



## Ohio Administrative Code

### Rule 5180:2-52-04 PCSA responsibilities for the interstate compact on the placement of children.

Effective: September 20, 2024

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(A) The public children services agency (PCSA) director or their designee will serve as the assistant deputy compact administrator (ADCA) for the agency in carrying out responsibilities involving interstate compact on the placement of children (ICPC). The ADCA is to meet the qualifications of a child welfare caseworker. The responsibilities of the ADCA include:

(1) Receiving and reviewing all documents and communications between the PCSA and compact administrators for sending states and territories who are requesting services from the PCSA for children in the custody of an out-of-state children services agency. This excludes incoming residential requests and requests for foster or adoptive placement with a family already licensed or approved through a private agency with which the PCSA has not contracted.

(2) Reviewing and authorizing all documents and communications in which the PCSA is requesting placement approval and/or services for children in the agency's custody who are being considered for placement out-of-state and/or require supervision by a children services agency of a receiving state or territory.

(3) Ensuring all required documentation sent and received is in compliance with all regulations as listed at <https://aphsa.org/AAICPC/AAICPC/Resources.aspx>.

(4) Reviewing the home study and information on the child to determine if placement appears to be safe and appropriate for the specific child and signing the ICPC 100A indicating approval or denial of the placement based on the information reviewed.

(5) Entering data into Ohio's CCWIS for all incoming and outgoing ICPC cases to enable the Ohio department of children and youth (DCY) to pull data for federal reporting purposes.

(6) Coordinating with DCY for technical assistance and assurance of compliance with ICPC requirements.



(B) Visits are exempt from ICPC if all of the following apply:

(1) The intention is to provide the child with a social or cultural experience of a short duration such as a stay in a camp or with a friend or relative.

(2) The party with whom the child is staying is not proposed to assume legal responsibility or serve as a placement resource on a temporary or permanent basis.

(3) No services are being requested of the receiving state during the time of the visit.

(4) The visit has a defined ending date and will not be extended or renewed in a manner which causes the visit to exceed thirty days or a school vacation period.

(C) Unless the placement meets the criteria for one of the exceptions listed in the ICPC articles or regulations, the PCSA is not to place any child in another state or territory without the approval by the designated ICPC staff of the receiving state or territory as evidenced by the signed JFS 01661 "Interstate Compact Placement Request (ICPC 100A)" indicating placement may be made. All regulations as listed at <https://aphsa.org/AAICPC/AAICPC/Resources.aspx> are to be followed when placing a child into another state.

(D) If a PCSA is planning to place a child in its custody in another state or territory, the PCSA is to initiate a request by sending the following to the appropriate ICPC office of the receiving state or territory for each placement resource being considered. Multiple copies are to be sent only when paper documents are being mailed. Only one copy is to be provided when being sent electronically. The request is to be sent using the national electronic ICPC enterprise (NEICE) interface in Ohio's CCWIS when applicable.

(1) Four copies of the JFS 01661 (ICPC 100A) for each child, if not sent electronically, signed by the assistant deputy compact administrator for the agency.

(2) Two packets, if sent via mail, containing the following information:



- (a) A cover letter clearly identifying the service being requested and the name, office location, and telephone number of the originating supervisor making the request.
- (b) A signed statement from the assigned sending agency case manager that includes the following:
- (i) Confirmation the potential placement resource is interested in being a placement resource for the child and is willing to cooperate with the ICPC process.
  - (ii) The name and current physical and mailing address of the placement resource and all available telephone numbers and other contact information for the potential placement resource.
  - (iii) A description of the number and type of bedrooms in the home of the potential placement resource to accommodate the child(ren) under consideration for placement and the number of people, including the children, who will be residing in the home if placement is made.
  - (iv) Acknowledgment by the potential placement resource that he or she has sufficient financial resources or will access financial resources to feed, clothe, and care for the child(ren), including child care, if needed.
  - (v) Acknowledgment by the potential placement resource that a criminal records check and child abuse history check will be completed for any persons residing in the home who are required to be screened according to the laws of the receiving state.
- (c) A current case history summary that includes:
- (i) All available social, medical, developmental, psychological and educational information. Medical information is to include immunization records, if available to the PCSA.
  - (ii) The family history of the biological parents, including history of the family's involvement with the PCSA and the court system. If the request is for a sibling group, family history need not be duplicated for each child.
  - (iii) The reason for placement in another state. If the child(ren) were previously placed with the



potential placement resource in the sending state the PCSA is to provide all relevant information regarding that placement to the receiving state, if available.

