

## Ohio Administrative Code (OAC) Rule Updates January - April 2009

Issuance Date	Procedural/Transmittal Letter	Subject
December 29, 2008	Family, Children and Adult Services Procedure Letter No. 158 (FCASPL)	JFS 01318 "SACWIS Private Agency Provider Data" form and the corresponding instructions (JFS 01318 – I) have been created. In order to obtain ODJFS licensure or approval, this form is to be used by all Private Agencies for any home provider who has been approved for use as a foster, adoptive, or kinship home. This form will allow ODJFS to record the necessary information for new home providers as well as to update information on the provider in SACWIS until such time as the Private Agencies are given access to SACWIS.
January 21, 2009	FCASPL No. 159	Implementation rule <u>5101:2-33-80</u> . This procedure letter clarifies that the agency must establish e-mail accounts no later than January 30, 2009. (See FCASPL No. 157) The current rule provides an incorrect title of a form, JFS 01318 "Retained Applicant Database Required Information." The form should be titled "SACWIS Private Agency Home Provider Data." The amended rule includes the correct title. OAC rule <u>5101:2-33-80 (C)</u> was amended to clarify that a PCSA will enter information regarding any adult household member subject to a criminal records check directly into SACWIS. ODJFS will be enforcing the clarifying requirements that are listed in this Procedure Letter instead of the specifications listed in the existing rule.
January 28, 2009	FCASPL No. 160	JFS 01474 "Application for Child Advocacy Center Start-Up Funding" form has been removed from the Family, Children, and Adult Services Manual (FCASM) and is now located in the Children's Trust Fund Manual.
February 11, 2009	Family, Children and Adult Services Manual Transmittal Letter No. 232 (FCASMTL)	Amendment to OAC rule <u>5101:2-42-95</u> "Obtaining Permanent Custody: Termination of Parental Rights." Requirements of a Public Children Service Agency (PCSA) or private agency (PCPA) for pursuing permanent custody and terminating parental rights. <b>Effective MARCH 15, 2009</b>

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March 30, 2009	FCASPL No. 163	Three Hundred Percent of Poverty Guidelines for the Kinship Permanency Incentive (KPI) Program
March 30, 2009	Fiscal Administrative Procedural Manual (FAPMTL) No. 98	Post Adoption Special Services Subsidy (PASSS) Update
April 1, 2009	FCASMTL No. 233	<p><u>Chapter 5101:2-44 Amended</u> as a result of the five year review:</p> <p><u>OAC 5101:2-44-03</u> "Public children services agency (PCSA) administration of the state adoption subsidy program" PCSA's responsibilities for administering and determining eligibility for the state adoption subsidy.</p> <p><u>OAC 5101:2-44-05.1</u> "Covered families and children (CFC) Medicaid eligibility: special needs children" Medicaid eligibility for special needs children.</p> <p><u>OAC 5101:2-44-05.2</u> "Covered families and children (CFC) Medicaid eligibility for state adoption subsidy recipient moving from or to Ohio" Medicaid eligibility requirements for an adoptive child in receipt of a state adoption subsidy moving from or to Ohio.</p> <p><u>OAC 5101:2-44-06</u> "Eligibility of adoptive family and adoptive child for the state adoption maintenance subsidy program" eligibility requirements for the state adoption maintenance subsidy program.</p> <p><u>OAC 5101:2-44-08</u> "Redetermination and amendment of a state adoption maintenance subsidy" procedures for the redetermination and amendment of a state adoption maintenance subsidy.</p> <p><u>OAC 5101:2-44-09</u> "Requirements for the state adoption special services subsidy program" procedures and requirements for the state adoption special services subsidy program.</p> <p><u>OAC 5101:2-44-10</u> "Suspension of a state adoption maintenance subsidy" outlines the requirements for suspending a state adoption maintenance subsidy.</p> <p><u>OAC 5101:2-44-11</u> "Termination of a state adoption subsidy" outlines requirements for terminating a state adoption subsidy.</p> <p><u>OAC 5101:2-44-12</u> "State adoption subsidy records" what information</p>

