanding complaint or rule noncompliance investigations or corrective action plans that have not been fully implemented, the assessor shall not recommend acceptance of the transfer unless the assessor is satisfied that any outstanding complaints or rule noncompliance investigations are not material to the request to transfer the home and the safety of any children who are or may be placed in the home. All transfer review activities shall be documented in the receiving agency's foster home records.

(9) The receiving agency shall not approve the transfer request until the following information has been received and approved by the agency.

(a) Three new personal references for the foster caregiver(s) from three persons who are unrelated to the caregiver and who do not live with the caregiver;

(b) A new criminal records check has been obtained, reviewed and approved by the assessor for all persons subject to a criminal records check residing in the foster home;

(c) A new safety audit of the foster home has been conducted to verify that the home meets all current safety requirements for foster homes; and

(d) Documentation of the assessor's decision to recommend approval of the transfer request, and the reasons for the decision are recorded in the receiving agency's foster home records. The foster caregiver and the sending agency shall be sent a written notice of the receiving agency's decision within five working days of the decision.

(10) If the receiving agency approves the transfer request, all information contained in the copy of the caregiver's records sent by the original recommending agency as well as any information gathered in the transfer review process and the assessor's written recommendation shall be incorporated as part of the receiving agency's foster caregiver records.

(11) If the receiving agency does not approve the transfer request, the copy of the records received from the sending agency and the assessor's written recommendation to reject the transfer request shall be maintained by the agency for at least two years.

(12) The approval or rejection of a transfer request rests solely with the receiving agency subject to the approval of ODJFS and creates no right of appeal pursuant to Chapter 119. of the Revised Code for any party to the transfer request.

(13) Prior to accepting a transfer, the receiving agency shall ensure that the custodial agency of any child currently placed in the home agrees to the transfer. If the custodial agency does not agree to the transfer while a child in its custody is placed in the home, the transfer shall not take place until the child is no longer placed in the home. A child shall not be removed from a caregiver's home solely because the caregiver seeks to transfer his/her foster home certificate to another agency.

(14) Nothing in this rule shall be construed to require an agency to accept the transfer of a foster home from another agency.

(15) Prior to or not later than thirty calendar days after a transfer request has been processed by ODJFS, the receiving agency shall provide an orientation to the foster caregiver of the agency's policies and procedures for foster caregivers.

(16) 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.

(C) When the receiving agency has decided to accept the transfer, it shall make a recommendation to ODJFS to transfer the foster home to the agency by submitting a completed JFS 01334 "Notification of Transfer of a Foster Home" (rev. 9/20066/2009).

(D) To allow for the orderly processing of transfer requests and recertification of a foster home, if a transfer of a foster home is pending within the ninety days immediately prior to the expiration of the certificate, the sending agency and the receiving agency may determine which agency will conduct the recertification review. If there is no agreement between the two agencies, the foster home's recommending agency shall be responsible for conducting the recertification review and recommendation.

(E) When the receiving agency has decided to accept the transfer of a foster home it shall enter the necessary data into the ODJFS uniform statewide automated child welfare database to register the foster home as a resource.

(F) Following receipt of a JFS 01334 by the foster care licensing section, ODJFS will issue a foster home certificate with the receiving agency identification number indicated as the recommending agency and enter information into the ODJFS uniform statewide automated child welfare database to indicate that the sending agency's records for the caregiver have been closed. The certificate shall be effective from the date of the transfer until the end of the current certification period unless at the time of the transfer the foster home is changing from a pre-adoptive infant foster home to a family foster home or specialized foster home or from a family foster home to a specialized foster home. In such cases, due to the increased training requirements, a new two year certification period will begin upon the date of transfer.

(G) Upon receipt of a signed release of information form, an agency shall release a copy of a foster care homestudy to an adoption agency when the foster caregiver is being considered as an adoptive parent.

Effective: 10/1/11

Pursuant to Rule(s): 5101:2-5-13 (A) (10) (A) (11), 5101-2-5-31

Operation of Treatment or Medically Fragile Foster Care Program Policy (Specialized Foster Home Program)

Pursuant to rules 5101:2-5-36 and 5101:2-7-16, the Clermont County Department of Job and Family Services will place children as identified as having special or exceptional needs into treatment foster care. Treatment foster care focuses on providing rehabilitative services to children and their families with the primary location of treatment being in the foster home.

Pursuant to rule 5101:2-5-37 and 5101:2-7-17, children identified as having intensive health care needs will be placed in a medically fragile foster home.

Each child placed into a Clermont County Department of Job and Family Services certified treatment or medically fragile foster home will be assigned a treatment team. The treatment team is the group of individuals who formulate, assess, monitor and revise the service plans for children in treatment or medically fragile foster care. The Clermont County Department of Job and Family Services will have up to two treatment team leaders supervised by the treatment team supervisor. Each treatment team leader will be responsible for the day-to-day leadership of the treatment team and for the preparation and revisions of the written service plan, in accordance with rule 5101:2-5-36 and 5101:2-7-17 all requirements will be followed. No team leader will have more than six youth on their case load at one time.

A medically fragile foster caregiver or a treatment foster caregiver certified after January 1, 2003 will have at least two years of experience as a certified foster caregiver, and if caring for a medically fragile foster child, will have two years experience in caring for medically fragile children. The Department will accept educational experience in lieu of direct experience at the rate of every TWO years of educational experience for ONE year of direct experience. One year of educational experience is equivalent to 30 college semester hours, 45 college quarter hours or 30 hours of professional Continuing Education Units. The education must be in a health, child development or social services related field. The parenting of one's own children who do not have special, exceptional or intensive needs will not be a sole criteria for determining equivalent experience.

Effective: 8/01/09

Pursuant to Rule(s): 5101:2-5-13 (A) (15); 5101:2-5-36; 5101:2-5-37; 5101:2-7-16; 5101:2-7-17

**Respite Care for Treatment and/or Medically Fragile Foster Care Program
(Specialized Foster Home Program)**

The Clermont County Department of Job and Family Services allows access to both planned and crisis respite care for treatment and medically fragile foster caregivers. The provisions are as follows:

(A) Respite care will only be utilized with the prior approval of the administrative director of the specialized foster care program (or the designee).

(B) Only approved respite care providers will be utilized. Contact the Foster Parent Liaison if assistance is needed.

(C) Any approved respite care provider who is not certified as a foster caregiver or specialized foster caregiver must have at least twelve hours of orientation and training relevant to the children served by the specialized foster care program in Clermont County, and have a criminal record check PRIOR to providing respite care.

(D) Unless the respite care provider is certified as a specialized foster care giver, the provider will not provide respite care for children for more than two consecutive weeks.

(E) Prior to EACH occasion of respite care, the Department will provide the respite care provider with a copy of the child's education and health information (JFS 01443), and at least a written summary of the child's service plan. If the child is determined to be medically fragile, a copy of the child's nursing treatment plan (containing physician orders) will also be provided, by the Department, to the respite caregiver. The Department will keep documentation in the child's case record noting that these materials have been provided to the respite provider. For each occasion of respite care, the respite care provider will provide a written report of the child's stay in respite care to the specialized foster caregiver.

(F) A respite care provider for a medically fragile child will either be a certified foster caregiver for medically fragile children or be a licensed medical professional.

(G) Respite payment is worked out by the two caregivers since the Department will pay the caregiver who is the approved foster parent for the child (ren). An agreement must be reached between the caregivers that include the compensation of services. The Department will not interfere with the caregivers negotiations unless it affects the child's well being.

Effective: 2/01/05

Pursuant to Rule(s): 5101:2-5-13 (A) (16)

Matching Specialized Foster Caregivers with Children

When facilitating a specialized match, the Clermont County Department of Job and Family Services makes placement decisions based on the needs of the child , and the capabilities of the specialized foster caregivers being considered. In addition, Clermont County seeks to utilize family-centered neighborhood based practices when feasible.

Effective: 10/2/07

Pursuant to Rule(s): 5101:2-5-13 (A) (17)

Specialized Programs Access to Crisis Counseling

All foster children, foster caregivers and their families in the specialized foster care program have access to 24 hour crisis counseling. The caseworker on duty will provide this service. Further crisis counseling services will be provided on an "as needed" basis and is available for issues/challenges caused by a specific incident related to the foster child, including the death or hospitalization of a child.

Effective: 9/22/04

Pursuant to Rule(s): 5101:2-5-13 (A) (19)

Behavior Intervention Policy for Treatment and/or Medically Fragile Foster Care Program (Specialized Foster Care Program)

The Clermont County Department of Job and Family Services maintain the following policy regarding behavior intervention or behavior modification.

Behavior Modification

Behavior modification is a planned approach to help the foster children either increase a desired behavior or decrease an undesired behavior.

The target areas of needed behavior modification are determined by members of the treatment team, and the child (as appropriate to the child's age and functioning level).

Following the determination of targeted behavior intervention, members of the treatment team will develop both a treatment plan and a behavior modification system. Behavior modification systems will be developed and reviewed to make sure they are appropriate and meet the specific needs of children with disabilities.

Treatment team members emphasize the use of positive reinforcement strategies (reward systems) and de-emphasize the use of negative reinforcement (consequences) strategies.

Behavioral intervention strategies shall focus on understanding the underlying motivation for the behavior and antecedent factors.

The Clermont County Department of Job and Family Services adheres to the philosophy that behavior intervention strategies shall be planned and proactive in order to facilitate growth and pro-social adaptation of foster children.

