



Ohio Administrative Code

Rule 5101:2-5-28 Agency cause for denial of initial certification, denial of recertification or revocation of a foster home certificate.

Effective: January 1, 2023

(A) If the recommending agency has knowledge of rule noncompliance or receives an allegation of a rule violation of Chapter 5101:2-7 of the Administrative Code for a currently certified foster home, the agency shall comply with all of the following:

(1) Begin an investigation of all allegations of rule noncompliance of Chapter 5101:2-7 of the Administrative Code within three calendar days of receipt of an allegation of a rule violation. At a minimum, an investigation begins with the implementation of paragraph (C) of this rule or documenting the contact of the agency by any third party or law enforcement agency investigating the allegations to determine if the recommending agency can proceed with the rule noncompliance investigation.

(2) Complete the investigation within thirty calendar days of beginning the investigation unless the investigation of rules violation conflicts with any other third party or law enforcement investigation.

(3) Document and maintain the following results in the foster caregiver record:

(a) Investigations conducted pursuant to this paragraph.

(b) If noncompliance is found, the development and implementation of corrective action plans as required by the agency or the recommendation to deny recertification or revoke the certification of the foster home.

(c) If noncompliance is not found, a statement documenting and explaining the reasoning that non-compliance was not found.

(B) Any one or any combination of the following circumstances may be considered valid cause for denial of initial foster home certification, denial of recertification, or revocation of a foster home certificate either upon the recommendation of a recommending agency or through unilateral action



by the Ohio department of job and family services (ODJFS):

- (1) A foster caregiver or applicant fails or refuses to comply with any requirement of Chapter 5101:2-5 or 5101:2-7 of the Administrative Code.
- (2) A foster caregiver or applicant knowingly furnishes false or misleading statements or reports to the agency.
- (3) A foster caregiver or applicant knowingly falsifies, refuses or fails to submit any report required by Chapter 5101:2-7 of the Administrative Code.
- (4) A foster caregiver or applicant refuses or fails to make available any record required by or necessary to the administration of Chapter 5101:2-7 of the Administrative Code.
- (5) A foster caregiver or applicant refuses to admit into the residence any person performing duties required by Chapter 5101:2-5, 5101:2-7 or 5101:2-36 of the Administrative Code or any laws of the state or any subdivision therein.
- (6) A foster caregiver or applicant fails or refuses to comply with agency instructions regarding care of a foster child an agency has placed within the home.
- (7) A foster caregiver or applicant interferes or acts in conflict with an agency plan for a foster child's care.
- (8) Any resident of a foster caregiver or applicant's home, other than the foster children who are placed there, is found guilty of any crime perpetrated against a child.
- (9) A foster caregiver or applicant, any adult resident of a foster home, or any minor resident of a foster home at least twelve years of age, but less than eighteen years of age other than a foster child who is placed there, residing with the foster caregiver has been convicted of, pleaded guilty to, or been adjudicated delinquent for commission of any offense listed in appendix A of rule 5101:2-7-02 of the Administrative Code.



- (10) A foster caregiver, applicant or any other resident of a foster home who is a person subject to a criminal records check refuses to obtain a criminal records check.
- (11) A recommending agency can document, in their assessment, that a foster caregiver, applicant or a foster home should not care for a foster child.
- (12) Any act of omission or commission by a foster caregiver, applicant or other member of the household which results in the death, injury, illness, abuse, neglect or exploitation of a child.
- (13) Any applicable reason pursuant to section 5103.0319 or 5103.0326 of the Revised Code.
- (C) When the recommending agency has knowledge that one or more of the circumstances listed in paragraph (B) of this rule apply to a resident of a foster caregiver's or prospective foster caregiver's home, the agency shall do all of the following:
- (1) Review the foster home certificate or the application, if applicable, and if appropriate, recommend that ODJFS revoke the certificate, deny the recertification of the certificate or deny the application.
- (2) Review the appropriateness of the placement in the foster home of any child of whom the agency has temporary, legal, or permanent custody. After review, the agency may, consistent with any court order, remove the child from the foster home in which the child is residing and place the child in another certified foster home or other appropriate placement.
- (3) If the agency does not have temporary, legal, or permanent custody of a foster child residing in the foster home, the recommending agency shall notify the entity that has custody of the child that it has received a notice subject to paragraph (R) of rule 5101:2-7-02 or paragraph (G) of rule 5101:2-7-14 of the Administrative Code.
- (4) Assess the foster caregiver's need for training because of the conviction, plea of guilty, or adjudication described in paragraph (B) of this rule and provide any necessary training unless the agency action is to recommend revocation of the certificate.



(D) If a recommending agency learns that a foster caregiver has failed to comply with the provisions of paragraph (R) of rule 5101:2-7-02 or paragraph (G) of rule 5101:2-7-14 of the Administrative Code, it shall immediately notify the entity that has custody if applicable, and ODJFS.

(E) If an agency determines that any of the conditions listed in paragraph (B) of this rule presents or creates a threat to the life, health, or safety of a foster child, it shall immediately remove the foster child from the foster home and notify the custody-holding agency or individual within one hour. An agency determination of threat to a foster child's safety shall be considered sufficient basis for any such action, and shall not require any additional justification.