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		<p>must be contained in each state adoption subsidy record.</p> <p><u>OAC 5101:2-44-13</u> "Public children services agency (PCSA) administration of the post adoption special services subsidy (PASSS) program" procedures the PCSA must follow when issuing a post adoption special services subsidy.</p> <p><u>OAC 5101:2-44-13.1</u> "Eligibility and application process for the post adoption special services subsidy (PASSS) program" the eligibility and application process for the post adoption special services subsidy program.</p>
April 3, 2009	FCASPL No. 164	Federal Reimbursement Increase for Title IV-E Foster Care Maintenance and Title IV-E Adoption Assistance Per the American Recovery and Reinvestment Act of 2009
April 16, 2009	FCASMTL No. 231	<p>Amendment to OAC Chapter <u>5101:2-48</u> governing MEPA:  <b>The below OAC rules are effective MAY 15, 2009</b>  <b>OAC 5101:2-42-18.1 Non-discriminatory requirements for foster care placements.</b>          Amended to provide clarity regarding the timeframe and circumstances for completing an additional JFS 01688 "Individualized Child Assessment." Also amended to clarify that a licensed professional shall not complete an assessment until the PCSA, PCPA, or PNA has provided the licensed professional with a copy of the JFS "MEPA Educational Materials," a copy of the JFS "Non-discriminatory Requirements for Foster Care and Adoptive Placement," a copy of the OAC rule 5101:2-48-13 and a copy of the OAC rule 5102-48-16 of the Administrative Code. To clarify when an updated JFS 01688 and assessment shall be completed prior to the twelve month expiration date.</p> <p><b>OAC 5101:2-48-05 Agency adoption policy and recruitment plan.</b>          To categorize information that shall be contained within the agency's adoption policy and adoption recruitment plan. Outlines non-</p>

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		<p>discriminatory procedures for identifying how approved adoptive families accepting of the child's characteristics will be considered for possible presentation at a matching conference. Also amended to provide the minimum recruitment that all agencies must do to provide for a search of families if the agency elects not to search SACWIS. Amended to assure that the preferences for relatives and foster parents are clearly stated. Also amended to indicate if a relative of foster parents has expressed interest in a child, the agency does not have to hold a matching conference or include other families in the matching conference.</p> <p><b>OAC 5101:2-48-13 Non-discriminatory requirements for adoptive placements.</b></p> <p>Amended for re-formatting purposes and to provide clarity regarding the timeframe and circumstances for completing an additional JFS 01688.</p>
<p>April 16, 2009</p>	<p>FCASMTL No. 234</p>	<p>Ohio Administrative Code Chapter 5101:2-48 Five Year Review <b>Below rules are effective MAY 15, 2009</b></p> <p><u>5101:2-48-02</u> "Putative father registry" procedures for requesting a search of the Ohio putative father registry. The definition of "putative father" was added to this rule and will be removed from OAC 5101:2-1-01 "Children services definition of terms."</p> <p><u>5101:2-48-03</u> "Requirement of social and medical history" outlines the importance of, and procedures for, obtaining social and medical history information from biological parents.</p> <p><u>5101:2-48-06</u> "Assessor roles and responsibilities" responsibilities and training required for assessors and the timeframes for submitting documentation of these trainings.</p> <p><u>5101:2-48-08</u> "Adoption inquiry" procedures an agency must take when contacted by a prospective adoptive applicant.</p> <p><u>5101:2-48-14</u> "Preparation of child for adoptive placement" procedures an agency must take in preparing a child for adoptive placement. This</p>

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		<p>rule was rescinded and the information was merged with 5101:2-48-16 now titled "Adoption preplacement and placement procedures." <u>5101:2-48-16</u> "Pre-adoptive staffing, matching and placement procedures," now titled "Adoption preplacement and placement procedures," outlines the pre-adoptive staffing, matching and placement procedures for agencies. Amended to require the agency to demonstrate and document diligent and child specific recruitment efforts for a child when the agency elects to not search the statewide automated child welfare information system (SACWIS).</p> <p><b>Below rules are effective June 15, 2009</b></p> <p><u>5101:2-48-15</u> "Provision of information to a prospective adoptive family matched with a specific child" What documentation must be provided to the prospective adoptive parent prior to placing a child in that home. The title of the rule was changed to "Provision of information to a prospective adoptive parent(s) matched with a specific child."</p> <p><u>5101:2-48-17</u> "Prefinalization services," now titled "Assessor visits and contacts with children in adoptive homes prior to finalization," The procedures that must occur upon the placement of a child into an adoptive home. Amended to require that a visit shall be made during the first thirty days, not including the visit during the first seven days of placement. This rule also requires that a face-to-face visit with any household member whose permanent residence is the adoptive home shall be made every sixty days and prior to finalization and two face-to-face visits, conducted no less than sixty days between visits must be made with any household member whose permanent residence is the adoptive home but who may temporarily reside elsewhere.</p>
June 1, 2009	<b>5101:2-5-21</b> Agency Assessment of an Initial	Amended <u>5101:2-5-21</u> . Outlines the assessment process for an Application for a Foster Home prospective foster caregiver. Includes the new Certification revision date for the JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and all Household Members." Five year review process.