Therapeutic Foster Caregivers are trained to utilize the following behavioral intervention strategies: Isolation, Time out, Loss of privileges, Point systems, Incentives

Time outs and isolation strategies are used in situations where a foster child's behavior necessitates a break in order for the foster child to regain control of his/her self. The age and developmental functioning level of the child is of critical importance in utilizing time out and isolation strategies.

Isolation: Isolation of a child is defined as "the temporary confinement of a child in the child's own bedroom or another equally private/quiet area of the caregiver's home. Isolation of a foster child due to his or her maladaptive behavior episodes shall not be enforced for excessive or prolonged periods of time. Treatment team members shall work cooperatively to determine the appropriate duration for isolation. Isolation would be contraindicated for foster children under the age of 5 years and for an older foster child who has a significant history of depression or suicidal ideation.

Time Out: Time out is defined as a brief period of confinement of a foster child to a specific area in the caregiver's home. A time out differs from isolation in that the child may remain in a common area of the home with other family members. As with isolation strategies, the treatment team shall work cooperatively to determine the appropriate duration for the time out. Time out strategies shall not be excessive or prolonged and they shall not require the child to maintain an awkward or uncomfortable position. Lastly, time out interventions shall preserve the mental health and psychological well being of the child.

Loss of privileges: Loss of privileges is defined as the temporary prohibition of a desired activity, event or "allowance." Caregivers are not permitted to prohibit a foster child from the following:

- Family visitation
- Treatment team member contacts
- Religious attendance
- Medical/counseling appointments
- Employee commitments
- Team sport participation
- Social club participation
- Prom and homecoming
- Participation in holiday customs

Point Systems/Incentives: Specialized Foster Caregivers are strongly encouraged to use point systems/incentives to motivate foster children to engage in and demonstrate pro-social behavior. Treatment team members shall work cooperatively to develop individualized point/incentive systems. Points/incentives are granted each time the foster child produces a desired behavior. Incentives to be utilized include, but are not limited to the following:

- Psychological affirmations, Participation in a special activity or outing
- Extra privileges, Money, Desired personal items
- Extended curfew/ bedtime

The treatment team leader(s) and treatment team supervisor are responsible for the development and oversight of the behavioral intervention plan. The treatment team supervisor shall at a minimum be a licensed social worker in the State of Ohio. The treatment team leader will hold a minimum of a bachelor's degree in Social Work or related field, or otherwise meet the qualifications of section 5153.112 of the Ohio Revised Code.

Effective: 9/22/04

Pursuant to Rule(s): 5101:2-5-13 (A) (23)

Evaluation of a Specialized Foster Care Program Policy

The Clermont County Department of Job and Family Services will evaluate annually the specialized foster care program. Specialized foster caregivers, children in care (when appropriate to their age and level of functioning) and their families will be asked to participate in the evaluation process. A copy of the evaluation will be kept by the Department's administrator or designee and will be available upon written request.

Effective: 9/22/04

Pursuant to Rule(s): 5101:2-5-13 (A) (18)

Foster to Adopt Notification

When there is a plan for a change in the custody status of a child (ren) from temporary to permanent custody, and the child (ren) is in a foster home, the Department shall notify the foster family of the adoption process in the event the family is interested in pursuing adoptive placement. Written notification will occur within thirty (30) days of the filing of the Permanent Custody Motion. The Department shall discuss the permanency plan for the child (ren) with the foster parents, along with the recommending agency if different than the Clermont County Department of Job and Family Services.

When a foster caregiver expresses the desire to adopt a foster child, the Clermont County Department of Job and Family Services will follow adoptive approval and placement requirements contained in Rules 5101-2-48-11, 5101-2-48-11.1, and 5101-2-48-16. These requirements include notifying the foster caregiver that they will be given priority consideration as an adoptive placement for the child (ren) unless the Department determines that the placement is not in the child's best interest.

Effective: 7/01/09

Pursuant to Rule(s): 5101:2-5-13 (A) (12), 5101-2-48-11, 5101-2-48-11.1 and 5101-2-48-16

Records and Confidentiality

- (A) A foster caregiver shall maintain a record on each foster child which shall include:
- (1) A copy of the current child care agreement between the Department and the foster home and any written case plan provided by the Department;
 - (2) Reports of scholastic performance that must include:
 - (a) Report Cards.
 - (b) Diplomas
 - (c) Certificates of achievement or merit
 - (3) Medical information provided by a foster child's physician and by the placing agency, and current instructions regarding a foster child's health care;
 - (4) The name and telephone number of the recommending agency contact person or the custody holding person or agency as applicable;
 - (5) Data which is pertinent to the foster child's life book as referenced in rule 5101:2-42-67 of the Administrative Code.
- (B) A foster caregiver shall give a foster child's record and all other official documents regarding the foster child to the Department when the foster child leaves the home.
- (C) A foster caregiver shall not disclose or knowingly allow the disclosure of any information regarding a foster child or the foster child's family to persons not directly involved in the foster child's care and treatment on an official basis.

Effective Date: 8/01/09

Pursuant to Rule(s): 5101:2-7-04

Required Notification

(A) Consult with the Department prior to communicating with the child's birth parents. Oftentimes communication is encouraged; however, it is essential that foster caregivers and the child's worker have a clear understanding of the frequency, type and duration of contact to assure all safety risks have been adequately assessed and the plan is in the child's best interest.

(B) Notify the Department two weeks in advance before taking the child with you on an out of state or overnight trips. The Department has custody of the child but may need to consult the court for permission for such activities.

Trips out of state require additional Treat and Travel papers.

(C) A foster caregiver shall notify CCDJFS in writing prior to allowing any person to reside for more than two weeks in the foster home.

(D) A foster caregiver shall notify the recommending agency within twenty-four hours in one hour of the caregiver gaining the knowledge of any of the following circumstances involving a foster child:

- (1) A serious injury or illness involving medical treatment of a foster child;
- (2) The death of a foster child;
- (3) Unauthorized absence of a foster child from the home;
- (4) Removal of a foster child from the home by any person or agency other than the placing agency, or attempts at such removal;
- (5) Any involvement of a foster child with law enforcement authorities.

(E) A foster caregiver shall notify CCDJFS within twenty-four hours or the next working day when any fire requiring the services of a fire Department occurs within the home.

(F) A foster caregiver shall notify CCDJFS and any agency which has placed a foster child in the foster home within twenty-four hours when the foster home becomes uninhabitable for any

reason.

(G) A foster caregiver shall notify CCDJFS within twenty-four hours or the next working day of any of the other following circumstances:

- (1) Any impending change in the marital status of the foster caregiver or in the household occupancy of the home;
- (2) Any serious illness or death in the household.

(H) A foster caregiver shall inform CCDJFS at least four weeks prior to a planned move of the foster caregiver.

(I) A foster caregiver shall notify CCDJFS within twenty-four hours of any charge of any criminal offense brought against the caregiver or any resident of his home. If the charges result in a conviction, the foster caregiver shall notify CCDJFS within twenty-four hours of the conviction. Failure to notify the agency in either of these circumstances shall result in The Ohio Department of Job and Family Services (ODJFS) seeking an order to revoke the caregiver's certification to operate a foster home.

(J) Pursuant to section 5103.0319 of the Revised Code, a foster caregiver shall also notify CCDJFS in writing within twenty-four hours if a resident of the foster caregiver's home is at least twelve years of age, but less than eighteen years of age, and has been convicted of or pleaded guilty to any of the offenses listed in appendix A of this rule, or has been adjudicated to be a delinquent child for committing an act that if committed by an adult would have constituted such a violation. The notification is also required for any conviction or adjudication of delinquency resulting from a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in appendix A of this rule. If CCDJFS learns that a foster caregiver has failed to comply with this paragraph, it shall notify ODJFS and ODJFS shall revoke the foster caregiver's certification to operate a foster home.

(K) Prior to the expiration date of a foster home certificate a caregiver shall submit JFS 01331, "Notice of Expiration and Reapplication for a Foster Home Certificate", (rev. 1/2003) to CCDJFS.

(L) Failure of a foster caregiver to submit the reapplication form prior to the expiration date of the current foster home certificate shall cause the foster home certificate to expire.

(M) A foster caregiver may voluntarily terminate a foster home certificate for any reason by providing written notice of intent to terminate and the effective date of termination to the recommending agency.

(N) A foster caregiver shall inform the recommending agency within thirty days in writing if the foster caregiver is certified to operate a type B family day care home.

Effective Date: 8/14/08

Pursuant to Rule(s): 5101:2-7-14

Criminal Records Check Required for Certain Prospective Employees and Certified Foster Caregivers

(A) The appointing or hiring officer or administrative director of an agency shall request the bureau of criminal identification and investigation (BCII) conduct a criminal records check with respect to any person subject to a criminal records check and any person providing respite care for a specialized foster care program that is not a certified foster caregiver.

(B) The appointing or hiring officer or administrative director of the agency shall inform each prospective employee at the time of initial application, that as a precondition to being approved for that position:

(1) The person is required to complete the BCII prescribed criminal records check form and provide a set of fingerprint impressions; and.

(2) A criminal records check is required to be conducted by BCII and, except as provided in paragraph (N) of rule 5101:2-5-09 of the Administrative Code, satisfactorily completed if the prospective employee comes under final consideration for appointment or employment.

(C) The appointing or hiring officer or administrative director of the agency shall inform each person seeking to become a respite care provider and each person seeking certification as a foster caregiver, at the time of initial application, that as a precondition to being approved as a foster caregiver or respite care giver:

(1) The person is required to complete the BCII AND FBI prescribed criminal records check form and provide a set of fingerprint impressions;

(2) A criminal records check shall be conducted by BCII AND FBI and satisfactorily completed for any person seeking certification as a foster caregiver.