(d) The family case plan prepared pursuant to Chapter 5101:2-38 of the Administrative Code for each child.

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

(f) A copy of the most recent court order within the last year.

(g) A copy of a JFS 02424 "ICPC Placement Financial Information Form."

(h) If the PCSA is placing a child into a children's residential center, each packet is to include:

(i) If the child is adjudicated delinquent, court documentation will be provided indicating a placement for the child is not available in the PCSA's jurisdiction and the placement is in the best interest of the child and will not produce undue hardship on the child.

(ii) A letter of acceptance from the residential facility.

(i) If the PCSA is placing a child into an adoptive home, each packet will include:

(i) Documentation indicating the child is legally free for adoption by submitting the JFS 01666 "Permanent Surrender of a Child" or a court document demonstrating that parental rights have been terminated; and the agency has authority to place the child for adoption.

(ii) The JFS 01695 "Application For Search Of Ohio's Putative Father Registry".

(iii) 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).

(iv) The JFS 01616 "Social And Medical History" for the biological family.



(v) A copy of the approved adoptive homestudy on the proposed placement resource, if available.

(j) If a court has ordered the priority placement of a child, the PCSA should include the JFS 01663 "Sending State's Priority Home Study Request" (ICPC 101) with the court order. The court may only order priority placements when both of the following conditions apply:

(i) The proposed placement is a relative in one of the following categories:

(a) Parent.

(b) Step-parent.

(c) Grandparent.

(d) Adult brother or sister.

(e) Adult uncle or aunt.

(f) Legal guardian.

(ii) At least one of the following conditions applies to at least one child who is being considered in the placement request:

(a) The child is four years of age or younger.

(b) The child is in an emergency shelter.

(c) The child has a substantial relationship with the parent or relative who is the potential placement resource. For the purposes of this rule, substantial relationship means the proposed placement has a familiar or mentoring role with the child, has spent more than cursory time with the child, and has established more than a minimal bond with the child.

(d) An unexpected dependency due to a sudden or recent incarceration, incapacitation, or death of a



parent or guardian. For the purposes of this rule, incapacitation means a parent or guardian is unable to care for a child due to a medical, mental, or physical condition of the parent or guardian.

(E) Upon approval by the receiving state or territory as evidenced by a signed JFS 01661 (ICPC 100A) indicating that the placement may be made, the PCSA holding custody of the child will be responsible for:

- (1) Making arrangements for the child to travel to the receiving state if deciding to place.
- (2) Submitting the JFS 01662 "Interstate Compact Report on Child's Placement Status (ICPC 100B)" to the compact or deputy compact administrator of the other state within ten business days of the child's placement or within ten business days of determining the placement will not be made. If the JFS 01662 (ICPC 100B) is not submitted within the six month timeframe, the approval for the placement will expire.
- (3) Maintaining financial responsibility for the care, medical care and education of the child and retaining jurisdiction of the child until one of the following occurs:
  - (a) The child is adopted.
  - (b) The child reaches the age of majority or is legally emancipated, as defined by the association of administrators of the interstate compact on the placement of children (AAICPC.)
  - (c) The child returns to Ohio.
  - (d) The child's custody is transferred to the placement resource, with concurrence from the receiving state.

(F) The PCSA is to submit two copies of the JFS 01662 (ICPC 100B) if being sent via mail or one copy if being sent electronically to the appropriate ICPC office of the receiving state within ten business days if any of the following occurs for a child the PCSA has placed:

- (1) The placement disrupts.



(2) The child has been discharged from placement.

(3) The adoption has finalized.

(4) The agency's custody has terminated. The receiving state or territory is to concur with custody terminations and case closure unless the child has legally emancipated after the age of eighteen.

(G) 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 is necessary, the PCSA holding custody of the child is to arrange for the child's return or for an alternative placement. All costs associated with the child's return or alternative placement will be the responsibility of the PCSA.