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June 1, 2009	<b>5101:2-5-30</b> Change in Household Occupancy	Amended <u>5101:2-5-30</u> . Outlines the procedures an agency change in Marital Status; Change must follow when a change in occupancy, marital of Address status, or address has occurred. Includes the new revision date for the JFS 01653. Five year review process.
June 1, 2009	<b>5101:2-48-11</b> Approval of a Foster Home for Adoptive Placement	Amended <u>5101:2-48-11</u> . Outlines procedures for approving an Adoptive Placement foster home for adoptive placement. Includes new revision of JFS 01653. Clarifies what documents must be reviewed in order to determine appropriateness of a foster caregiver for adoptive placement and to remove language requiring five year proof of residency in Ohio. Removal of language requiring notification of impending placement as this language can be found in OAC rule 5101:2-48-16. Five year review process.
June 1, 2009	<b>5101:2-48-11.1</b> Foster Caregiver Adoption of a Foster Child who has resided with the Caregiver for at least Twelve Consecutive Months.	Amended <u>5101:2-48-11.1</u> . Rule and title of the rule are being amended to change the time frame from "twelve consecutive months" to "six consecutive months" and to include the new revision dates for the JFS 01692 "Application for Adoption of a Foster Child, "JFS 01691 "Application for Child Placement" and JFS 01653. Removes language requiring notification of initiation of an adoptive home study, clarify what documents must be reviewed in order to determine the appropriateness of a foster caregiver for adoptive placement and to remove language requiring five year proof of residency in Ohio. Clarification of what information must be contained in the written notification of denial when the JFS 01692 is denied. Removal of language requiring notification of impending placement as this language can be found in OAC Rule 5101:2-48-16.
June 1, 2009	<b>5101:48-12</b> Completion of the Home study Report	Amended <u>5101:48-12</u> . Outlines the home study process for prospective adoptive applicants, the procedures for approving or denying an applicant as an adoptive parent and who may conduct adoptive home studies. Includes language that an assessor shall interview all members of the household over the age of four. Clarifies the requirements of an adoption assessor who is conducting home studies. Removes language requiring five year proof of residency in

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		Ohio. Clarifies what documents are required for a home study. Removal of the six year expiration of a home study.
June 1, 2009	<b>5101:2-48-12.1</b> Completion of Adoption Home study Updates	Amended <u>5101:2-48-12.1</u> . Outlines requirements for completing an update to an adoptive home study. Five year review process. Change the title as all references to the home study amendment process have been added to a separate rule. Clarifies when an update and notification of expiration of an existing home study is required and to outline what documents must be attached to the home study update. Clarification as to when new criminal records checks are required for adoptive parents and household members. Removal of language regarding amendment of a home study.
June 1, 2009	<b>5101:2-48-12.2</b> Completion of Adoption Home study Amendments	<b>NEW</b> <u>5101:2-48-12.2</u> Outlines the requirements for completing an amendment to an adoptive home study. Language was removed from OAC rule 5101:2-48-12.1. Change the time frame for notification of circumstances involving the adoptive child in the home from "within twenty four hours" to "within one hour." Within twenty four hours or the next working day the agency shall be notified of a "serious" illness or death of an approved adoptive parent or household member and to outline the agency's responsibility upon notification of a change of address by an adoptive parent.
June 1, 2009	<b>5101:2-48-19</b> Sharing and Transferring an Adoptive Home study	<b>NEW</b> <u>5101:2-48-19</u> . Outlines the procedures for sharing and transferring an adoptive home study. Title of the rule has been changed and the rule itself restructured. Five year review process.
<b>Form #</b>	<b>Title</b>	<b>Summary</b>
JFS 01334	"Recommendation for Transfer of a Foster or Adoptive Home"	Allows the form to also be used for adoptive homes
JFS 01653	Medical Statement for Foster Caregiver/Adoptive Applicant	Removes the line regarding having a licensed physician complete the form and to add a box at the bottom of the second page for the person signing the form to specify their profession.
JFS 01692	Application for Adoption of a Foster Child"	Changes the time frame that a child has to reside with the caregiver from twelve months to six months

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<b>Amended ODJFS forms as of June 1, 2009</b>		
<b>Form #</b>	<b>Title</b>	<b>Summary</b>
JFS 01607	MEPA Educational Materials	Update Non-discriminatory Requirements for Foster Care and Adoptive Placements and to include the revised OAC rules.
JFS 01611	Non-discriminatory Requirements for Foster Care and Adoptive Placements	Amended to update the permissible and prohibited acts as referenced in OAC rules 5101:2-42-18.1 and 5101:2-48-13.