(D) The appointing or hiring officer or administrative director of the agency shall provide each person listed in paragraph (A) of this rule with a copy of the BCII prescribed criminal records check form and a BCII AND FBI standard impression sheet to obtain fingerprint impressions.

(E) Before a recommending agency may submit a recommendation to the Ohio department of job and family services (ODJFS) on whether the department should issue a certificate to operate a foster home, the administrative director of the agency shall request that the superintendent of BCII AND FBI conduct a criminal records check with respect to the prospective foster caregiver and all other persons eighteen years of age or older who reside with the foster caregiver.

(F) Any person subject to a criminal records check who receives a copy of the BCII AND FBI prescribed criminal records check form and a BCII AND FBI standard impression sheet and who is requested by the agency to complete the form and provide a set of fingerprints impressions shall:

- (1) Complete the form or provide all the information necessary to complete the form;
- (2) Provide the impression sheet with the impressions of the person's fingerprints; and.
- (3) Submit the completed form and the impression sheet to the agency.

(G) If a person seeking certification as a foster caregiver fails to provide the information necessary to complete the form or fails to provide fingerprint impressions or fails to provide fingerprint impressions for any adult household members, that person shall be denied certification as a foster caregiver pursuant to rule 5101:2-5-26 of the Administrative Code.

(H) If a prospective employee seeking appointment or employment by an agency fails to provide the information necessary to complete the form or fails to provide fingerprint impressions, the prospective employee shall not be employed by the agency and or denied the ability to become a respite care provider and or a foster care giver.

(I) The agency shall obtain the completed form and fingerprint impression sheet from each person subject to a criminal records check and forward the form and fingerprint impression sheet to BCII at the time the agency requests a criminal records check.

(J) The agency shall request that BCII obtain information from the "Federal Bureau of Investigation" (FBI) as a part of the criminal records check for any entity that appoints or employs any person responsible for a child's out-of-home care if: either of the following are applicable:

- (1) The person does not present proof of residency in Ohio for the five-year period immediately prior to the date upon which the criminal records check is requested;
- (2) The person does not provide evidence that within that five-year period, BCII has requested information about the person from the FBI in a criminal records check.

(K) The agency may request that BCII include information from the FBI in the criminal records check if the appointed person or employee of an entity responsible for a child's out of home care presents proof of residency in Ohio for that five year period.

(L) The agency shall request that BCII include information from the FBI in the criminal records for each foster caregiver or applicant subject to a criminal records check.

(M) The agency shall pay to BCII the fee prescribed pursuant to division (C) (3) of section 109.572 of the Revised Code for each criminal record check conducted.

(N) The agency may charge a person subject to a criminal records check a fee for the costs incurred in obtaining criminal records check. Pursuant to division (D) of section 2151.86 of the Revised Code, a fee charged by the agency shall not exceed the fee paid by the agency to BCII. If a fee is charged, the agency shall notify the person at the time of initial application of the

amount of the fee and that, unless the fee is paid, the person will not be considered for employment or certification as a foster caregiver.

(O) The report of any criminal records check conducted by BCII in accordance with section 109.572 of the Revised Code and pursuant to a request made by the agency is not a public record. The report shall be made available only to the following persons:

- (1) The person who is the subject of the criminal records check or the person's representative.
- (2) The agency requesting the criminal records check or its representative.
- (3) Any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment, approval or certification to the person.
- (4) ODJFS employees when ODJFS determines the report is necessary for certification or monitoring purposes.
- (5) A county department of job and family services.
- (6) A public children services agency.

(P) Reports from BCII or any other local, state, or federal agency regarding a person's criminal record are valid for a period of one year from the date of the report.

(Q) The recommending agency shall evaluate whether the foster home should continue to be recommended for certification or be recommended for denial or revocation of certification. When a person who is certified as a foster caregiver is convicted of any offense listed in paragraph (J) of rule 5101:2-7-02 of the Administrative Code.

- (1) The evaluation shall begin within five days of the agency's knowledge of the person's conviction, be completed within thirty days, and be documented in the foster home's record.
- (2) At a minimum, the provisions of paragraph (R) of this rule shall be considered in the evaluation.
- (3) This requirement shall also be applicable for any adult who resides with a foster caregiver upon conviction of any offense listed in paragraph (J) of rule 5101:2-7-02 of the Administrative Code.

(R) The evaluation required by paragraph (O) (Q) of this rule shall include at a minimum:

- (1) Whether there are children currently placed in the foster home and the impact of disruption on the children if moved.

- (2) Whether rehabilitation of the individual had to be considered for initial certification.
- (3) The length of time of certification prior to this conviction.
- (4) The factors outlined in paragraphs (I)(1), (I)(2), (I)(3) and (I)(4) of rule 5101:2-7-02 of the Administrative Code.

(S) Upon receipt of notification of an adult who resides with a foster caregiver who has pleaded guilty to or been convicted of a foster caregiver disqualifying offense, the recommending agency shall assess the foster home for safety concerns and forward any recommendations to ODJFS for revocation if applicable. As used in this rule, "foster caregiver disqualifying offense" means any offense or violation listed or described in division (C) (1) of section 2151.86 of the Revised Code.

(T) Upon receipt of notification of an adult who resides with a foster caregiver who has pleaded guilty to or been convicted of a foster caregiver disqualifying offense, the recommending agency shall assess the foster home for safety concerns and forward any recommendations to ODJFS for revocation if applicable. As used in this rule, "foster caregiver disqualifying offense" means any offense or violation listed or described in division (C)(1) of section 2151.86 of the Revised Code.

(U) Pursuant to division (H) of section 2151.86 of the Revised Code, an agency may request a waiver of the requirement that a criminal records check based on fingerprints be conducted for an adult resident of a prospective foster home or the home of a foster caregiver if the recommending agency documents to the department's satisfaction that the adult resident is physically unable to comply with the fingerprinting requirement and poses no danger to foster children or adoptive children who may be placed in the home. In such cases, the recommending or approving agency shall request that the bureau of criminal identification and investigation conduct a criminal records check using the person's name and social security number. All waiver requests shall be submitted to ODJFS pursuant to rule 5101:2-5-18 of the Administrative Code.

Effective Date: 10/1/11

Pursuant to Rule 5101:2-5-09.1

Additional Requirements for a Treatment Foster Caregiver and a Treatment Foster Home

In addition to the requirements found in rules 5101:2-7-02 to 5101:2-7-15 of the Administrative Code, a treatment foster home shall meet the following requirements:

- (A) A treatment foster caregiver initially certified after the effective date of this rule shall meet at least one of the following requirements:
- (1) A minimum of three hundred sixty-five days of caring for a foster child in placement as a certified foster caregiver.
 - (2) A minimum of sixty hours of training in a classroom setting that complies with the following:
 - (a) For an applicant the training shall be completed within twenty-four months prior to the date of application for initial certification as a specialized caregiver.
 - (b) For a certified caregiver the training shall be completed within twenty-four months of the certified caregiver's written intent to upgrade their certification if the caregiver does not meet the requirement in paragraph (A)(1) of this rule.
 - (c) The training shall relate to children with special or exceptional needs as defined in rule 5101:2-47-18 of the Administrative Code.
 - (3) A minimum of five years cumulative experience caring for a child in the home of the foster caregiver or applicant on a daily basis.
 - (4) A minimum of one year of cumulative experience caring for a child who has special or exceptional needs as defined in rule 5101:2-47-18 of the Administrative Code in the home of the foster caregiver or applicant on a daily basis.
- (B) Training requirements for a treatment foster caregiver.
- (1) Each treatment foster caregiver shall successfully complete the number of hours of pre placement and continuing training specified in the recommending agency's training policy required pursuant to rule 5101:2-5-13 of the Administrative Code.
 - (a) A treatment foster caregiver shall complete at least thirty-six hours of preplacement training and sixty hours of continuing training during each two year certification period.
 - (b) A waiver for some continuing training requirements may be approved by a recommending agency if the waiver meets the conditions of paragraph (J) of rule 5101:2-5-33 of the Administrative Code.

(c) All pre placement and continuing training received by a treatment foster caregiver shall be subject to the requirements specified in paragraphs (C)(7) and (C)(8) of rule 5101:2-5-33 of the Administrative Code.

(2) Prior to receiving a child in placement, each treatment foster caregiver shall successfully complete an American red cross or American heart association first aid and adult and child cardiopulmonary resuscitation (CPR) certification training program or the equivalent.

(a) If foster children under the age of one will be placed in the treatment foster home, infant CPR shall be included in the CPR certification.

(b) This training may be counted towards the training required by paragraphs (C) (7) and (C) (8) of rule 5101:2-5-33 of the Administrative Code.

(c) First aid and CPR certification shall be kept current at all times.

(C) Each treatment foster caregiver is a member of the treatment team and shall implement the service plan for each child as prescribed by the recommending agency.

(D) Occupancy limitations for a treatment foster home.

(1) A treatment foster caregiver may provide foster care for not more than five foster children, two of whom have exceptional needs requiring their placement in a treatment foster home. Any exceptions to the number of children with exceptional needs to be served, must have specific justification in accordance with the agency's policy for matching foster children and treatment foster caregivers pursuant to rule 5101:2-5-13 of the Administrative Code. Such justification, which may include the need to place a sibling group, or the abilities of a particular family in relation to the special or exceptional needs of a particular child, shall be documented in the child's case record and in the treatment foster home record. If more than two children with exceptional needs are placed in a treatment foster home, all agencies holding custody of any other children placed in the home shall be notified by the treatment foster care program within seventy-two hours of placement.