(H) If the placement is for a foreign born child being placed across state lines subsequent to the child's arrival to the United States, 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 are to be included.

(I) For all interstate placements from Ohio into another state, the PCSA is to continue to follow:

(1) Family case planning requirements pursuant to Chapter 5101:2-38 of the Administrative Code, if applicable.

(2) Semiannual administrative reviews pursuant to rule 5101:2-38-10 of the Administrative Code, if applicable.

(3) Supervision requirements pursuant to the regulations of the interstate compact, located at <https://aphsa.org/AAICPC/AAICPC/Resources.aspx>.

(J) If a PCSA receives a request from the appropriate ICPC staff of a sending state or territory to conduct a home assessment for an Ohio placement resource, the PCSA is to:



- (1) Record the information into Ohio's CCWIS pursuant to rule 5101:2-36-01 of the Administrative Code.
  
- (2) Prepare the home assessment in accordance with the administrative rule governing the placement resource being considered. The assistant deputy compact administrator of the PCSA cannot sign as the person approving the homestudy.
  - (a) A foster home is to be evaluated pursuant to Chapters 5101:2-5 and 5101:2-7 of the Administrative Code.
  
  - (b) An adoptive home is to be evaluated pursuant to Chapter 5101:2-48 of the Administrative Code.
  
  - (c) A relative or non-relative kin home is to be evaluated pursuant to rule 5101:2-42-18 of the Administrative Code unless the sending state requires the relative or non-relative kin to be certified as a foster home.
  
  - (d) If a parent home is to be evaluated, rule 5101:2-42-18 of the Administrative Code may be used as a guideline, however the restrictions listed in paragraphs (F) and (G) of rule 5101:2-42-18 of the Administrative Code do not apply to parent home assessments, unless the sending state requires the parent to be certified as a foster parent or approved as an adoptive home.
  
- (3) Submit two packets containing the results of the home assessment if sent via mail or one packet if sent electronically to the compact or deputy compact administrator of the sending state within sixty days from the date in which the PCSA received the request. Each packet is to contain the following information:
  - (a) The home assessment narrative.
  
  - (b) A written statement that assures:
    - (i) The prospective caregivers were provided all available information about the child.
  
    - (ii) The agency's recommendation of the approval or denial of the placement resource is based on





the caregivers' ability and willingness to care for the specific child proposed for placement.

(iii) A signed 100A form from the sending state or territory, equivalent to the JFS 01661, approving or denying the placement of the child.

(iv) All required attachments to the narrative in accordance with the rule for the type of home that is the subject of the assessment, such as copies of criminal background checks, references, etc.

(4) If an initial home assessment cannot be completed and a recommendation made within sixty days, send written notice of the delay to the designated ICPC staff of the sending state or territory prior to the expiration of the sixty day period. Delays of initial home assessments can result in federal financial sanctions to state and/or receiving agencies found out of compliance. The written notice is to include the narrative portion of the home study along with information regarding documentation not yet completed and approximate expected completion date. The date the narrative was sent is to be entered in the appropriate field on the ICPC record in Ohio's CCWIS.

(K) If a court in the sending state or territory has ordered the placement of the child to be a priority, the PCSA is to conduct the home assessment and submit the requested packets outlined in paragraph (J) of this rule to the designated ICPC staff of the sending state or territory within twenty business days from the date the overnight mailing or electronically submitted packet was received. The court may only order priority placements if conditions referenced in paragraph (D)(2)(j) of this rule apply.

(L) Upon notification a child has been placed in a placement the PCSA has approved as indicated by the signed 100A form from the sending state or territory, equivalent to the JFS 01661, the PCSA is to:

(1) Begin providing supervision and submit supervisory reports in accordance with the regulations of the interstate compact as referenced in paragraph (I)(3) of this rule and as requested by the compact or deputy compact administrator of the sending state or territory.

(2) Notify the compact or deputy compact administrator of the sending state or territory if the child's placement disrupts and there is a need to make immediate plans for the child's return to the sending



state or for an alternative placement.

(M) The PCSA is to maintain information in Ohio's CCWIS regarding services it requests and provides on behalf of children being considered for placement or placed across state lines to enable DCY to comply with federal reporting requirements related to interstate requests and placements.