



## Ohio Administrative Code

### Rule 5101:2-14-04 Background check requirements for a certified in-home aide.

Effective: November 12, 2023

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(A) What records are included in a background check?

(1) Bureau of criminal investigation (BCI) records pursuant to section 5104.013 of the Revised Code.

(2) Federal bureau of investigation (FBI) records pursuant to section 5104.013 of the Revised Code.

(3) National sex offender registry.

(4) State sex offender registry.

(5) Statewide automated child welfare system (SACWIS) records.

(B) When is an individual to complete a background check?

(1) When an individual initially applies to be a certified in-home aide (IHA).

(2) Every five years from the date of the most recent BCI records check.

(3) When an IHA has a break in employment as a certified IHA for longer than the previous one hundred eighty consecutive days, unless the IHA was employed at a licensed child care center, licensed type A home, licensed type B home, an approved child day camp, a preschool or school-age program approved to provide publicly funded child care (PFCC), or was a resident of a licensed type A home or a licensed type B home in the previous one hundred eighty consecutive days.

(C) How is a background check obtained?

The IHA is to:



- (1) Create a profile in the Ohio professional registry (OPR) at <https://www.occrra.org>.
  - (2) Submit fingerprints electronically according to the process established by BCI. Have the BCI and FBI results sent directly to ODJFS. Information on how to obtain a background check can be found at <https://www.ohioattorneygeneral.gov/Business/Services-for-Business/WebCheck>.
  - (3) Complete and submit the request for a background check for child care in the OPR.
- (D) What if an individual previously resided in a state other than Ohio?
- (1) ODJFS will contact any states in which the individual resided in the previous five years to request the information outlined in paragraph (A) of this rule.
  - (2) Any information received from other states will be reviewed and considered by ODJFS as part of the background check review pursuant to paragraph (F) of this rule.
- (E) What happens if an individual does not complete the full background check determination process?
- (1) If the individual completes only the requirements in paragraph (C)(2) of this rule or only the requirements in paragraph (C)(3) of this rule and does not submit the other component within forty-five days, the background check process will end and a determination of eligibility will not be made.
  - (2) ODJFS will notify the individual that the background check determination process has ended.
  - (3) The individual will need to complete the requirements of paragraphs (C)(2) and (C)(3) to restart the background check determination process in the future.
- (F) What makes an individual ineligible to be a certified IHA?
- (1) A conviction or guilty plea to an offense listed in division (A)(5) of section 109.572 of the Revised Code, unless the individual meets the rehabilitation criteria in appendix A to this rule.



(a) Section 109.572 of the Revised Code specifies that this rule applies to records of convictions that have been sealed pursuant to section 2953.32 of the Revised Code.

(b) A conviction of or a plea of guilty to an offense listed in division (A)(5) of section 109.572 of the Revised Code is not prohibitive if the individual 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. For the purposes of this rule, "unconditional pardon" includes a conditional pardon with respect to which all conditions have been performed or have transpired.

(2) Being registered or ordered to be registered on the national or state sex offender registry or repository.

(3) The individual is identified in SACWIS as the perpetrator for a substantiated finding of child abuse or neglect in the previous ten years from the date the request for background check was submitted or the individual has had a child removed from their home in the previous ten years pursuant to section 2151.353 of the Revised Code due to a court determination of abuse or neglect caused by the person.

(G) What happens after the individual requests the background check and submits fingerprints through a web check location?

(1) The county agency will receive the current JFS 01176 "Program Notification of Background Check Review for Child Care" from ODJFS.

(a) For an individual eligible for certification as an IHA, the county agency is to keep the JFS 01176 on file if it is not available in the OPR.

(b) For an individual not eligible for certification as an IHA, the county agency is to deny the application for certification pursuant to rule 5101:2-14-14 of the Administrative Code immediately upon receipt of the JFS 01176.

(2) The individual will receive the JFS 01177 "Individual Notification of Background Check Review



for Child Care" from ODJFS.

(a) If the individual believes the information received is not accurate, the individual may directly contact the agency that contributed the questioned information.

(b) If the IHA disagrees with the decision made by ODJFS, a JFS 01178 "Request for Review of Background Check Decision for Child Care" is to be completed to request a review of the decision. The JFS 01178 is to be submitted within fourteen business days from the date on the JFS 01177.

(H) What happens after an individual submits a JFS 01178 to ODJFS?

If an individual requests a review of a background check decision pursuant to paragraph (G)(2)(b) of this rule:

(1) An IHA who is certified is not to serve children during the review.

(2) Upon review, if there is a change in the background check decision, ODJFS will provide an updated JFS 01176 to the county agency and an updated JFS 01177 to the individual.

(3) If the individual is determined to be eligible for certification as an IHA, the county agency may allow the IHA to be certified and is to keep the updated JFS 01176 on file pursuant to paragraph (G)(1)(a) of this rule.