(2) A treatment foster caregiver who is also an appropriately trained and licensed professional may provide care for not more than five children with special or exceptional needs placed in the caregiver's home if both of the following apply:

(a) The caregiver has five years of child care experience and training related to serving children in foster care.

(b) The caregiver's primary means of support is from reimbursement as a treatment foster caregiver.

(3) The following shall be considered an appropriately trained and licensed professional as required in paragraph (D) (2) of this rule:

- (a) A social worker.
- (b) A professional counselor.
- (c) A psychologist.
- (d) A teacher.
- (e) A person who has a minimum of a bachelor's degree in a child development or social services field.

(4) Children placed in a foster home on or prior to March 31, 2005 shall not be moved to another placement solely to meet the requirements of paragraph (D)(1) or (D)(2) of this rule.

(E) A treatment foster caregiver or at least one member of a treatment foster caregiver couple or co-parent shall have weekly consultation and face-to-face contact at least every two weeks with the recommending agency's professional treatment staff. At least one of the face-to-face contacts each month shall be in the treatment foster home.

(F) A treatment foster caregiver shall prepare, and keep current, a written record of the behavior and progress of the child towards achieving the treatment goals as identified in the service plan of each foster child placed in the home as required by the agency.

(G) Under the direction of the treatment team leader, a treatment foster caregiver shall assume primary responsibility for implementing the in-home treatment strategies specified in the child's service plan and any revisions thereto.

(H) A treatment foster caregiver shall work cooperatively with the family of the child according to the child's service plan and case plan.

(I) A treatment foster caregiver shall perform any additional written responsibilities and duties established by the recommending agency for a treatment foster caregiver.

(J) A treatment foster caregiver shall attend and participate in the treatment team meetings for each child placed in his home. If the treatment foster home certificate is in the name of a couple or co-parents, only one caregiver is required to attend the treatment team meetings unless otherwise specified by the recommending agency.

Effective: 8/01/08 Pursuant to Rule 5101:2-7-16

APPENDIX A

OFFENSES PROHIBITED BY PARAGRAPH (G) OF RULE 5101:2-7-14 OF THE ADMINISTRATIVE CODE

HOMICIDE

1. R.C. 2903.01 - AGGRAVATED MURDER
2. R.C. 2903.02 – MURDER
3. R.C. 2903.03 - VOLUNTARY MANSLAUGHTER
4. R.C. 2903.04 - INVOLUNTARY MANSLAUGHTER

ASSAULT

5. R.C. 2903.11 - FELONIOUS ASSAULT
6. R.C. 2903.12 - AGGRAVATED ASSAULT
7. R.C. 2903.13 – ASSAULT
8. R.C. 2903.15 – PERMIT CHILD ABUSE
9. R.C. 2903.16 - FAILING TO PROVIDE FOR A FUNCTIONALLY IMPAIRED PERSON

MENACING

10. R.C. 2903.21 - AGGRAVATED MENACING
11. R.C. 2903.211 – MENACING BY STALKING
12. R.C. 2903.22 – MENANCING

PATIENT ABUSE AND NEGLECT

13. R.C. 2903.34 - PATIENT ABUSE; NEGLECT

KIDNAPING AND RELATED OFFENSES

14. R.C. 2905.01 - KIDNAPING
15. R.C. 2905.02 - ABDUCTION
16. R.C. 2905.04 - CHILD STEALING (AS THIS LAW EXISTED PRIOR TO JULY 1, 1996)

17. R.C. 2905.05 - CRIMINAL CHILD ENTICEMENT

SEX OFFENSES

18. R.C. 2907.02 - RAPE

19. R.C. 2907.03 - SEXUAL BATTERY

20. R.C. 2907.04 - CORRUPTION OF A MINOR

21. R.C. 2907.05 - GROSS SEXUAL IMPOSITION

22. R.C. 2907.04 – UNLAWFUL SEXUAL CONTACT WITH A MINOR

23. R.C. 2907.06 -- SEXUAL IMPOSITION

24. R.C. 2907.07 -- IMPORTUNING

25. R.C. 2907.08 -- VOYEURISM

26. R.C. 2907.09 -- PUBLIC INDECENCY

27. R.C. 2907.09 – FELONIOUS SEXUAL PENETRATION (as this former section of law existed)

27. R.C. 2907.21 -- COMPELLING PROSTITUTION

28. R.C. 2907.22 -- PROMOTING PROSTITUTION

29. R.C. 2907.23 -- PROCURING

30. R.C. 2907.25 -- PROSTITUTION

31. R.C. 2907.31 -- DISSEMINATING MATTER HARMFUL TO JUVENILES

32. R.C. 2907.32 -- PANDERING OBSCENITY

33. R.C. 2907.321(32.1) -- PANDERING OBSCENITY INVOLVING A MINOR

34. R.C. 2907.322 (32.2)-- PANDERING SEXUALLY ORIENTED MATTER INVOLVING A MINOR

35. R.C. 2907.323(32.3) -- ILLEGAL USE OF A MINOR IN NUDITY-ORIENTED MATERIAL OR PERFORMANCE

ARSON

36. R.C. 2909.02 - AGGRAVATED ARSON

37. R.C. 2909.22 – SUPPORTING TERRORISM

- 38. R.C. 2909.23 - MAKING A TERRORISTIC THREAT
- 39. R.C. 2909.24 - TERRORISM
- 40. R.C. 2909.03 - ARSON

ROBBERY AND BURGLARY

- 41. R.C. 2911.01 - AGGRAVATED ROBBERY
- 42. R.C. 2911.02 - ROBBERY
- 43. R.C. 2911.11 - AGGRAVATED BURGLARY
- 44. R.C. 2911.12 – BURGLARY
- 45. R.C. 2913.49 – IDENTITY FRAUD

OFFENSES AGAINST THE FAMILY

- 46. R.C. 2917.01 – INCITE TO VIOLENCE
- 47. R.C. 2917.02 – AGGRAVATED RIOT
- 48. R.C. 2919.22 -- ENDANGERING CHILDREN
- 49. R.C. 2919.23 -- INTERFERENCE WITH CUSTODY (THAT WOULD HAVE BEEN A VIOLATION OF R.C. 2905.04 AS IT EXISTED PRIOR TO JULY 1, 1996 IF THE VIOLATION HAD BEEN COMMITTED PRIOR TO THAT DATE)
- 50. R.C. 2919.24 -- CONTRIBUTING TO UNRULINESS OR DELINQUENCY OF A CHILD
- 51. R.C. 2919.25 - DOMESTIC VIOLENCE
- 52. R.C. 2919.12 – UNLAWFUL ABORTION

WEAPONS CONTROL

- 53. R.C. 2923.12 - CARRYING A CONCEALED WEAPON
- 54. R.C. 2923.13 - HAVING A WEAPON WHILE UNDER DISABILITY
- 55. R.C. 2923.161 (16.1) - IMPROPERLY DISCHARGING A FIREARM AT OR INTO A HABITATION OR SCHOOL

DRUG OFFENSES

- 56. R.C. 2925.02 -- CORRUPTING ANOTHER WITH DRUGS
- 57. R.C. 2925.03 -- TRAFFICKING IN DRUGS
- 58. R.C. 2925.04 -- ILLEGAL MANUFACTURE OF DRUGS OR CULTIVATION OF MARIJUANA
- 59. R.C. 2925.05 -- FUNDING OF DRUG OR MARIJUANA TRAFFICKING
- 60. R.C. 2925.06 -- ILLEGAL ADMINISTRATION OR DISTRIBUTION OF ANABOLIC STEROIDS
- 61. R.C.2925.11 – POSSESSION OF DRUGS THAT IS NOT A MINOR DRUG POSSESSION OFFENSE

OTHER

- 62. R.C. 2927.12 – ETHNIC INTIMIDATION
- 63. R.C. 3716.11 -- PLACING HARMFUL OBJECTS IN FOOD OR CONFECTION
- 64. R.C. 4511.19 – OPERATING VEHICLE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

Effective: 8/14/08

Foster Child Smoking Policy

No foster child under the age of eighteen (18) years is permitted to use any tobacco product.

Foster children will not be directly exposed to any second hand smoke while in a foster home, or while riding in any vehicle. If anyone in the foster home chooses to smoke while a foster child is placed in their home, second hand smoke cannot directly affect the foster child.

Definition: Smoking is inhaling, exhaling, burning or carrying of any lighted cigar, cigarette, pipe or other lighted smoking device for burning tobacco or any other plant. "Smoking" does not include the burning of incense in a religious ceremony.

Smoking Prohibited:

It is the responsibility of the foster parents to enforce the following provisions:

- *A foster child may not use or possess tobacco products
- *Smoking is prohibited in all foster homes
- *Smoking is prohibited in all motor vehicles owned or under the command and Control of the foster family

Placement Policy:

Placing agencies will make a concerted effort to place children with diseases, disorders, or illnesses that may be exasperated by tobacco smoke in homes without smokers.

Enforcement:

Disciplinary measures should follow that of policies already in place for non-abuse or neglect rule violations

Educational Reinforcement:

Information and resources for new and experienced foster parents should be provided on the effects of tobacco and secondhand smoke. Also, information on resources and tools to help quit smoking should also be disseminated among the foster parents.

