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 **Rule Updates & Reminders**

**Mini-Safety Audit monthly by CS in the home**

* Hot Water temperature not to exceed 120 degrees
* Pool Fence now required
* Carbon Monoxide/Smoke Detectors
* Cribs must be full size and have a manufacture date either on the crib or on the manual
* No keyed locks on bedroom doors
* Well Tests annually required OR Bottled Water Statement

**5101:2-7-12 Site and Safety Requirements for a Foster Home**

[**FCASMTL 433**](https://emanuals.jfs.ohio.gov/letter/FCASMTL433)

**Effective Date: June 15, 2020**

**Most Current Prior Effective Date:**[**April 1, 2019**](https://emanuals.jfs.ohio.gov/history/2148311264/FamChild/FCASM/FosterCareLic/5101-2-7-12.stm)

(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. A home shall be a house, mobile home, housing unit or apartment occupied by an individual or a family.
(1)A home is to be free of peeling or chipping paint.

(2)If a potential lead hazard is identified, the recommending agency is to make a referral to the appropriate agency.

(B)Swimming pools.

(1) Are to have a barrier on all sides.

(2) Are to have their method of access through the barrier equipped with a safety device, such as a bolt lock.

(3) Are to be equipped with a life saving device, such as a ring buoy.

(4) If the swimming pool cannot be emptied after each use, the pool is to have a working pump and filtering system.

(C)Hot tubs and spas are to have safety covers that are locked when not in use.

(D) Outdoor recreation equipment on the grounds of a foster home shall be maintained in a safe state of repair.

(E) 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.

(F)  A foster home shall be adequately heated, lighted and ventilated.

(G) The following are to be stored in a safe manner that prevents the child's access, as appropriate for his or her age and development:

(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.

(8)Alcoholic beverages.

(H)  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.

(I)   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.

(J)  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.

(K)   All locks to at least one door to any room or walk in storage area inside a foster home in which a person could become confined shall be of the type which permit the door to be unlocked from either side of the door and be unlocked from the inside of the room or storage area without a key. 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.

(L)   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.

(M) A foster home shall have working bathroom and toilet facilities located within the home and connected to an indoor plumbing system.

(N)A foster home is to ensure proper water heater temperature not to exceed one-hundred-twenty degrees fahrenheit.

(O)  Garbage shall be disposed of on a regular basis. Garbage stored outside shall be in covered containers or closed bags.

(P) A foster home shall have a working smoke alarm on each level of occupancy and at least one near all sleeping areas of the home approved by one of the following:

(1)"Underwriter's Laboratory."

(2)A certified fire inspector.

(Q)A foster home is to have at least one carbon monoxide detector on each level of occupancy of the home and at least one near all sleeping areas.

(R)A foster home is to maintain first aid supplies.

(S) 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.

(T)  All escape routes shall be kept free of clutter and other obstructions.

(U) 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.

(V) Heaters.

(1)Unvented heaters that burn kerosene or oil shall not be used.

(2)All heaters shall be approved by "Underwriter's Laboratory" or a certified fire inspector.

(3)All heaters shall not be prohibited by any local zoning ordinances.

(W)A foster home shall have a portable fire extinguisher in working order in or near the cooking area of the home. The fire extinguisher shall be approved by one of the following:

(1)"Underwriter's Laboratory."

(2)A certified fire inspector.

(X)A foster home is to be free from rodents and insect infestation.

(Y)  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.

(Z)  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.

(AA)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.

(BB)A foster home shall provide a smoke free environment for foster children.

(1)No smoking shall be permitted in the living area of a foster home or in a vehicle used to transport a foster child.

(2)No smoking is permitted in the presence of a foster child.

(CC)All prescription drugs in a foster home shall be stored in a locked cabinet or storage area except that an inhaler or other medication may be left unlocked if a person has a special health condition that requires the inhaler or medication to be immediately available.

