



Ohio Administrative Code

Rule 5101:2-5-31 Sharing or transferring a foster home.

Effective: February 1, 2021

(A) Prior to an agency sharing use of a foster home that has been recommended for certification by another agency, the agency wishing to use the home shall obtain a written agreement signed by the recommending agency stating how the home is to be used and that all parties affected by the agreement approve of it. The recommending agency shall provide a copy of the agreement to the foster caregiver(s) and all agencies currently using the home.

(B) An agency shall not solicit homestudies or transfers from other agencies for the purpose of locating a family of a specific race, color or national origin.

(C) Pursuant to the transfer conditions listed throughout this rule, a foster home shall only be considered for a transfer to another agency that recommends foster homes of the type that the caregiver is qualified to provide. If a transfer is approved for a foster caregiver certified to operate a specialized foster home to an agency that does not operate a specialized foster home program, the caregiver shall agree that upon execution of the transfer, the foster home designation will be identified as a family foster home.

(D) An agency shall consider a transfer request of a foster home from another agency only if the foster caregiver has been certified with the recommending agency for a minimum of one year. A foster caregiver shall not transfer more than once during a certification period. Exceptions to these limitations may be made in the following circumstances:

(1) If a foster caregiver has relocated to a county not served by the foster caregiver's recommending agency.

(2) If the foster caregiver's recommending agency ceases to recommend foster homes for certification to the Ohio department of job and family services (ODJFS) or ceases to recommend the type of foster home that the caregiver is currently certified to provide.



(3) If both the sending and receiving agency agree to the transfer of the foster home.

(E) Upon receipt of a written request from a foster caregiver who meets the requirements of paragraph (D) of this rule and who expresses a desire to transfer from their current recommending agency, a receiving agency shall make a determination whether to further consider the transfer request.

(1) If the receiving agency decides to continue the review of the transfer, the receiving agency shall notify the foster caregiver's current recommending agency in writing to inform them of the transfer request and to request a complete copy of the caregiver's foster home record, with the exception of references and criminal background checks.

(2) The receiving agency shall only accept documentation located in the foster home record from the recommending agency. The records shall not be accepted directly from the foster caregiver or other individual. A caregiver may provide other information to the receiving agency that the caregiver considers to be relevant.

(F) Upon receipt of the transfer request from the receiving agency:

(1) If the recommending agency has previously made a decision not to place any additional children in the foster caregiver's home, it shall inform the receiving agency of this decision and the reason why this decision was made. If the receiving agency still wishes to proceed with exploring the transfer request, it shall notify the recommending agency in writing.

(2) The recommending agency shall ensure that a signed release of information has been obtained from the foster caregiver authorizing release of the record. The release may be initiated by either agency or the foster caregiver.

(3) The recommending agency may charge the receiving agency a reasonable fee for copying or scanning the records, not to exceed twenty-five cents per page. No additional fee shall be charged to any party. If a fee is charged to copy or scan the records, the records shall not be sent until the fee is paid.



(4) While the transfer request is pending, the recommending agency shall continue to work with the foster caregiver as it does with all other foster caregivers associated with the agency. The recommending agency shall continue to provide the caregiver with notification of training events needed pursuant to the foster caregiver's needs assessment and continuing training plan. The recommending agency shall allow the foster caregiver to attend any such events and shall continue to meet with the caregiver regarding the care of any child placed in the home.

(G) Within fifteen working days of receipt of the signed release of information and any applicable fee, the recommending agency shall forward a complete copy of the foster home record, with the exception of references and criminal background checks. The record shall be sent electronically, by certified mail, return receipt requested, or hand delivered by agency staff. If records are hand delivered, the recommending agency shall be provided with a receipt showing the date the records were delivered to the receiving agency. The receiving agency shall also document the date the record was received. The record shall include the following:

- (1) The most recent initial homestudy and all homestudy recertifications.
- (2) The most recent report of the alleged perpetrator search of child abuse and neglect information from the statewide automated child welfare information system (SACWIS).
- (3) Training records.
- (4) Fire inspection reports.
- (5) Safety audits.
- (6) Medical reports.
- (7) Foster home exit interviews.
- (8) Complaint or rule noncompliance investigations and any applicable corrective action plans. If there are any outstanding investigations or corrective action plans that have not been fully completed or implemented, the recommending agency shall notify the receiving agency of the nature of those



investigations and corrective action plans.

(H) Upon receipt of the foster caregiver's records, the receiving agency shall assign an assessor to review the information received and conduct an assessment of the transfer request.