Effective: 8/28/08

Pursuant to Code: Ohio Admin Code 3701:52-01(s) (2007), Ohio Rev. Code Ann. 2151.97 and 2927.02 (2007)

Civil Rights

The Clermont County Department of Job and Family Services respect the civil rights of children, including teenage mothers. The Department will not discriminate against any child on the basis of age, race, color, or national origin.

Additional rights of children include:

- (1) The right to enjoy freedom of thought, conscience and religion.
- (2) The right to reasonable enjoyment of privacy.
- (3) The right to have his opinions heard and be included, to the greatest extent possible, when any decisions are being made affecting his life.
- (4) The right to receive appropriate and reasonable adult guidance, support and supervision.
- (5) The right to be free from physical abuse and inhumane treatment.
- (6) The right to be protected from all forms of sexual exploitation.
- (7) The right to receive adequate and appropriate medical care.
- (8) The right to receive adequate and appropriate food, clothing and housing.
- (9) The right to his own money and personal property in accordance with the child's service or case plan.
- (10) The right to live in clean, safe surroundings.
- (11) The right to participate in an appropriate educational program.
- (12) The right to communicate with family, friends and "significant others" from whom he is living apart, in accordance with the child's service or case plan.
- (13) The right to be taught to fulfill appropriate responsibilities to himself and others.
- (14) The right to be treated equally and to have equality of opportunity.

If any restrictions are placed upon a child's rights for more than two hours, CCDJFS shall:

- (1) Inform the child and the child's custodian, if different than CCDJFS, of the conditions of and the reasons for the restriction of rights;

- (2) Place a written report summarizing the conditions of and reasons for the restriction of the child's rights in that child's record maintained pursuant to rule 5101:2-5-10 of the Administrative Code;
- (3) When a restriction of a child's rights affects another individual, inform the individual, as appropriate, of the conditions of and reasons for the action;
- (4) Document review of this decision at least weekly. Any such restriction shall be included in the service plan and approved by the child's custodian.

Effective: 12/11/06

Pursuant to Rule(s): 5101:2-5-13 (A) 35 , 5101:2-5-35

Care, Supervision and Discipline Policy

- A) A foster caregiver shall treat each foster child with kindness, consistency, and respect.
- (B) A foster caregiver shall not discriminate in providing care and supervision to foster children on the basis of race, sex, religion, color or national origin.
- (C) A foster caregiver shall provide humane, instructive discipline appropriate to the age and functioning level of a foster child.
- (1) Disciplinary methods shall stress praise and encouragement for desired behavior rather than punishment;.
 - (2) All rules and expectations made by a foster caregiver shall be explained to a foster child in a manner appropriate to the child's age and understanding during the child's initial orientation and prior to any disciplinary action for violations of such rules;.
 - (3) A foster child shall not be punished for actions over which the child has no control;.
 - (4) A foster child shall not be punished for bed-wetting or in the course of toilet training activities.
- (D) A foster caregiver shall not subject a foster child to verbal abuse or swearing; to derogatory remarks about foster children, their families, their races, their sex, their religion, their color or their national origin; or to threats of physical violence or removal from the foster home.
- (E) A foster caregiver shall not use any of the following practices for a foster child:
- (1) Physical hitting or any type of physical punishment inflicted in any manner upon the body such as spanking, paddling, punching, shaking, biting, hair pulling, pinching, or rough handling;.
 - (2) Physically strenuous work or exercises, when used as a means of punishment;.
 - (3) Requiring or forcing a foster child to take an uncomfortable position, such as squatting or bending, or requiring a foster child to repeat physical movements when used as a means of punishment;.
 - (4) Denial of social or recreational activities for excessive or prolonged periods of time, as defined by the agency;.
 - (5) Denial of social or casework services, medical treatment, or educational services;.
 - (6) Deprivation of meals;.

- (7) Denial of visitation or communication rights with the family of the foster child as a means of punishment;
- (8) Denial of sleep;
- (9) Denial of shelter, clothing, bedding or restroom facilities.
- (F) Physical restraint of a foster child shall only be utilized by a caregiver who has received specific training and annual review in acceptable methods of restraint. Documentation of such training shall be contained in the foster home record. **No prone restrain can ever be utilized.**
- (G) Physical restraint may be used by a caregiver:
 - (1) For self protection.
 - (2) For protection of the child from self-destructive behavior.
 - (3) To protect another person from a foster child.
- (H) A foster caregiver shall use only the least restrictive physical restraint necessary to control a situation. A foster caregiver shall not use any device to prevent or restrict movement as punishment or for staff convenience.
- (I) If physical restraint is used, a foster caregiver shall:
 - (1) Notify the recommending agency immediately following the use of physical restraint.
 - (2) Submit a detailed written report to the recommending agency within twenty-four hours following the use of physical restraint.
- (J) If the foster caregiver notifies the recommending agency that the caregiver used physical restraint, the recommending agency shall:
 - (1) Notify the placing agency (if different) within twenty-four hours of the receipt of the detailed written report of the use of physical restraint from the caregiver.
 - (2) Place a copy of the written report of the use of physical restraint from the caregiver in the foster child's record and in the foster caregiver's record.
- (K) A foster caregiver shall not use any form of chemical or mechanical restraint on a foster child.
- (L) Any act of omission or commission by a foster caregiver or other member of the household which results in any of the following toward a foster child shall be grounds for the denial or

revocation of a foster home certificate: the death, injury, illness, abuse, neglect or exploitation of a foster child shall be grounds for the denial or revocation of a foster home certificate. This may be a recommendation of the agency supervising a foster home or the Ohio department of job and family services.

- (1) Death.
- (2) Injury.
- (3) Illness.
- (4) Abuse.
- (5) Neglect.
- (6) Exploitation.

(M) Any recommendation to revoke the certificate of a foster caregiver may be made by the recommending agency supervising a foster home or the Ohio department of job and family services.

(N) Concerning the hygiene needs of a foster child, the foster caregiver shall:

- (1) Ensure that:
 - (a) Each foster child's clothing and footwear shall be clean, well-fitting, seasonal and appropriate to the child's age and sex.
 - (b) Each foster child capable of meeting their own personal hygiene needs shall be provided with adequate personal toiletry supplies appropriate to the child's age, sex, race and national origin.
- (2) Provide each foster child instruction on good habits of personal care, hygiene, and grooming appropriate to the child's age, sex, race, national origin and need for training.

In regards to some issues that come up frequently with youth, particularly older youth:

(Day) Visits to Friend's homes: In most instances, CPS does not need to give permission for youth to visit their friends. However, the foster family does need to exercise good judgment and should have some familiarity with the friend and the family.

(Overnight) visits to a friend's home: Foster family should have some familiarity with the friend and the family. If the family has resided in the same community for quite some time, the CPS worker should assure that the adult member's in the friend's household do not have concerning criminal behavior via a check of local police records. A search in SACWIS should also be completed. If CPS worker unable to complete adequate search of local police records, then fingerprints must be obtained.

Participation in Church/School activities or other organized community groups (such as Girls/Boy Scouts), including overnight trips : Foster family needs to exercise good judgment and CPS worker needs to assure that adults in the group have been fingerprinted. (Copies of the records check are not needed, but it should be documented how it is known that the adults have been fingerprinted.)

Driving in a car with someone under the age of 18: Foster parent should exercise good judgment. CPS worker needs to **verify and approve** that the foster parent has seen the driver's license and proof of insurance for the person driving.

Driving with someone over the age of 18: Foster parents need to exercise good judgment. CPS worker needs to **verify and approve** that the foster parent has seen the driver's license and proof of insurance for the person driving.

TEENAGE BABYSITTER

You may utilize a teenage caregiver to provide child care for foster children if he/she meets the following requirements:

- Be 16 years or older
- Be at least five years older than the foster child to be babysat
- Be certified in First Aide & CPR
- Provide babysitting for no more than 5 hours at a time
- Provide babysitting for no more than 3 children at a time
- Signed “Caregiver” Conviction Statement

Clermont County Children Protective Services reserves the right, based on the needs of the child, to add requirements as needed.

Effective: 04/1/10

Pursuant to Rule(s): 5101:2-5-13 (A)(1), 5101:2-7-09 (A)-(E)

Religious Participation Socialization and Education

A foster caregiver will work cooperatively with the Department as a member of the care and treatment team responsible for planning, providing, and discussing the care and services provided to a foster child and will fully disclose all information related to a foster child's problems and progress to agency representatives. The specific duties of a foster caregiver are:

Provide adequate housing, food, personal care including laundry, cleaning, toilet articles, haircuts (with written permission from parent), and recreation and maintain clothing in clean and good condition.

Allow a child the right to enjoy freedom of thought, conscience and religion (and to abstain from the practice of religion) Consideration for and sensitivity to the religious background of a child in out of home care and of families receiving services will be given.

Provide an opportunity for each child in out-of-home care for practicing the chosen religious beliefs and faith of the child or his family unless it is determined and documented in the child's case plan by the custodial agency that practicing the child's or family's chosen religious beliefs and faith is not in the child's best interests. A child may be encouraged to participate in religious activities, but shall not be coerced to do so.

The caregiver is prohibited from baptizing or submitting a child to any religious procedures without prior consent of the child according to the age and functioning level AND prior written approval of the child's parent, guardian or custodian.

A foster caregiver shall encourage a foster child to participate in community, school, recreational and cultural heritage activities which are appropriate to his/her age and functioning level and shall, as is necessary and reasonable, arrange appropriate transportation for the foster child to such activities.

A foster caregiver shall allow privileges and assign responsibilities to a foster child similar to those which would be assigned to a family member of the foster caregiver who is of similar age and functioning level.