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**5101:2-7-05 Sleeping Arrangements**

[**FCASMTL 407**](https://emanuals.jfs.ohio.gov/letter/FCASMTL407)

**Effective Date: April 1, 2019**

**Most Current Prior Effective Date:**[**July 1, 2014**](https://emanuals.jfs.ohio.gov/history/2148263879/FamChild/FCASM/FosterCareLic/5101-2-7-05.stm)

(A)The presence of a foster child in a foster home shall not cause any other resident of the home to be deprived of a bed or bedroom.

(B)A bedroom for foster children shall:

(1)Have at least one outside wall window. The window shall be screened and capable of opening and closing unless the room is provided with a ventilation system which provides fresh air such as a central air conditioning system.

(2)Accommodate no more than four children.

(3)Include storage space for personal belongings and closet or dresser space for clothing.

(4)Provide a safe and comfortable sleeping area ensuring reasonable privacy and access to adult supervision, as appropriate to the age and functioning level of each foster child.

(5)Not have the entry to a foster child's bedroom located so as to require the foster child to pass through another bedroom or a bathroom in order to enter his or her bedroom or to require another person to pass through the foster child's bedroom to enter another room if the foster home was recommended for initial certification after July 1, 2000.

(6)Have floor-to-ceiling walls and a standard door.

(7)Be provided with reasonable access to an emergency exit.

(8)Not be on a floor higher than the second floor or in a basement unless approved in writing by a fire safety inspector.

(9)Be comparable in appearance in terms of wall coverings, floor coverings, and general decor to other bedrooms used by other children residing in the foster home.

(10)     Approved by the agency prior to placement.

(C)A foster child shall not share a bedroom with a child of the opposite sex, except when all children sharing the room are under the age of five years, or when a foster child who is also a parent is sharing a bedroom with his or her own child.

(D)A foster child over one year of age shall not share a sleeping room with an adult without prior approval of the recommending agency.

(E)Each foster child shall be provided with a clean, comfortable, permanent bed and mattress of his or her own. A permanent bed is one that cannot be converted to any other form.

(F)A bunk bed in use shall be equipped with safety rails on the upper tier for a child under the age of ten or for any child whose physical, mental, or emotional condition indicates the need for such protection. A bed shall not be bunked higher than two tiers. A child under six years of age shall not sleep on the upper bunk of a bunk bed.

(G)A foster caregiver shall provide each foster child with clean bed linen at least once per week or more frequently if needed. A foster child shall not be required to sleep on a bed soiled by urine or excrement.

(H)Unless there is a documented reason for a foster child over two years of age or thirty-five inches in height to continue to sleep in a crib, the child shall be provided with a toddler bed or standard bed.

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* **Car Seat Expiration, Installation and Use**
* **Transportation-No charging for rides**

**5101:2-7-15 Transportation**

[**FCASMTL 433**](https://emanuals.jfs.ohio.gov/letter/FCASMTL433)

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(A)  A foster caregiver is to ensure:

(1)Any person transporting a foster child in a motor vehicle shall be licensed to drive that class of vehicle.

(2)Any vehicle not owned or leased by the foster caregiver that is used to transport a foster child shall be maintained in a safe condition according to state laws.

(3) Any vehicle owned or leased by the foster caregiver is to be reliable, legal and safe for transportation with safety restraints, as appropriate for the child.

(a) Reliable transportation includes a properly maintained vehicle or access to reliable public transportation.

(b) Legal transportation includes having a valid driving license, insurance and registration as appropriate.

(c) Safe transportation includes safety restraints and allowing arrangements with family friends and teen household members as appropriate.

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

(C) A foster caregiver shall ensure compliance with any motor vehicle seat restraint requirement of section 4511.81 of the Revised Code.

(D) 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 (C) of this rule does not apply. The booster seat shall be placed in the back of any motor vehicle that has a back seat.

(E)  If paragraph (C) of this rule does not apply and the foster child is at least eight years of age but not older than fifteen years of age 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.

(F)  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.

(G) Paragraphs (B), (C), (D) and (E) 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.

(H)   Each foster caregiver shall ensure the recall and safety information issued by the consumer product safety commission (CPSC) related to child safety seats or booster seats are reviewed. Any safety recommendations made by the CPSC in regard to child safety seats or booster seats shall be implemented by the caregiver.

