Ohio Administrative Code

Rule 5101:2-52-08 Interstate placement requirements for Ohio parents, legal guardians, or private entities when placing a child into another state or territory for adoption.

Effective: August 1, 2019

(A) Prior to placing a child into another state or territory for an adoptive placement, an Ohio parent, legal guardian, PCPA, or attorney, hereafter referred to as the sending agent, shall receive written approval, as documented on the JFS 01661 "Interstate Compact Placement Request (ICPC 100A)" (rev. 7/2016) from the Ohio "Interstate Compact on the Placement of Children" (ICPC) office and the receiving state ICPC office. If the sending agent is a parent or legal guardian, the parent or legal guardian shall be represented by an adoption agency or private attorney.

(B) Visits, as defined by the association of administrators of the interstate compact on the placement of children (AAICPC) "Regulation 9" located at https://aphsa.org/AAICPC/AAICPC/Resources.aspx are exempt from ICPC. Situations in which the intent is to place the child either on a temporary or permanent basis and for which a homestudy or supervision is or will be requested do not meet the requirements of a visit and are therefore not exempt from ICPC. The following are additional criteria for a visit:

(1) The purpose of the visit shall be to provide the child with a social or cultural experience of short duration, such as a stay in a camp or with a friend or relative who has not assumed legal responsibility for the daily care of the child.

(2) A visit shall have a defined ending date and shall not be extended or renewed in a manner which causes the visit to exceed thirty days or the school vacation period.

(C) To initiate an interstate placement of an Ohio child for the purpose of adoption, the sending agent shall send three hard copy packets or one electronic copy of the following documents to the Ohio ICPC office:

(1) The completed JFS 01661 (ICPC 100A). Section 1 of the form shall identify the person or agency having financial and planning responsibilities for the child. Section 3 of the form shall

indicate that monthly supervisory reports are requested.

(2) A cover letter requesting interstate approval signed by the sending agent that includes the following:

(a) Name of the child(ren) to be placed.

(b) Name of the birthparents.

(c) Name(s), address, email address and contact phone number(s) of the prospective adoptive parents.

(d) Name, contact person, address, email address, and contact phone number(s) of the supervising agency or person in the receiving state.

(e) A statement as to how the match was made, including the reason for placement into another state.

(f) If the sending agent is an attorney, their Ohio supreme court number shall be included in the cover letter.

(3) A legal risk acknowledgment signed by the prospective adoptive parent(s), if applicable, in the receiving state.

(4) Documentation giving the prospective adoptive parents authority to provide medical care, if applicable.

(5) Copy of the approved adoptive homestudy on the prospective adoptive family, in accordance with the laws of the receiving state. If a homestudy is completed by a licensed private agency in the receiving state, the sending state shall not impose any additional requirements to complete the homestudy that are not required by the receiving state unless the adoption is finalized in the sending state. In addition to the homestudy, documentation is to include:

(a) Verification of compliance with federal and state background clearances, including state and federal bureau of investigation (FBI) fingerprint clearances and child abuse and neglect clearances.

(b) Sex offender registry clearance, available at www.nsopw.gov.

(c) A copy of any court order approving the adoptive home, if required in the receiving state.

(d) A statement by the person or entity who completed the homestudy verifying that the home is approved. This statement may be located within the homestudy.

(e) If the homestudy is more than twelve months old, an update to the homestudy must be provided.

(6) A statement from the person or entity in the receiving state that will be providing post-placement supervision acknowledging the obligation to provide post-placement supervision. This statement may be located within the homestudy. Supervision shall be pursuant to the regulations of the interstate compact, located at https://aphsa.org/AAICPC/AAICPC/Resources.aspx. A copy of the supervising agent's license or certification shall be submitted, if applicable to the laws of the receiving state.

(7) A current case history that includes:

(a) A summary of all available social, medical, including immunization record, developmental, psychological, and educational information. If the child is an infant and has been discharged from the hospital, a copy of the discharge documentation is required.

(b) The JFS 01616 "Social and Medical History" (rev. 6/2009).

(8) Documentation verifying the sending agent's legal authority to place the child. If placement is being requested with only one parent's consent, there shall be documentation addressing the other person's parental rights.

(9) The JFS 01695 "Application for Search of Ohio's Putative Father Registry" (rev. 3/2015). If the sending agent has received preliminary or final results, copies of those results shall also be submitted.

(10) The JFS 01674 "Statement of Assurance" (rev. 8/2006) completed and signed by the person or entity identified in Section I on the 100A.

(11) Documentation pursuant to Chapter 5101:2-53 of the Administrative Code that the requirements are met regarding the Indian Child Welfare Act of 1978 (Pub. L. 95-608).

(12) The JFS 01693 "Ohio Law And Adoption Materials" (rev. 5/2009).

(13) The child's social security number and birth certificate, if available.

(14) Affidavit of expenses and fees, if applicable in the receiving state.

(15) If the sending agent is a PCPA, a copy of their agency license.

(16) If the placement request is for a foreign born child being placed across state lines subsequent to the child's arrival in the United States and prior to finalization of the adoption, the original documentation and a certified translation of all legal documents verifying the child's birth and the agency's or adoptive parent's authority to place the child shall be included.

(D) Upon approval by the receiving state as evidenced by a signed 100A indicating that the placement may be made, the sending agent shall:

(1) Make arrangements for the child to travel to the receiving state or territory.

(2) Submit the JFS 01662 "Interstate Compact Report on the Child's Placement Status (ICPC 100B)" (rev. 7/2016) to the Ohio ICPC office within five business days of the child's placement in the receiving state.

(3) Maintain financial responsibility for the care, medical care and education of the child throughout the duration of placement, unless the case contains a contractual agreement to the contrary or a statement by the prospective adoptive parent(s) that they will assume financial responsibility.

(4) Retain jurisdiction of the child until one of the following occurs:

(a) The child is adopted.

(b) The child returns to Ohio.

(E) The sending agent shall submit a JFS 1662 (ICPC 100B) to the Ohio ICPC office within thirty business days when any of the following occurs:

(1) The child will not be placed.

(2) The placement disrupts.

(3) The child's adoption has been finalized. The sending agent shall also include a copy of the final judgment or decree of adoption.

(F) Upon notification from the appropriate authority in the receiving state from the agency supervising the placement, or from the Ohio ICPC office that a child's return to Ohio is necessary, the sending agent shall arrange for the child's return or alternative placement. The return shall be within five business days from the date of the notice of removal unless otherwise agreed upon between the sending and receiving state ICPC offices. All costs associated with the child's return or alternative placement shall be the responsibility of the sending agent.