(1) In addition to reviewing the recommending agency's records and any information provided by the caregiver, the assessor shall:

(a) Contact staff from the current recommending agency and the caregiver to determine the reasons why the request to transfer is being made at this time.

(b) Determine if there are foster children in the home, and, if so, identify the agency with custody of the child(ren).

(c) Make at least one visit to the foster home and conduct a face-to-face interview with each foster caregiver and all other household members over the age of four.

(d) Receive three new personal references for the foster caregiver(s) from persons who are unrelated to the caregiver(s) and do not live in the foster home.

(e) Receive new references from all adult children of the caregiver(s). If the adult children are unable or unwilling to provide a reference this shall be assessed during the transfer process and documented in the caregiver record.

(f) Conduct a new criminal records check for all persons subject to a criminal records check residing in the foster home. Results shall be obtained, reviewed and approved prior to accepting the transfer request.

(g) Complete a new safety audit of the foster home on the JFS 01348 "Safety Audit" to ensure the home meets all current safety requirements for foster homes.

(2) If the record indicates that there are outstanding investigations or corrective action plans that have not been fully implemented, the assessor shall not recommend acceptance of the transfer unless



the assessor is satisfied that any outstanding investigations or plans are not material to the request to transfer the home and do not jeopardize the safety of any children who are or may be placed in the home.

(3) If there are foster children currently placed in the home, all custodial agencies must approve of the transfer of the foster home, as evidenced by the custodial agency signature(s) on the JFS 01334 "Notification of Transfer of a Foster Home."

(a) If the custodial agency does not agree to the transfer while a child in its custody is placed in the home, the transfer shall not take place until that child is no longer placed in the home.

(b) No child shall be removed from a foster caregiver's home solely because the caregiver has requested a transfer from one agency to another.

(4) If a transfer request of a foster home is pending within ninety days immediately prior to the expiration of the certificate, the current recommending agency and the receiving agency may determine through mutual agreement which agency will conduct the recertification of the foster home. If there is no agreement between the agencies, the current recommending agency shall be responsible for completing the recertification of the home.

(5) The assessor shall complete the transfer assessment within sixty days of the date the complete record was received from the current recommending agency. If the transfer assessment cannot be completed in that timeframe, the assessor shall document the reason(s) in the record.

(I) Upon the completion of the assessment, the assessor shall make a final recommendation regarding the transfer and document that decision in the receiving agency's record. Written notice of the decision shall be given to the foster caregiver and the recommending agency within five working days of the date the decision was made. The decision to approve or reject the transfer request rests solely with the receiving agency, subject to the process of approval of ODJFS and the custodial agency of any foster child(ren) placed in the home. Nothing in this rule shall be construed to require an agency to accept the transfer of a foster home from another agency. The rejection of a transfer creates no right of appeal pursuant to Chapter 119. of the Revised Code for any party of the transfer request.



(J) If the decision is to deny the transfer request, all information contained in the copy of the caregiver's record from the current recommending agency, as well as any information gathered during the transfer assessment, including the written recommendation to deny the request, shall be maintained in the caregiver's record for at least two years.

(K) If the decision is to approve the transfer request, all information contained in the copy of the caregiver's record from the current recommending agency, as well as any information gathered during the transfer assessment shall be incorporated into the receiving agency's foster care provider record.

(1) If the sending agency has the appropriate access to SACWIS, the sending agency shall enter the applicable data into the system to complete the transfer to the receiving agency.

(2) If the sending agency does not have the appropriate access to SACWIS to enter the transfer, then either the sending agency or the receiving agency shall make a recommendation to ODJFS to transfer the foster home by submitting the completed JFS 01334 containing all applicable signatures.

(3) The certificate shall be effective from the date of transfer until the end of the current certification period. If the foster caregiver is upgrading the type of foster care the home will provide, the caregiver shall begin a new two year certification starting on the date of transfer due to the increased training requirements.

(4) The transfer of a foster home to a receiving agency has the effect of conferring upon the receiving agency all the duties of a recommending agency contained in Chapter 5101:2-5 of the Administrative Code.

(5) Prior to or not later than thirty days after a transfer request has been processed by ODJFS, the receiving agency shall provide an orientation to the foster caregiver of the agency's foster care policies and procedures.

(L) Upon receipt of a signed release of information form, an agency shall release a copy of a foster care homestudy to an adoption agency when the foster caregiver is being considered as an adoptive



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parent.