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* **Alternative Care Arrangements**

**5101:2-7-08 Alternative Care Arrangements**

[**FCASMTL 376**](https://emanuals.jfs.ohio.gov/letter/FCASMTL376)

**Effective Date: March 1, 2017**

**Most Current Prior Effective Date:**[**April 15, 2013**](https://emanuals.jfs.ohio.gov/history/2148263338/FamChild/FCASM/FosterCareLic/5101-2-7-08.stm)

(A)A foster caregiver shall be responsible for the full-time care of a foster child. This does not prohibit both foster caregivers in the case of a couple, co-parents or a single foster caregiver from working outside the home.

(B)Alternative arrangements for the care of a foster child by someone other than the foster caregiver shall be approved by the recommending agency.

(C)Alternative arrangements for the care of a foster child does not include arrangements that are being made in accordance with the reasonable and prudent parent standard as described in division (C) of section 5103.162 of the Revised Code.

(D)A foster caregiver shall have prior written approval by the recommending agency of a plan for the care of a foster child in emergency situations.

(E)A foster caregiver shall have prior written approval by the recommending agency of a statement for each foster child specifying whether or not the foster child may be left unattended and, if so, for what period of time.

(F)If a foster caregiver arranges for a foster child to be cared for in a child care center or by a type A or type B child care provider, the foster care giver shall:

(1)Ensure the child care center, type A or type B child care provider is licensed in accordance with Chapter 5101:2-12, 5101:2-13, or 5101:2-14 of the Administrative Code.

(2)Provide documentation to the recommending agency that the child care center, type A or type B child care provider is currently licensed .

(G)When a foster caregiver of a specialized foster home requests respite care, it shall be provided in accordance with paragraph (A)(11) of rule [5101:2-5-13](http://emanuals.jfs.ohio.gov/FamChild/FCASM/FosterCareLic/5101-2-5-13.stm) of the Administrative Code.

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* **Medication Administration/Storage/Med Log**

**5101:2-7-07Health Services**

[**FCASMTL 407**](https://emanuals.jfs.ohio.gov/letter/FCASMTL407)

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(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 in a foster home shall be kept in the original 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 other 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.

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* **Vaccinations**

**5101:2-7-02 General Requirements for Foster Caregivers and Applicants**

[**FCASMTL 433**](https://emanuals.jfs.ohio.gov/letter/FCASMTL433)

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[Appendix 1: Disqualifying Offenses for Rule 5101:2-7-02 of the Administrative Code](http://emanuals.jfs.ohio.gov/pdf/pdf-forms/2-7-02APX.PDF)

(A)A foster caregiver or applicant shall be at least eighteen years of age at the time of initial certification.

(B)A foster caregiver or applicant shall have functional literacy to be able to read and write at the level necessary to participate effectively in the community in which they live. A foster caregiver or applicant is to be able to communicate with:

(1)Any child placed in the home.

(2)The recommending agency.

(3)Health care providers.

(4)Other service providers working with the family or children.

(C)A foster caregiver or applicant may be a legally married couple, a single person or co-parent(s).

(D)A foster caregiver or applicant shall have an income sufficient to meet the basic needs of the household and to make timely payment of shelter costs, utility bills, and other debts. To show 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, a foster caregiver or applicant shall provide at a minimum:

(1)For a foster care applicant:

(a)A completed [JFS 01681](http://www.odjfs.state.oh.us/forms/num/JFS01681) "Applicant Financial Statement" .

(b)Proof of income for the household for the most recent tax year prior to the date of application.

(c)Proof of income for the household for a two month period. The verification of income shall not be dated more than six months prior to the agency's recommendation for initial certification.

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

(2)For a certified foster caregiver a completed [JFS 01681](http://www.odjfs.state.oh.us/forms/num/JFS01681) if there are any substantial changes to a caregiver's financial situation.

(E)A foster caregiver or applicant and all members of the foster caregiver's or applicant's household shall be free of any physical, emotional, or mental condition which would endanger a child or seriously impair the ability of the foster caregiver or applicant to care for a foster child.