Assure school attendance and educational needs; bring any special education needs to the attention of the social worker; encourage the development of any special talent of the child. Make arrangements with the Department for each school age child to attend a school which complies with the minimum standards as prescribed by the state board of education. Provide home schooling for a foster child only with the prior approval of the custodial agency. Any home schooling program will be approved by the public school district in which the caregiver resides.

Instruct and give good examples of good health and hygiene habits. A foster caregiver will ensure that each foster child placed in his/her home who is not capable of meeting his/her own hygiene needs is clean and groomed daily. Clothing and footwear will be clean, well fitting, seasonal and appropriate to the child's age and gender. Foster children capable of meeting their own personal hygiene needs will be provided with adequate personal toiletry items appropriate to the child's age, gender, race and cultural background. The foster caregiver will provide each foster child with proper instruction on good habits of personal care, hygiene and grooming appropriate to the child's age, gender, race and cultural needs. Haircuts, Perms, Hair Coloring, Ear Piercing Tattoos or any other procedure that would permanently alter the child's appearance will not be permitted without the expressed written permission of the birth parent or legal custodian.

Accompany and transport child in need of medical and/or dental services to the appropriate designated physician. The child is not required to receive non-emergency medical treatment that conflicts with the religious tenets or practices of child or parent without the specific written consent of the parent, guardian or custodian.

If the child requires emergency medical treatment and such treatment conflicts with the religious tenets or practices of the child or parent, the out of home care giver will immediately transport or arrange for the transportation of the child to a medical facility and will contact the custodial agency or the individual who placed the child.

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

Effective: 10/1/11

**Pursuant to Rule(s): 5101:2-5-13, 5101:2-5-16 (A)-(D),
5101:2-7-11 (A)-(F), 5101:2-5-35**

Medical/Educational

(A) A foster caregiver shall be responsible for following instructions of the agency which placed the child for providing health care services to each foster child.

(B) A foster caregiver shall adhere to the following instructions surrounding medications for a foster child:

(1) A foster caregiver shall administer or supervise the administration of prescription drugs to a foster child only for whom the medication was prescribed and according to the prescribing physician's instruction.

(2) Prescription drugs shall be kept in a container, labeled with the foster child's name, the correct dosage and relevant instructions.

(3) All prescription drugs in a foster home shall be stored in a locked cabinet or storage area except that an inhaler or medication may be available to a person with a special health condition, who may need these for an emergency.

(4) Prescribed drugs shall be disposed of in a safe manner when the prescription is no longer current.

(5) Any side effects of prescription drugs shall be reported immediately to the prescribing physician and the recommending agency.

Effective: 8/01/09

Pursuant to Rule(s): 5101:2-7-07

Transportation

(A) Any vehicle owned or leased by a foster caregiver and used to transport a foster child shall be maintained in a safe condition and in compliance with all motor vehicle laws. Such vehicles shall be covered by liability insurance in accordance with current state laws.

(B) A foster caregiver shall ensure that any person transporting a foster child in a motor vehicle shall be licensed to drive that class of vehicle and that such vehicle is maintained in a safe condition according to state laws.

(C) A foster caregiver shall ensure that a foster child transported in a motor vehicle shall at all time is restrained by a seat belt including both a lap belt and a shoulder belt in vehicles that are so equipped.

(D) When If the foster child is less than four years old or forty pounds in weight, a child restraint seat secured by a seat belt or the lower anchors and tethers for children (LATCH) system shall be used. The child restraint seat shall be placed in the back seat of any motor vehicle that has a back seat.

(1) An infant less than one year of age or twenty pounds in weight shall be restrained only in a rear-facing position and whenever possible shall not be placed in the front seat of a motor vehicle equipped with passenger air bags.

(2) Children at least one year old and between twenty pounds and forty pounds in weight shall be restrained in a forward-facing position.

(E) If the foster child is less than eight years of age and less than four feet nine inches in height, the child shall be properly restrained in a booster seat if paragraph (D) of this rule does not apply. The booster seat shall be placed in the back of any motor vehicle that has a back seat.

(F) If paragraph (D) of this rule does not apply and When the foster child is at least four eight years old of age but not older than fifteen years of age and forty pounds in weight and less than eighty pounds or shorter than four feet, nine inches in height, the child shall be restrained in a belt positioning booster seat in a forward-facing position or in a seat belt including both a lap belt and a shoulder belt in vehicles that are so equipped. The booster seat shall be placed in the back seat of any motor vehicle that has a back seat.

(G) All children age twelve and under shall ride in the back seat of a motor vehicle that has a back seat and shall not ride in the front seat of the vehicle unless the vehicle does not have a back seat. If a foster child rides in the front seat of a vehicle as allowed by this rule, the foster caregiver must disable the passenger side airbag if the vehicle is so equipped.

(H) Paragraphs (C), (D), (E), and (F) of this rule do not apply to the foster caregiver who has a signed affidavit by a licensed physician in Ohio or a licensed chiropractor in Ohio. The affidavit shall state that the child who otherwise would be required to be restrained, has a physical impairment that makes use of a child restraint system, booster seat, or an occupant restraining

device impossible or impractical, provided the person operating the vehicle has safely and appropriately restrained the child in accordance with any recommendation of the physician or chiropractor as noted on the affidavit.

Effective: 02/01/2010

Pursuant to Rule(s): 5101:2-7-15

Care of a Foster Child Under Age Two

- (A) A foster child under two years of age or under thirty-five inches in height shall be provided with a full-sized crib which meets the following requirements:
- (1) Crib slats shall be no more than two and three-eighths inches apart.
 - (2) Decorative cutout areas on crib end panels which could entrap the head of a child are not permitted.
 - (3) Locks and latches on the drop side of a crib shall be safe and secure from accidental release or release by the child inside the crib.
 - (4) Each crib shall have a firm mattress which is at least one and one-half inches thick and covered with a waterproof material not dangerous to a child. The mattress shall fit close enough in the frame so that there is no more than one inch between the mattress and the sides of the crib.
- (B) A bassinet or cradle may be used only for infants under three months of age or less than fifteen pounds in weight.
- (C) A foster child under two years of age shall be provided with the following:
- (1) Regular opportunities for individual attention and physical contact with a caring adult.
 - (2) Consistent and regular opportunities for safe and comfortable participation in developmental activities, as appropriate to the child's age and developmental ability, such as:
 - (a) Sitting.
 - (b) Crawling.
 - (c) Walking.
 - (d) Playing.
- (D) A foster child under two years of age shall be supplied with safe play items appropriate to the child's age and developmental ability.
- (E) A foster child under two years of age shall be fed according to instructions from the child's physician or the recommending agency as required by the individual child care agreement. A foster caregiver shall comply with the following requirements when feeding a child under the age of two:

- (1) A caregiver shall ensure the child is placed in one of the following:
 - (a) High chair.
 - (b) Infant seat.
 - (c) Held.
 - (2) No foster child shall be placed in a crib or bassinet for feeding.
 - (3) A bottle shall not be propped for feeding at any time.
- (F) Under both of the following conditions, a foster child under the age of two years may use a toddler bed or standard bed for sleeping:
- (1) The foster caregiver, the custodial agency, and the recommending agency agree that the child continually creates a danger to him or herself by climbing out of his or her crib. Written documentation of any agreement shall be signed by a custodial agency representative and maintained in the foster caregiver's record.
 - (2) The child shall not use the upper bunk of a bunk bed.

Effective: 08/1/09

Pursuant to Rule(s): 5101:2-7-10

Human Research Projects, Fund Raising and Publicity Activities Policy

A child's participation in human research projects is determined on an individual basis taking into consideration:

- 1) The child's age;
- 2) The type of legal status the Department has on the child;
- 3) The nature and purpose of the research project.

If the Department determines an activity is appropriate for a child in temporary custody, parental consent is obtained and documented in the case record. For those children who are in the permanent custody of the Department, approval is given by the Director/Administrator and is documented in the case file.

Fund Raisers

Members of the Department staff are not permitted to participate in fund raising events during working hours. Staff members may participate in fund raising activities during the times for which they are not scheduled to work or represent the Department in an official capacity. Foster parents and foster children may participate in fund raising activities as a separate entity such as an independently functioning Foster Parent Association.

Photographs

Foster children are not able to be photographed for the purpose of using the photograph as a part of a publicity program to promote non-confidential programs. Local Foster Parent Associations may use the local media to promote their fund-raising events or different aspects of foster parenting, but are not permitted to reveal the identity of a child in substitute care in any way.

It is encouraged that caregivers preserve childhood memories and milestones through photographs.

Any participation in human research projects, fund raising and publicity activities requires prior informed, written consent of the parent, guardian, and legal custodian of the child and the child according to the child's age and level of functioning.

Effective: 2/01/05

Pursuant to Rule(s): 5101:2-5-13 (A) (32)

Driving Privileges

The decision for a child to obtain driving privileges is a joint endeavor involving birth parents, foster parents and the Department. For a child to obtain a driver's license, a responsible adult who is willing to assume liability must sign for permission as well as proof of insurance.

Driver's license and insurance cannot be the responsibility of the Department. The Department will not become responsible for auto accidents or damages.

Effective: 2/01/05

Volunteer and College Interns

The Children's Protective Division of the Clermont County Department of Job and Family Services utilizes volunteers or college interns on a limited basis.

Volunteers/interns will receive a copy of this policy and a signed copy will be maintained by the Department. In addition, each volunteer/intern will sign an agreement which addresses confidentiality requirements. Any violation of this agreement will result in immediate dismissal from the Department.

