



Ohio Administrative Code

Rule 5180:2-5-09.1 Background checks for college interns, subcontractors, volunteers, employees, board presidents, officers, administrators and foster caregivers.

Effective: October 15, 2026

(A) What are the different types of background checks?

- (1) Bureau of criminal investigation (BCI) records pursuant to section 2151.86 of the Revised Code.
- (2) Federal bureau of investigation (FBI) records pursuant to section 2151.86 of the Revised Code. This check shall be completed for all initial checks and optional thereafter.
- (3) National sex offender registry. The website is located at: <https://www.nsopw.gov/>.
- (4) Ohio statewide automated child welfare information system (Ohio SACWIS) records for alleged perpetrators.

(B) What if the individual lived out of state within the past five years?

Whenever an employee, subcontractor, intern, volunteer, a prospective foster caregiver or any other person eighteen years of age or older who resides with a prospective foster caregiver has resided in another state within the five-year period immediately prior to the date on which a criminal records check is requested for the person under paragraph (A) of this rule, the agency shall request a check of the central registry of abuse and neglect of this state.

(C) How is information received from other states used?

Any information received from other states must be reviewed and considered by the agency as part of the background check review.

(D) Which individuals require background checks?

- (1) An employee of a private child placing agency (PCPA), private noncustodial agency (PNA) or a local public entity (LPE).
- (2) A board president, administrator, officer or owner of a PCPA, PNA or LPE.
- (3) Staff of a residential center operated by a public children services agency (PCSA).
- (4) A college intern, subcontractor, or volunteer who has an ongoing or routine presence and may be left alone with children at the agency.
- (5) A foster care applicant or caregiver, which includes kinship specific certification.
- (6) All household members eighteen years of age or older in a foster care applicant or caregiver's home.



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(E) What additional background checks must be performed for a PCPA, PNA, or residential center operated by a PCSA or LPE for each board president, administrator or officer?

(1) A certified search of the findings for recovery database. The website is located at: <http://ffr.ohioauditor.gov/>.

(2) A database review at the federal website known as the system for award management. The website is located at: <https://sam.gov/fpds>.

(F) On what basis can an agency refuse to hire a board president, administrator, owner or officer?

(1) Based solely on the findings of the summary report of the Ohio SACWIS records for an alleged perpetrator or the results of the national sex offender registry.

(2) Based on the results of the certified search of the findings for recovery database or the database review at the federal website known as the system for award management.

(G) When must BCI and FBI checks be completed?

(1) At application for foster caregivers and adult household members.

(2) Prior to the first day of work for a college intern, subcontractor or volunteer.

(3) Prior to the first day of employment for board president, administrator, officer, owner or prospective employees of a PCPA, PNA, residential center operated by a PCSA or LPE.

(4) BCI must be completed every four years from the completed date of the most recent BCI records check for:

(a) A foster caregiver, or adult household member in a foster caregiver's home.

(b) A college intern, subcontractor or volunteer.

(c) A board president, administrator, officer, owner, or employee of a PCPA, PNA, residential center operated by a PCSA or LPE.

(5) For a minor household member in a foster caregiver's home, within thirty days from when the minor turns eighteen years old and every four years thereafter. The agency may conduct a check sooner than four years after the initial check to align the timeframe with the other household members.

(H) When must all background checks other than BCI or FBI be completed?



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- (1) For a foster caregiver and adult household members, at application and every four years thereafter.
- (2) Prior to the first day of employment for board president, administrator, officer, owner or prospective employees of a PCPA, PNA, residential center operated by a PCSA or LPE.
- (3) Prior to the first day of work for a college intern, subcontractor or volunteer.
- (4) For a minor household member in a foster caregiver's home, the request shall be made within thirty days from when the minor turns eighteen years old and every four years thereafter. The agency may conduct a check sooner than four years after the initial check to align the timeframe with the other household members.

(I) Can agencies conditionally hire before results arrive?