(F)An applicant shall have a physical exam and a [JFS 01653](http://www.odjfs.state.oh.us/forms/num/JFS01653) "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" completed  by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife within one year prior to the agency's initial recommendation for certification. Any additional written documentation of the physical examination shall be completed by the individual who conducted the examination. All household members are to complete a [JFS 01653](http://www.odjfs.state.oh.us/forms/num/JFS01653).

(G)An applicant or household member may be required to secure and provide a report in addition to the [JFS 01653](http://www.odjfs.state.oh.us/forms/num/JFS01653) of an examination of any member of the household by a licensed physician, psychologist, or other certified or licensed professional if either of the following are applicable:

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

(2)The recommending agency determines it to be necessary to ensure the safety, health, or care of any foster child who may be placed in the home.

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

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

(1)All children who are household members are to be up to date on immunizations consistent with the recommendations of the american academy of pediatrics, the advisory committee on immunization practices of the centers for disease control and prevention, and the american academy of family physicians unless the immunization is contrary to the child's health as documented by a licensed health care professional or for reasons of conscience, including religious convictions.

(2)All household members in a home caring for infants and children with special medical needs are to have an annual influenza vaccine consistent with the recommendations of the advisory committee on immunization practices (ACIP) unless the immunization is contrary to the individual's health as documented by a licensed health care professional or for reasons of conscience, including religious convictions.

(3)All household members in a home caring for infants are to be up to date on the pertussis vaccine unless the immunization is contrary to the individual's health as documented by a licensed health care professional or for reasons of conscience, including religious convictions.

(4)Copies of the immunization records are to be placed in the file of the home.

(J) The applicant or foster caregiver is to refer to appendix A to view a list and the status of the disqualifying crimes for each applicant, caregiver and adult household member.

(K) Rehabilitative criteria for foster care applicants, foster caregivers and all other adult household members. Unless specifically disqualified in appendix A to this rule, no person who has been convicted of or pleaded guilty to an offense listed in  appendix A to this rule shall be certified as a foster caregiver or be an adult resident of the foster caregiver's household unless the recommending agency finds and documents that person has met all of the following conditions:

(1)   The victim of the offense was not a person under the age of eighteen.

(2)   The person's certification as a foster caregiver or the person's residency in the foster caregiver's household will not jeopardize in any way the health, safety or welfare of the children the agency serves. The following factors shall be considered in determining the person's certification as a foster caregiver or the person's residency in the foster caregiver's household.

(a)The person's age at the time of the offense.

(b)The nature and seriousness of the offense.

(c)The circumstances under which the offense was committed.

(d)The degree of participation of the person involved in the offense.

(e)The time elapsed since the person was fully discharged from imprisonment or probation.

(f)The likelihood that the circumstance leading to the offense will recur.

(g)Whether the person is a repeat offender.

(h)The person's employment record.

(i)The person's efforts at rehabilitation and the results of those efforts.

(j)Whether any criminal proceedings are pending against the person.

(k)Whether the person has been convicted of or pleaded guilty to a felony contained in the Revised Code that is not listed in  appendix A to this rule, if the felony bears a direct and substantial relationship to being a foster caregiver or adult member of the caregiver's household.

(l)The victim of the offense was:

(i)A functionally impaired person as defined in section 2903.10 of the Revised Code.

(ii)A developmentally disabled person as defined in section 5123.01 of the Revised Code.

(iii)A person with a mental illness as defined in section 5122.01 of the Revised Code.

(iv)A person sixty years of age or older.

(m)   Any other factors the agency considers relevant.

(L)The applicant or foster caregiver shall provide verification to the recommending agency that the conditions specified in paragraph (K) of this rule are met for that person and for all adult members of the household. If the applicant or foster caregiver fails to provide such proof or if the agency determines that the proof offered by the person is inconclusive or insufficient, the applicant shall be denied certification and a foster caregiver's certificate shall be recommended for denial or revocation pursuant to rule [5101:2-5-26](http://emanuals.jfs.ohio.gov/FamChild/FCASM/FosterCareLic/5101-2-5-26.stm) of the Administrative Code.

