



## Ohio Administrative Code

### Rule 5101:2-5-02 Application for an agency to perform specific functions; amended applications.

Effective: October 15, 2021

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(A) An applicant seeking to operate a private child placing agency (PCPA) or a private noncustodial agency (PNA) with the purpose of performing any of the functions specified in rule 5101:2-5-03 of the Administrative Code shall electronically submit a complete and correct JFS 01290 "Application for Certification of Agency Functions" with the Ohio department of job and family services (ODJFS) not less than one hundred-twenty days prior to the intended date of commencing operation.

(B) A local public entity (LPE) that is not a public children services agency (PCSA) that operates one or more of the functions specified in rule 5101:2-5-03 of the Administrative Code shall be considered by ODJFS as though the local public entity is a PNA. Unless a specific exception is made, references throughout Chapters 5101:2-5, 5101:2-7 and 5101:2-9 of the Administrative Code to a PNA or to an agency shall apply to a LPE that is not a PCSA. "Local public entity" (LPE) as used in this chapter of the Administrative Code means a county, including county courts, a municipal corporation, a combination of counties, a combination of municipal corporations, or a combination of one or more counties and one or more municipal corporations and that is not a PCSA.

(C) An applicant shall submit all materials and documentation required by the JFS 01290.

(D) Any PCSA which intends to operate a residential facility shall electronically file a complete and correct JFS 01290 with ODJFS to be certified to operate the facility not less than one hundred-twenty days prior to the intended date of commencing operation.

(E) Applicable rules for agencies.

(1) Any PCSA, PCPA or PNA certified to perform functions listed in rule 5101:2-5-03 of the Administrative Code shall comply with all provisions of the Administrative Code applicable to the agency's performance of functions listed on its certificate. For agency noncompliance with



applicable administrative rules, ODJFS may require the agency to submit and comply with a corrective action plan or may deny initial certification, or in the case of a certified agency, deny renewal of a certificate or revoke the PCSA's, PCPA's or PNA's certificate pursuant to Chapter 119. of the Revised Code.

(2) Any PCSA performing any function listed in rule 5101:2-5-03 of the Administrative Code not requiring certification by ODJFS shall comply with all applicable provisions of the Administrative Code. For PCSA noncompliance with applicable administrative rules when performing any function not requiring certification, ODJFS may take any action permitted under division (C) of section 5101.24 of the Revised Code.

(F) The application shall be submitted to the appropriate ODJFS field office. The date of initial application shall be the date of receipt as noted by the ODJFS date stamp. The application shall not be considered to have been filed until it is submitted to the appropriate ODJFS field office in complete and correct form.

(G) An application may be denied by ODJFS for failure to comply with any requirement of this rule or for any reason specified in rule 5101:2-5-07 of the Administrative Code.

(H) An agency shall not operate until a certificate is issued by ODJFS.

(I) When an application to amend the certificate is required.

(1) When an agency certified to operate a function listed in rule 5101:2-5-03 of the Administrative Code seeks to operate another function that is required to be certified by rule 5101:2-5-03 of the Administrative Code, not less than one hundred-twenty days prior to the anticipated operation of the new function, it shall electronically submit a complete and correct amended JFS 01290 to ODJFS requesting certification of the additional function. All additional information required by ODJFS for certification of the new function shall be submitted with the JFS 01290.

(2) When an agency certified to operate one or more functions listed in rule 5101:2-5-03 of the Administrative Code seeks to relocate or operate a residential facility, except in an emergency situation where residential facility becomes uninhabitable for any reason, it shall notify ODJFS not



less than sixty days prior to the intended relocation or operation by submitting an amended JFS 01290 to ODJFS requesting certification of the residential facilities at the new location.

(3) If a residential facility has become uninhabitable, due to an emergency situation, the agency shall:

(a) Immediately notify any agency with children in placement and ODJFS of the emergency.

(b) Relocate the facility and any children in placement.

(c) Submit an amended JFS 01290 to ODJFS immediately after relocating.

(4) When an agency certified to operate one or more functions listed in rule 5101:2-5-03 of the Administrative Code seeks to relocate or add an office it shall submit a JFS 01290 which lists the office to ODJFS not less than thirty days prior to the anticipated operation of the new office. In emergency situations the agency shall follow the procedures in their agency policy developed pursuant to rule 5101:2-5-13.1 of the Administrative Code.

(5) An agency shall submit a JFS 01290 to ODJFS not less than ten days prior to any of the following changes:

(a) When an agency ceases to operate a certified function.

(b) When an agency ceases to operate a branch office.

(c) When an agency ceases to operate a residential facility.

(6) An agency shall request and receive approval from ODJFS prior to implementing a change in a private, nonprofit therapeutic wilderness camp, children's residential center or a group home by submitting a JFS 01290 and any supporting documentation to ODJFS indicating the agency wishes to change any of the following:

(a) Sex of the children served.



(b) Age range of the children served.

(c) Number of the children served.

(7) An agency shall submit a JFS 01290 to notify ODJFS within ten days after implementing a change to any of the following positions of its governing body:

(a) The administrator.

(b) The chairperson.

(c) The president.

(8) If an agency wishes to change the agency name, the agency shall submit a JFS 01290 to notify ODJFS not later than thirty days prior to implementing a name change. The agency shall submit the following information along with the JFS 01290:

(a) A copy of any amended articles of incorporation authorizing the name change.

(b) A copy of the minutes of the governing body meeting authorizing the name change.

(J) An agency shall not operate any function requiring certification by ODJFS that has not been certified by ODJFS. An agency shall not operate an office or residential facility that is not correctly listed on the most recent JFS 01290 on file with ODJFS.

(K) The certificate issued by ODJFS to the agency shall be posted in a prominent place so that visitors to the agency may view it.

(L) When a PCSA, PCPA or PNA is currently operating one or more functions requiring certification by ODJFS on a temporary certificate, the agency shall not request certification of another function by ODJFS or expansion of an existing certified function.