The Department will conduct BCII/FBI checks on all volunteers/interns. Any applicant who has been convicted of any of the crimes listed in rule 5101:2-5-09 of the Ohio Administrative Code will not be accepted as a volunteer/intern. Once the applicant has been accepted as a volunteer/intern, he/she must agree, in writing, to notify the Department within twenty-four hours of any charge of any criminal offense that is brought against him/her. Failure to notify the Department within twenty-four hours of any charge will result in immediate dismissal from the Department. If the charges result in a conviction, the volunteer/intern must notify the Department within twenty-four hours of the conviction. Failure to make this notification shall also result in the immediate dismissal of the volunteer/intern from the Department. A volunteer/intern who is convicted of any of the crimes listed in rule 5101:2-5-09 of the Ohio Administrative Code while serving as a volunteer/intern will result in the immediate dismissal of the volunteer/intern from the Department.

Each volunteer/intern will be assigned to a specific supervisor within the Department. That supervisor will be responsible for supervising and training the volunteer/intern and providing a basic orientation regarding the Department. The training will be specific to the duties that the particular volunteer/intern will perform while at the Department.

Effective: 10/01/06

Pursuant to Rule: 5101:2-5-13(A)(34)

Discharge Policy

The Children' Protective Services Division of the Clermont County Department of Job and Family Services, in collaboration with the Clermont County Juvenile Court, shall determine when the case plan goals and objectives have been satisfactorily met by the family/child receiving substitute care services. If it is determined that the goals and objectives for reunification have been met, the child/sibling group shall be discharged from substitute care.

A caregiver has the right to receive a five (5) day verbal/written notification in advance of when a child(ren) is to be removed from foster care (unless there is an emergency or court ordered removal). The caregiver also has the right to receive a child(ren) back in care, where appropriate, if the child is absent from the caregiver's home less than thirty (30) days.

Unplanned Discharges

An unplanned discharge includes a discharge decision made by the Department without the agreement and/or planning of the treatment team, and a situation where a child, in the sole opinion of the caregiver, has become or creates an imminent risk of physical harm to him/her or others. If, at any time, the caregiver request that the child be removed from their residence for other than an emergency nature, then the caregiver agrees to make every effort to maintain child(ren) for one (1) week so that the Department will have an opportunity to initiate and facilitate the necessary placement planning for the child(ren).

If continuing to maintain the child would be damaging to the child's (or others') physical or mental health, decisions about removal to detention or psychiatric facility in such emergency situations will be made by the Department worker on a case by case basis. Should immediate removal be necessary due to acting out behavior, it is the caregiver's responsibility to sign the appropriate charge and arrange to transport to detention. Should the acting out behavior be such that a charge and detention placement or psychiatric hospitalization is not in order, then the situation will not be considered an emergency nature.

Effective: 9/22/04

Pursuant to Rule(s): 5101:2-5-13(A) (28)

Accessibility of the Administrator

The Clermont County Department of Job and Family Services, Children's Protective services, will allow for the accessibility of the Department's administrator, or designee with executive authority at all times to Department staff and Ohio Department of Job and Family Services representatives.

Normal business hours (8:00 a.m. to 4:15 p.m. Monday-Friday) the administrator or designee can be reached at (513) 732-7173. During non business hours, contact can be made by calling (513) 732-2231.

Effective: 9/22/04

Pursuant to Rule(s): 5101:2-5-13 (A) (29)

Foster Caregiver Grievance

It is the policy of Clermont County Children's Services to provide the community with all of the services within the Department's mandate and to identify those complaints or concerns which allege that the mandated services are not being provided or that the services are not being provided in a manner which is in the best interest of the children in Clermont County. As a result, Clermont County Children's Services has developed a review procedure to review complaints from parents, custodians, legal guardians, foster parents, foster care applicants, kinship care providers, applicant or providers of approved adult-supervised living arrangements, adoptive applicants, adoptive parents, and children concerning the provision of services and appeals by alleged perpetrators who disagree with the disposition/resolution of a report of child abuse or neglect.

PROCEDURES FOR REQUESTING A REVIEW

A parent, custodian, legal guardian, foster care applicant, foster parent, kinship care provider, applicant or provider of approved adult-supervised living arrangements, adoptive applicant, adoptive parent, or child may request a review of agency action concerning the provision of services or an appeals by the alleged perpetrator who disagrees with the disposition/resolution of a report of child abuse or neglect by placing the request in writing to be submitted within thirty (30) days of the case disposition date. The request must state the facts which are the basis of the requested review. The complainant must also sign this written request.

A person who has a complaint must first attempt to resolve the problem with the caseworker. If that is unsuccessful, then the caseworker's supervisor must be contacted. If the complainant is still not satisfied with the result, then he or she should request a review in writing.

When a supervisor receives a complaint, he or she shall attempt to resolve the conflict. The supervisor shall also advise the complainant of the grievance policy and shall provide the person with a written copy of said policy if the party requests it.

EXCEPTIONS

No review hearing will be granted for the following issues:

- The placement or removal of a child pursuant to an order of the court
- Complaints which raise the sole issue of the validity of a law or of a written statewide policy
- The removal of a child due to a revocation of the foster home license or certificate
- The removal of a child who was voluntarily placed by a parent or guardian
- The removal of a child from foster care in order to place the child into an adoptive home
- Cases in which the parties have opportunity to have the issues decided by a court of law

THE REVIEW PROCESS

The review must be held within ten (10) working days from the date that the complaint was received by the agency unless waived by the complainant. Written notice of the date, time, and place of the review must be mailed to the complainant not less than five (5) calendar days prior to the review.

The Children's Protective Services Deputy Director shall conduct all reviews unless the complaint involves the Deputy Director or there is some other conflict of interest. In such cases, the Director or her designee shall conduct the review.

At the review, the complainant, the caseworkers, and the supervisors must all be given an opportunity to testify and to present their evidence. Any documents or physical evidence which is presented must be retained as part of the record. Only the parties and the reviewer may be present for the entire hearing. Any additional witnesses may only be present during their testimony.

THE DECISION

The reviewer must render a written decision within ten (10) working days after the hearing has been held. The decision must be based upon the evidence presented at the hearing and information contained in the file. A copy of the decision shall be mailed to the complainant, placed in the case file and given to the caseworkers and supervisor involved in the case.

When an appeal of a disposition/resolution of report of child abuse or neglect is heard and the reviewer changes the original disposition/resolution, CPS shall update the central registry information according to procedures contained in rule 5101:2-35-16 of the Administrative Code.

Effective: 2/01/05

Pursuant to Rule(s): 5101-2-5-13 (A) (9), 5101:2-7

Non-Discrimination Requirements for Foster Care and Adoptive Placements

Refer to JFS 1611 (See Appendix)

Effective: 2/01/05

Pursuant to Rule(s): 5101:2-5-13 (A) (38), 5101:2-42-18.1

Standards of Conduct

The Clermont County Department of Job and Family Services shall comply with the standards of conduct regarding MEPA and Title VI in accordance with rule 5101:2-33-11 of the Administrative Code

The Clermont County Department of Job and Family Services has designated a person from within the agency to serve as the agency's Multiethnic Placement Act (MEPA) monitor to review and monitor foster care and adoptive placement decisions when the agency indicates race, color or national origin (RCNO) may be a factor in a child's placement needs.

- (1) The MEPA monitor shall not be the child's worker or the worker's supervisor.

- (2) The MEPA monitor shall not also serve as an agency's civil rights coordinator.

The Clermont County Department of Human Services shall complete the JFS 1668 "MEPA Biennial Comprehensive Self-Assessment Report" and submit it to the Ohio Department of Job and Family Services (ODJFS) by March first of every even numbered year.

The Clermont County Department of Job and Family Services has the following standard of conduct that governs the performance of its employees or contractors, as that performance relates to compliance with the Multiethnic Placement Act of 1994 as amended by Section 1808 of the Small Business Job Protection Act of 1996, 42 U.S.C. 622(b)(9), 671(a)(18), 674(d) and 1996(b) (MEPA) and Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., as they apply to the foster care and adoption process (Title VI).

- (1) No CCDJS employee or CCDJFS contractor shall deny any person the opportunity to become a foster caregiver or an adoptive parent on the basis of race, color or national origin of that person, or of the child involved; or delaying or denying any placement of a child in foster care or for adoption on the basis of the race, color or national origin of the foster caregiver(s), of the adoptive parent(s) or of the child involved.

- (2) CCDJFS shall enforce requirements to be used whenever an agency employee or contractor engages in discriminatory acts, policies, or practices involving race, color, or national origin in the foster care or adoption process as determined by ODJFS upon completion of the investigation conducted pursuant to rule 5101:2-33-03 of the Administrative Code. The enforcement requirements shall include standards governing penalties, sanctions, and other disciplinary

actions, which could include suspension and/or removal, to be applied in accordance with applicable employment law and union contract. If an investigation conducted by ODJFS, pursuant to rule 5101:2-33-03 of the Administrative Code, results in a finding that an agency employee or contractor engaged in discriminatory acts, policies, or practices, CCDJFS shall submit a corrective action plan within thirty days of notification of the findings of the investigation. The corrective action plan will address how the agency will prevent future violations by that employee or contractor.

(3) CCDJFS shall provide a copy of the written standards of conduct to each employee or contractor who is engaged in the placement of children into foster care or for adoption, or engaged in the recruitment, assessment, approval, or selection of a foster caregiver(s) or adoptive family. Employees or contractors shall receive a copy of the written standards of conduct within thirty days of the effective date of this rule and within thirty days of the completion of any revisions to the standards of conduct. New employees or contractors shall receive a copy of the written standards of conduct within thirty days of their hire date or the effective date of their contract.