(M)In accordance with rule [5101:2-5-09.1](http://emanuals.jfs.ohio.gov/FamChild/FCASM/FosterCareLic/5101-2-5-09-1.stm) of the Administrative Code, a criminal records check shall be requested:

(1)For the foster care applicant and each adult who resides with the foster care applicant in accordance with paragraph (K) of this rule. The results shall be reviewed prior to the agency's recommendation for certification to ODJFS.

(2)For a certified foster caregiver and each adult who resides with the foster caregiver every four years prior to the upcoming recertification of the caregiver.

(N)Prior to certification or recertification, the foster care applicant or foster caregiver subject to a criminal records check shall notify the recommending agency of the revocation of any foster home license, certificate, or other similar authorization in another state occurring within the five years prior to the date of application to become a foster caregiver in this state.

(1)The failure of a foster care applicant or foster caregiver to notify the recommending agency of any revocation of that type in another state that occurred within that five-year period shall be grounds for denial of the person's foster home application or the revocation of the person's foster home certification, whichever is applicable.

(2)If a person has had a revocation in another state within the five years prior to the date of the application, the Ohio department of job and family services (ODJFS) shall not issue a foster home certificate to a prospective foster caregiver.

(O)The national sex offender registry is located at https://www.nsopw.gov/. In accordance with rule [5101:2-5-09.1](http://emanuals.jfs.ohio.gov/FamChild/FCASM/FosterCareLic/5101-2-5-09-1.stm) of the Administrative Code, a national sex offender registry check is to be completed:

(1)For the foster care applicant and each adult who resides with the foster care applicant. The results are to be reviewed prior to the agency's recommendation for certification to ODJFS. The application may be denied based solely on the results of the search.

(2)For a certified foster caregiver and each adult who resides with the foster caregiver prior to the upcoming recertification of the caregiver. The recertification may be denied based solely on the results of the search.

(P) The provisions of paragraph (J) of this rule must be considered for any applicant or foster caregiver and any other person eighteen years of age or older who resides with the applicant or foster caregiver and who has been convicted of, or pleaded guilty to, one or more of the offenses listed in appendix A to this rule, even if the person's record has been sealed by a court pursuant to section 2953.32 of the Revised Code because the information contained in the sealed record bears a direct and substantial relationship to the care to be provided to any foster child who may be placed in the home.

(Q) A conviction of, or plea of guilty to, an offense listed in appendix A to this rule shall not prevent a person's certification as a foster caregiver or being an adult household member of the home if the person has been granted an unconditional pardon for the offense pursuant to Chapter 2967. of the Revised Code or the conviction or guilty plea has been set aside pursuant to law. "Unconditional pardon" includes a conditional pardon with respect to which all conditions have been performed or transpired.

(R) A foster care applicant shall notify the recommending agency in writing if a person at least twelve years of age, but less than eighteen years of age, residing with the foster care applicant has been convicted of or pleaded guilty to any of the offenses listed in appendix A to 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.

(1)If a foster care applicant fails to notify the recommending agency, the recommending agency shall recommend denial of the foster home application to ODJFS.

(2)ODJFS may deny a foster home application on the grounds that a person at least twelve years of age but less than eighteen years of age residing with the foster caregiver or foster care applicant has been convicted of or pleaded guilty to an offense listed in appendix A to 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 an offense,. The agency shall review the provisions of  paragraph (K) considering the age of the delinquent child involved and the age and sex of children that are or would be placed in the foster home.

(S) A foster caregiver shall not operate a foster home as an adult boarding or rooming house.

(T)  A foster caregiver shall obtain written approval from the recommending agency prior to conducting any business, or allowing any business to operate, including public or private babysitting services, in a foster home.

(U)  A foster caregiver shall not provide or allow public or private babysitting services in a foster home when more than ten children, including foster, natural or adoptive children are present and under the supervision of the foster caregiver at any one time. Any foster caregiver that is an approved or licensed type B family day care home provider shall follow the requirements for approval or licensure as a type B family day care home.

(V) A foster caregiver or applicant shall not apply for licensure as a type A family day care home.

(W) A specialized foster caregiver shall not apply for licensure as a type B family day care home. A specialized foster care applicant shall not be licensed as a type B day care provider.