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## Information in ODJFS Clearance during January – April 2009:

January 9, 2009: Draft procedure letter to provide guidance in the Indian Child Welfare Act was processed in department clearance. The information in the procedure letter serves to supplement OAC rules 5101:2-53-01 through 5101:2-53-08 which provides direction to agencies in implementing the requirements of the Act.

Clearance comments were due to Kristen Burgess by Monday, January 19, 2009.

January 9, 2009: Rescinding the Pre-CAPMIS rules governing PCSAs

Clearance comments were due to Dorothy Striker by Monday, January 19, 2009.

January 20, 2009: Amended 5101:2-42-18.

Clearance comments were due to Kristen Burgess by Tuesday, January 27, 2009.

January 27, 2009: Amended a number of rules in 5101:2-36 (01, 03, 04, 05) as well as JFS 01987.

Clearance comments were due to Denielle Ell-Rittinger by Tuesday, February 3, 2009.

Amended a number of rules in 5101:2-33. "Children Services Definition Rules and Children Services Administration"

Clearance comments were due to Dave Thomas by Tuesday, February 3, 2009.

Amended a number of rules in 5101:2-37, 5101:2-38, 5101:2-39 and 5101:2-40 as result of the five year review.

Clearance comments were due to Catherine Lawhorn by Wednesday, February 4, 2009.

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February 2, 2009: Amended the Rapback rule to clarify requirements.

Clearance comments were due to Dave Beck by Friday, February 13, 2009.

JFS 01392 obsolete

Clearance comments were due to Dave Beck by Monday, February 16, 2009.

February 6, 2009: Amended JFS 01318 & I "SACWIS Private Agency Provider Data" form.

Clearance comments were due to Jennifer Justice by Friday, February 20, 2009.

Amended a number of rules in 5101:2-5 and 5101:2-48 to align the foster care and adoption home study process.

Clearance comments were due to Chante Slacum by Friday, February 20, 2009. (See next section)

Amended 5101:2-5-24.

Clearance comments were due to Dave Beck by Friday, February 20, 2009.

February 11, 2009: Revised JFS 01211.

Clearance comments were due to Cindy Grigsby by February 25, 2009.

February 13, 2009: Amended OAC rules 5101:2-48-20, 5101:2-33-55, 5101:2-33-56 as a result of Sub. HB 7.

Clearance comments were due to Chante Slacum and LeRoy Crozier by Friday, February 27, 2009.

(See next section 5101:2-48-20)

February 24, 2009: Amended a number of rules in 5101:2-47-01 "Administration of the Title IV-E Foster Care Maintenance Program" as a result of the five year review.

Clearance comments were due to Carole Fisher by Wednesday, March 11, 2009.

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February 27, 2009: Rescinding a number of Pre-CAPMIS rules governing PCSAs and is amending 5101:2-38-08.  
Clearance comments were due to Dorothy Striker by Friday, March 13, 2009.

March 16, 2009: Amended 5101:2-42-19 and 5101:2-42-19.2  
Please send comments to Elaine Early Hall by March 31, 2009.

April 1, 2009: Amended a number of Adoption Assistance rules and forms. These same rules were in Clearance in March 2008.  
Comments for these rules were due to Madonna Gray by Friday, April 17, 2009.

Updated JFS 01693 "Ohio Law and Adoption Materials."  
Comments were due to Chante Slacum by Wednesday, April 15, 2009.

April 8, 2009: Amended JFS 01608 "Licensed Professional Statement."  
Comments were due to Pinkie Patterson-Hewlett by Wednesday, April 22, 2009.

April 10, 2009: Drafted a procedure letter to cover topics previously included in foster care maintenance rules.  
Comments were due to Carole Fisher by Friday, April 24, 2009.

Drafted a procedure letter regarding the decentralization of ICPC  
Comments were due to Kristen Burgess by Monday, April 20, 2009.

Amended a 5101:2-42-89 and JFS 01987.  
Comments were due to Elaine Early Hall by Friday, April 24, 2009.

April 23, 2009: Revised the Alternative Response Family Service Plan, instructions and associated rules.  
Comments due to Dorothy Striker by Thursday, April 30, 2009.