(4) CCDJFS shall not require an ongoing, foster care or adoption worker to justify a proposed placement for the reason that the race, color or national origin of the child is different from that of the family whom the worker is proposing as the child's foster caregiver or adoptive parent.

Effective: 2/01/05

Pursuant to Rule(s): 5101:2-5-13 (A) (39), 5101:2-33-11

Procedure for Complaint Process of Alleged Discriminatory Acts, Policies or Practices in the Foster Care or Adoption Process That Involve Race, Color or National Origin

(A) CCDJFS shall provide a written notice of the procedure for any complaints of discrimination in the foster care or adoption process that involve race, color or national origin (RCNO) to all individuals inquiring about or applying to be a foster caregiver or adoptive parent. Such notice shall be provided within seven days of the individual's first contact with the agency. (See Appendix)

(B) Any individual may file a complaint alleging a discriminatory act, policy or practice involving RCNO in the foster care or adoption process of a Public Children Services agency (PCSA), including CCDJFS, Private Child Placing agency (PCPA), Private Noncustodial Agency (PNA), or the Ohio Department of Job and Family Services (ODJFS).

Any person, including but not limited to, an employee or former employee of a PCSA, PCPA, or PNA or a member of a family which has sought to become a foster caregiver or adoptive parent, may also file a complaint alleging that he or she was intimidated, threatened, coerced, discriminated against or otherwise retaliated against in some way by a PCSA, PCPA, PNA or by ODJFS because he or she has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing in connection with an allegation that a PCSA, PCPA, PNA or ODJFS engaged in discriminatory acts, policies, or practices as it applies in the foster care or adoption process.

(C) The individual filing a complaint shall use the JFS 02333 "Discrimination Complaint Form". (See Appendix) The complaint shall be filed within two years from the date of the occurrence of the alleged discriminatory act; or two years from the date upon which the complainant learned or should have known of a discriminatory act, policy or practice. The complaint may be filed with:

- (1) CCDJFS (Attn: MEPA Monitor) or any other PCSA, PCPA or PNA; or,
- (2) The ODJFS.

(D) When any complaint alleging discrimination involving RCNO in the foster care or adoption process is received by:

- (1) CCDJFS or any other PCSA, PCPA or PNA, the agency shall forward the complaint to the Bureau of Civil Rights of ODJFS within three working days of date of receipt of the complaint.

(2) ODJFS, shall notify the PCSA, PCPA, PNA that is the subject of the complaint within three working days of the receipt of the complaint.

(E) ODJFS shall conduct an investigation of the complaint. The PCSA, PCPA or PNA that is the subject of the complaint shall not initiate, conduct, or run concurrent investigations surrounding the complaint or take any further action regarding the complainant or the subject of the complaint until the issuance of the final investigation report by ODJFS, unless approved by ODJFS.

(F) The PCSA, PCPA or PNA that is the subject of the complaint shall cooperate fully with ODJFS during the course of the investigation and shall submit any information requested by ODJFS not later than fourteen days from the date of the request, unless otherwise agreed upon.

(G) ODJFS shall conduct an investigation that shall include, but is not limited to:

(1) Face-to-face interviews with the complainant, the respondent and all relevant witnesses.

(2) Issuance of a final investigation report to the complainant and the PCSA, PCPA or PNA that is the subject of the complaint. The report shall include the allegations, background information, analysis, determination and recommendations and shall be issued within ninety days of the receipt of the initial complaint.

If unanticipated circumstances require additional time to complete the investigation or to issue the final report, ODJFS will notify the complainant and the PCSA, PCPA, or PNA that is the subject of the complaint of the need for additional time.

(H) Upon completion of the final investigation report, ODJFS shall determine if any action against a PCSA, PCPA or PNA is warranted. For noncompliance by a PCSA, ODJFS may take any action permitted under section 5101.24 of the Revised Code. For noncompliance by a PCPA or PNA, ODJFS may take action concerning the agency's certificate pursuant to Chapter 5101:2-5 of the Administrative Code.

(I) No person who has filed a complaint alleging a discriminatory act, policy or practice involving RCNO in the foster care or adoption process of a PCSA, PCPA or PNA or who has testified, assisted or participated in any manner in the investigation of a complaint shall be intimidated, threatened, coerced, or retaliated against by any employee or contractor of the PCSA, PCPA, PNA or ODJFS.

(J) Nothing in this policy shall prohibit an individual from filing a complaint with the United States Department of Health and Human Services (HHS), Office for Civil Rights (OCR) alleging

discrimination that involves RCNO in the foster care or adoption process of a PCSA, PCPA, PNA or ODJFS.

(K) The requirements of rules 5101:2-33-04 and 5101:2-48-24 of the Administrative Code do not apply to complaints of discrimination in the foster care or adoption process that involve RCNO.

(L) CCDJFS shall provide a written notice of the procedures for any complaints of discrimination in the foster care or adoption process that involve RCNO within thirty days of the effective date to all foster caregivers certified or in the process of certification and to all individuals who have approved adoptive home studies or who are participating in the adoptive homestudy process on the effective date of this rule.

Effective: 2/01/05

Pursuant to Rule(s): 5101:2-5-13 (A) (40), 5101:2-33-03

Waivers and Variances

(A) The granting of a waiver of any requirement imposed by Chapters 5101:2-1, 5101:2-5, 5101:2-7, 5101:2-9, 5101:2-39, and 5101:2-42 of the Administrative Code is a discretionary act of the Ohio department of job and family services (ODJFS) based upon documentation as to why the agency or foster caregiver is not in compliance. The refusal of ODJFS to grant a waiver, in whole or in part, shall be final and shall not be construed as creating any rights to a hearing under Chapter 119. of the Revised Code. Waivers shall only be requested, and will be considered on a case by case basis, for the following:

(1) The requirement that a criminal records check based on fingerprints be conducted for an adult resident of a prospective foster home or the home of a foster caregiver if the recommending agency documents to the department's satisfaction that the adult resident is physically unable to comply with the fingerprinting requirement and poses no danger to foster children or adoptive children who may be placed in the home. In such cases, the recommending or approving agency shall request that the bureau of criminal identification and investigation conduct a criminal records check using the person's name and social security number.

(2) A waiver of the seventy-two consecutive hour limitation for a children's crisis care facility to provide residential care to a preteen placed in the facility by a public children services agency (PCSA) or private child placing agency (PCPA). The waiver may authorize the certified children's crisis care facility to provide residential care to the preteen for up to fourteen consecutive days.

(3) Relative foster homes when the request is for a non-safety issue.

(B) A request for a waiver shall be written and time limited. ODJFS shall deny any waiver request that does not contain sufficient information, including the time period for which the waiver is requested, to allow ODJFS to make an informed decision on the request. A waiver request shall include sufficient information, including the time period for which the waiver is requested. The time limit of a waiver shall not exceed the expiration date of the current certificate. Upon the written request of an agency, a waiver may be renewed once, at the discretion of ODJFS, contingent upon documentation to ODJFS of the efforts of the agency or foster caregiver to come into compliance and the reasons they have not come into compliance.

(C) A request for a waiver of the requirements or prohibitions imposed by Chapter 5101:2-1 or 5101:2-9 of the Administrative Code and related residential facility provisions of Chapter 5101:2-5 of the Administrative Code shall be written using JFS 01376 "Waiver Request for Agency Rules, CRCs and Group Homes" (rev. 12/2006) and submitted to the appropriate ODJFS regional office.

(D)(C) A request for a waiver of the requirements or prohibitions imposed by Chapters 5101:2-1, 5101:2-5, 5101:2-9, 5101:2-39, and 5101:2-42 of the Administrative Code on an agency's administration shall be written using the JFS 01376 "Waiver Request for Agency Rules, CRCs and Group Homes" (rev. 12/2006) and submitted to the appropriate ODJFS regional office.

(E)(D) A request for a waiver of the requirements or prohibitions imposed upon a foster home or a foster caregiver by Chapters 5101:2-1, 5101:2-7, 5101:2-39, and 5101:2-42, of the Administrative Code and related foster home provisions of Chapter 5101:2-5 of the Administrative Code shall be written using JFS 01317 "Recommendation for Certification/Recertification of a Foster Home" (rev. 1/2003) and submitted to, ODJFS, bureau of accountability and regulation.

(E) If an agency has access to the statewide automated child welfare information system (SACWIS), the agency shall complete a waiver request for a foster home through the system. If an agency requests a foster home waiver through SACWIS, the agency shall not complete the JFS 01317. If an agency does not have access to SACWIS, the agency shall complete the JFS 01317.

(F) The approval of a waiver request by ODJFS shall not be construed as constituting precedence for the approval of any other waiver request or the renewal of an existing waiver. All waiver requests shall be considered on a case-by-case basis.

(G) Waiver requests that have been approved prior to the effective date of this rule shall remain in effect until the waiver expires unless the terms or conditions of the waiver are violated or otherwise become nullified by a situation or by a change in the applicable Administrative Code rule.

(H) Beginning with the effective date of this rule, no variances shall be approved.

(I) Variance requests that have been approved prior to the effective date of this rule shall remain in effect unless the terms or conditions of a variance are violated or otherwise become nullified by a situation or by a change in the applicable Administrative Code rule. If the variance is nullified, it shall be rescinded. ODJFS has sole discretion in the rescission of a variance. The rescission of a variance shall not be construed as creating any rights to a hearing under Chapter 119. of the Revised Code.

Effective: 10/01/2011

APPENDIX