(X) A foster caregiver or applicant shall obtain an approved inspection by a state certified fire safety inspector or the state fire marshal's office certifying that the foster home is free from conditions hazardous to the safety of foster children. The approval must have occurred within twelve months prior to the initial recommendation for certification.

(Y)A foster caregiver or applicant shall complete all preplacement and continuing training as required by rule [5101:2-5-33](http://emanuals.jfs.ohio.gov/FamChild/FCASM/FosterCareLic/5101-2-5-33.stm) of the Administrative Code and any additional hours of training required by the recommending agency's written training plan.

(Z)A foster caregiver or applicant shall comply with all agency policies or instructions including cooperating fully with the agency during the certification or recertification process.

(AA)    A foster caregiver shall not violate a child's rights as described in paragraph (A) of rule [5101:2-5-35](http://emanuals.jfs.ohio.gov/FamChild/FCASM/FosterCareLic/5101-2-5-35.stm) of the Administrative Code.

(BB) A foster care applicant is to comply with the assurances as listed on the [JFS 01691](http://www.odjfs.state.oh.us/forms/num/JFS01691) "Application for Child Placement." A foster caregiver is to comply with the assurances as listed on the [JFS 01331](http://www.odjfs.state.oh.us/forms/num/JFS01331) "Notice of Expiration and Reapplication for a Foster Home Certificate or Adoption Homestudy Approval."

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* **Recertifications**
	+ 45 hours of training for Treatment Level
	30 hours of training for Family Level
	+ Intent to recertify (1331) 150-90 days before recertification is due
	+ Homestudy by Lisa or Sherri—2 to 3 visits in your home, including safety audit

**5101:2-5-24 Foster Home Recertifications**

[**FCASMTL 433**](https://emanuals.jfs.ohio.gov/letter/FCASMTL433)

**Effective Date: June 15, 2020**

**Most Current Prior Effective Date:**[**November 1, 2015**](https://emanuals.jfs.ohio.gov/history/2148263835/FamChild/FCASM/FosterCareLic/5101-2-5-24.stm)

(A)All currently certified foster homes shall be recertified every two years from the beginning date of the current certificate. If a homestudy is simultaneously approved for adoption and certified for foster care by the same agency, the spans shall be the same for both programs from the date of the foster home certification.

(1)If an approved adoptive home is subsequently certified for foster care by the same agency that approved the home for adoption, the adoptive homestudy shall be updated at the same time the home is initially certified for foster care so that the spans will coincide.

(2)If a certified foster home is subsequently approved for adoption by the same agency that certified the home for foster care, the next adoption update shall be completed when the current foster care certificate is recertified so that the spans will coincide.

(B)The public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agency (PNA) shall ensure that employees or persons under contract with the agency to complete foster home recertifications comply with the following requirements:

(1)The assessor definition in rule [5101:2-1-01](http://emanuals.jfs.ohio.gov/FamChild/FCASM/Definitions/5101-2-1-01.stm) of the Administrative Code.

(2)Rule [5101:2-48-06](http://emanuals.jfs.ohio.gov/FamChild/FCASM/SocialServices/5101-2-48-06.stm) of the Administrative Code.

(3)Section 3107.014 of the Revised Code.

(C)The recommending agency shall notify the foster caregiver of the date of expiration of the foster home certificate not less than ninety or more than one hundred fifty days prior to the expiration date. The notification shall:

(1)Identify any information or documentation that is required for the recertification.

(2)Be completed on the [JFS 01331](http://www.odjfs.state.oh.us/forms/num/JFS01331), "Notice of Expiration and Reapplication for a Foster Home Certificate or Adoption Homestudy Approval" .

(D)Following agency notification to the foster caregiver as required by paragraph (C) of this rule, if the caregiver fails to either reapply or voluntarily terminate prior to the expiration date of the certificate, the foster home certificate shall expire. If the family wishes to become certified after the expiration date, they shall reapply for initial certification pursuant to rule [5101:2-5-20](http://emanuals.jfs.ohio.gov/FamChild/FCASM/FosterCareLic/5101-2-5-20.stm) of the Administrative Code.

