



## Ohio Administrative Code

### Rule 5101:2-33-13 Administrative procedures for falsification in adoption.

Effective: April 12, 2021

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(A) If the agency working with the family suspects that a false statement or false document was knowingly made or submitted during the homestudy process or after the homestudy was approved, the worker shall report the information to the agency administrator or designee within three days of the initial determination of possible falsification. The written statement shall include, but is not limited to:

(1) The original document completed by the applicant, or written documentation of the false statement provided by the applicant or adoptive family.

(2) Documentation verifying the information or document is knowingly false.

(B) If there is a child placed in the home who has not yet finalized an adoption, then the agency shall, within twenty-four hours of the administrator or designee receiving the written statement mentioned in paragraph (A) of this rule, determine if there is probable cause related to the adoptive child's safety and well-being to warrant the removal of the child from the home until the investigation is completed.

(C) If the agency conducting the investigation is not the agency with custody of the child, the agency shall notify the custodial agency within twenty-four hours of administrator or designee receiving the written statement mentioned in paragraph (A) of this rule of the concerns related to the falsification.

(D) Within ten days of the administrator or designee receiving the written statement described in paragraph (A) of this rule, the agency shall send a notification letter to the adoptive applicant or approved adoptive family, via certified mail, indicating that the information submitted to the agency has been determined to be knowingly false. The notice shall include the following:

(1) Date the notice was mailed.



- (2) A copy of the documentation alleged to be knowingly falsified, as well as a written explanation of the falsification.
- (3) A statement that the agency is required to notify the county prosecutor in cases in which it has been determined the applicant or family made knowingly false statements, pursuant to section 2921.13 of the Revised Code.
- (4) A statement indicating the homestudy process will discontinue because the agency has probable cause to believe a false statement or document was knowingly provided.
- (5) If the homestudy process has already been completed, then the agency shall include a statement that includes the following:
  - (a) The agency will not present the family at a matching conference, pursuant to rule 5101:2-48-16 of the Administrative Code if it is determined a false statement or document was knowingly provided.
  - (b) The agency will not release a homestudy for sharing or transferring, pursuant to rule 5101:2-48-19 of the Administrative Code if it is determined a false statement or document was knowingly provided.
  - (c) A homestudy will not be filed with the court for finalization purposes pursuant to section 3107.031 of the Revised Code if it is determined a false statement or document was knowingly provided.
- (6) A statement that the adoptive applicant or adoptive family has the right to respond to the allegation of falsification.
- (7) A statement that the adoptive applicant or adoptive family has ten days from the date they receive the notification letter to respond to the agency with documentation that the allegation is unfounded and that the statements or documents were not knowingly falsified.
- (8) If the adoptive homestudy is in the process, a statement that if the applicant fails to respond to the agency within ten days of the receipt of the notification letter then the application to adopt is



considered withdrawn and the refusal to respond to the allegation has resulted in the termination of the homestudy process by voluntary withdrawal.

(9) If the adoptive homestudy has been approved, a statement that if the adoptive family fails to respond to the agency within ten days of the receipt of the notification letter then the refusal to respond to the allegation will result in the expiration of the adoption homestudy approval at the end of the current approval span.

(E) If the applicant or adoptive family fails to respond to the agency within ten days of the date of receipt pursuant to paragraph (D) of this rule, the agency shall close the adoption homestudy as if the adoptive applicant or adoptive family has voluntarily withdrawn from the homestudy process.

(F) If the applicant or adoptive family responds within the ten day timeframe with the documentation required in paragraph (D)(7) of this rule, then the agency shall conduct an internal investigation that includes the following:

(1) A review of the information received from the adoptive applicant or family.

(2) A face to face visit with the adoptive applicant(s) or adoptive family.

(3) An interview with any other relevant witnesses, if applicable.

(G) The final investigative report shall be completed and mailed to the adoptive applicant no later than thirty days after the receipt of the adoptive applicant's or adoptive family's response to the allegation.

(1) If unanticipated circumstances require additional time to complete the investigation or issue the report, the agency shall notify the applicant or adoptive family of the need for more time and that an extension of an additional fourteen days is needed.

(2) The extension shall be documented in the adoptive family's record.

(H) The investigative report shall include the following:



- (1) An explanation of the allegation.
  - (2) Any background information deemed relevant by the agency.
  - (3) The results of the investigation, including whether probable cause was found to indicate the applicant or adoptive family made knowingly false statements.
  - (4) Any action steps to be taken by the applicant, adoptive family, or the agency as a result of the investigation.
- (I) If the final investigative report concludes that the information or documentation was knowingly falsified, the agency shall do the following:
- (1) Forward a copy of the investigative report to the county prosecutor's office where the adoptive applicant or adoptive family lives.
  - (2) If the adoptive applicant was still in the homestudy process, the agency shall close the adoption homestudy as if the applicant has voluntarily withdrawn from the homestudy process.
  - (3) If the adoptive homestudy was approved prior to the investigation of falsification, then the following limitations are in place:
    - (a) The adoption homestudy shall not be presented at any matching conference, pursuant to rule 5101:2-48-16 of the Administrative Code.
    - (b) The adoption homestudy shall not be released to another agency for sharing or transferring purposes, pursuant to rule 5101:2-48-19 of the Administrative Code.
    - (c) The adoption homestudy shall not be filed with the court for finalization purposes pursuant to section 3107.031 of the Revised Code.
    - (d) The adoption homestudy approval shall expire at the end of the current approval span.



(J) If the final investigative report concludes that there was no falsification made by the applicant, the agency shall:

(1) Resume the homestudy process if the applicant chooses to proceed.

(2) Complete the homestudy within one hundred eighty days from the date the investigative report was completed.

(K) Any documentation resulting from the requirements of this rule shall be maintained in the record of the adoptive applicant or adoptive family.