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

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

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

(b)If the agency does not have access to SACWIS, the agency shall submit a [JFS 01317](http://www.odjfs.state.oh.us/forms/num/JFS01317) "Recommendation for Certification/Recertification of a Foster Home" to the Ohio department of job and family services (ODJFS) to recommend closure of the home.

(E)If a foster caregiver(s) has re-applied for a foster home certificate at least thirty days prior to the expiration of a current certificate, an assessor shall complete a [JFS 01385](http://www.odjfs.state.oh.us/forms/num/JFS01385), "Assessment for Child Placement Update" , ensure that the foster caregiver(s) remains in compliance with the requirements set forth in Chapters 5101:2-5 and 5101:2-7 of the Administrative Code, and determine the continued suitability of the caregiver to serve as a foster caregiver. The agency is to compile and review the following documents, in addition to completing the [JFS 01385](http://www.odjfs.state.oh.us/forms/num/JFS01385):

(1)The most recent [JFS 01653](http://www.odjfs.state.oh.us/forms/num/JFS01653) "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" completed for the applicant and all household members. The agency may require a new JFS 01653 if the agency deems it necessary.

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

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

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

(a)All household members in a home caring for infants and children with special medical needs are to have an annual influenza vaccine consistent with the recommendations of the advisory committee on immunization practices (ACIP), unless the immunization is contrary to the individual's health as documented by a licensed health care professional or for reasons of conscience, including religious convictions.

(b)All household members in a home caring for infants are to be up to date on the pertussis vaccine unless the immunization is contrary to the individual's health as documented by a licensed health care professional or for reasons of conscience, including religious convictions.

(c)Copies of the immunization records are to be placed in the file of the home.

(5)   The most recent fire inspection by a state certified fire safety inspector or the state fire marshal's office using the [JFS 01200](http://www.odjfs.state.oh.us/forms/num/JFS01200) "Fire Inspection Report for Residential Facilities Certified by ODJFS" or other form used for a local or state fire inspection. The agency may require a new fire inspection prior to recommending the home for recertification if the agency deems it necessary to ensure the home is free from conditions which may be hazardous to the safety of a foster child.

(6)   The most recent [JFS 01681](http://www.odjfs.state.oh.us/forms/num/JFS01681) "Applicant Financial Statement." . The agency may require a new JFS 01681 if there have been any substantial changes to the foster family's financial situation.

(7)   The most recent annual well water test approved by the health department, if applicable.

(8)   If the agency has the ability to complete the search in SACWIS, the agency shall complete an alleged perpetrator search of abuse and neglect report history through the system for each foster caregiver and adult household member. If the agency does not have the ability to complete the search in SACWIS, the agency shall request and obtain a search of the system from ODJFS for each foster caregiver and each adult household member.

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

(b)This report is to be used to determine the continued suitability of the foster family.

(9)   The agency shall conduct a safety audit utilizing the [JFS 01348](http://www.odjfs.state.oh.us/forms/num/JFS01348) "Safety Audit" completed within six months prior to recommending a foster home for recertification, documenting that the residence continues to meet all safety standards. Any deficiencies noted on the JFS 01348 shall result in the completion of a rule violation report and a corrective action plan in accordance with paragraph (E) of rule 5101:2-5-28 of the Administrative Code.

(10)The most recent criminal records checks for all foster caregivers and adult household members. Once a foster caregiver is certified, a new criminal records check shall be conducted, pursuant to rule [5101:2-5-09.1](http://emanuals.jfs.ohio.gov/FamChild/FCASM/FosterCareLic/5101-2-5-09-1.stm) of the Administrative Code, for the foster caregiver(s) and each adult household member every four years prior to recommending a foster home for recertification. If an existing resident of the home, including youth placed in the home, turned eighteen years of age during the current certification span, the agency shall have criminal records checks completed at the time of the next recertification and every four years thereafter at the time of recertification.

(11)Documentation that the foster caregiver(s) has completed the required ongoing training pursuant to rule [5101:2-5-33](http://emanuals.jfs.ohio.gov/FamChild/FCASM/FosterCareLic/5101-2-5-33.stm) of the Administrative Code. If the foster caregiver has not completed the required continuing training, the agency may recommend recertification if the situation meets the specifications of the agency's good cause policy pursuant to rule [5101:2-5-13](http://emanuals.jfs.ohio.gov/FamChild/FCASM/FosterCareLic/5101-2-5-13.stm) of the Administrative Code.

(F)An assessor's recertification of a foster home shall include at least one home visit and one interview with each member of the household (except foster children)  based on his or her age and development currently residing in the home. This may be a joint interview or individual interviews.

(G)If an agency receives a completed [JFS 01331](http://www.odjfs.state.oh.us/forms/num/JFS01331) at least thirty days prior to the expiration date of a foster home certificate, an agency shall follow the requirements listed in this rule to complete the assessment for recertification.

(1)At the completion of the assessment and prior to the expiration of the foster home certificate, an agency is to enter the required data into SACWIS documenting one of the following:

(a)Recertification.

(b)Denial of recertification.

(c)Closure, based on receipt of a voluntary withdrawal.

(2)The effective date of a foster home certificate shall be the first day following the expiration of the previous certificate. For only those certifications in which paragraph (I) of this rule apply, the effective date shall be the date that ODJFS receives the recommendation for certification from the agency, which shall be no more than thirty days past the expiration date of the current certificate.

(H)If an agency receives a completed [JFS 01331](http://www.odjfs.state.oh.us/forms/num/JFS01331) less than thirty days prior to the expiration date of a foster home certificate, the agency may complete the requirements listed in this rule if they have sufficient time and resources to complete the assessment and submit the requirements listed in paragraph (G) of this rule prior to the expiration of the foster home certificate.

(1)If the agency is unable to complete the recertification prior to the expiration, the foster care certificate will expire on the date of expiration.

(2)If the foster care certification expires, the agency shall, within ten days after the expiration date of the certification:

(a)Provide written notification to the caregiver of the following:

(i)That the foster care certification has expired.

(ii)That if the family would like to obtain foster care certification, the family must reapply for initial certification pursuant to rule [5101:2-5-20](http://emanuals.jfs.ohio.gov/FamChild/FCASM/FosterCareLic/5101-2-5-20.stm) of the Administrative Code.

(b)An agency shall enter the required data into SACWIS to close the provider because the foster care certification has expired.

(I)    The determination of the specific number, age, and gender of children the foster home is certified for is the joint decision of the caregiver(s) and the assessor, based on the caregiver's strengths and needs, and the physical structure of the residence.

(1)All placements in a foster home shall be in compliance with this determination and with the provisions of rule [5101:2-5-32](http://emanuals.jfs.ohio.gov/FamChild/FCASM/FosterCareLic/5101-2-5-32.stm) of the Administrative Code.

(2)Upon the request from a foster caregiver, the JFS 1673-A "Child Characteristics Checklist" may be updated as often as needed.

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**5101:2-5-35 Children's Rights**

[**FCASMTL 376**](https://emanuals.jfs.ohio.gov/letter/FCASMTL376)

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(A)No agency, foster caregiver,residential facility or any employee of an agency or residential facility shall in any way violate any of the following rights of children:

(1)The right to enjoy freedom of thought, conscience, and religion or to abstain from the practice of religion.

(2)The right to reasonable enjoyment of privacy.

(3)The right to have his or her 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 or her 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 or she 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 or herself and to others.

(B)A residential facility shall include the above list of children's rights in the handbook for residents and their families required pursuant to rule [5101:2-9-15](http://emanuals.jfs.ohio.gov/FamChild/FCASM/FosterCareLic/5101-2-9-15.stm) of the Administrative Code.

(C)An agency operating a foster care or independent living program shall include the list of children's rights identified in paragraph (A) of this rule in any handbook used by the agency for children in the care of the agency.

(D)If an agency places any restrictions upon a child's rights for more than two hours, the agency shall:

(1)Inform the child and the child's custodian 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](http://emanuals.jfs.ohio.gov/FamChild/FCASM/FosterCareLic/5101-2-5-10.stm) 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.

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