Agencies may conditionally appoint or hire a person, pending receipt of background check results, based on the following conditions:

- (1) The agency made the request for all necessary background checks as described in this rule.
- (2) Stipulations of conditional appointment or employment:
 - (a) The individual's work location is at a different address than the child care institution. The individual is limited to training completed off-site or virtually. A child care institution is a private, or public child care institution which accommodates no more than twenty-five children, and is certified by the Ohio department of children and youth (DCY).
 - (b) The individual does not have contact with or access to children who are under the care and control of the DCY certified agency.
 - (c) The individual does not have access to the children's records.
 - (d) The conditional employment shall not exceed sixty days.
 - (e) If results of any pending background checks listed in paragraph (A) of this rule have not been received within sixty days, the agency shall terminate the individual's appointment or employment.

(J) What are the specific requirements for group homes?



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For all background checks required by this rule, a group home shall comply with the following:

- (1) For any owner, board president, administrator, officer, operator, staff, volunteer, intern, or subcontractor, the individual shall create a profile in the Ohio professional registry (OPR).
- (2) The individual must submit fingerprints electronically according to the process established by BCI and have the BCI and FBI results sent directly to the prospective employer.
- (3) The group home administrator or designee shall upload the BCI and FBI results into Ohio's comprehensive child welfare information system (CCWIS).
- (4) DCY will review the results and complete all other required background checks as stated in paragraph (A) of this rule.
- (5) Until the group home receives approval from DCY, the individual shall follow the provisions of paragraph (I) of this rule if the group home chooses to conditionally hire the individual.
- (6) Individuals with a record or arrest and prosecution (RAP) sheet may submit documentation as stated in paragraph (Q) of this rule for DCY to review.
- (7) If the individual has a disqualifying background check result, the group home administrator or designee shall:
 - (a) Immediately terminate employment if the individual has been conditionally hired.
 - (b) Refuse to hire the applicant if they have not been conditionally hired.
- (8) What if the individual questions the background check results?
 - (a) If the individual believes the information received is not accurate, the individual may directly contact the agency that contributed the questioned information.
 - (b) If the individual disagrees with the employment eligibility decision made by DCY, a DCY 01292 "Request for Review of Background Check Decision" shall be completed to request a review of the decision. The DCY 01292 shall be submitted within fourteen business days from the date the individual received the notification.



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(c) After review, if the individual is determined to be eligible for employment:

- (i) The individual will receive notification of eligibility from DCY and must provide this documentation to the group home.
- (ii) The group home may allow the individual to be employed and shall upload documentation into Ohio's CCWIS.

(K) How does an agency obtain BCI and FBI checks?

- (1) Submit fingerprints manually or electronically according to the process established by BCI. Information on how to obtain a background check can be found at <https://www.ohioattorneygeneral.gov/Business/Services-for-Business/WebCheck>.
- (2) Pay to BCI the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted.
- (3) The agency may charge a person subject to a criminal records check, a fee for the costs incurred in obtaining a criminal records check. Pursuant to division (D) of section 2151.86 of the Revised Code, a fee charged by the agency is not to exceed the fee paid by the agency to BCI. If a fee is charged, the agency shall notify the person at the time of initial application of the amount of the fee and that, unless the fee is paid, the person will not be considered for appointment, employment or certification as a foster caregiver.

(L) What are the consequences of failing to complete background checks?

- (1) The foster care applicant shall be denied certification pursuant to rule 5180:2-5-26 of the Administrative Code.
- (2) The foster caregiver certification shall be revoked pursuant to rule 5180:2-5-26 of the Administrative Code.
- (3) The intern, volunteer, subcontractor, employee, board president, administrator, owner, or officer of a residential center operated by a PCSA, PCPA, PNA or LPE shall be denied a position with the agency.

(M) What makes a person ineligible to be a foster caregiver or a college intern, subcontractor, volunteer, employee, officer, board president, owner or administrator of a PCPA, PNA or residential center operated by a PCSA or LPE?

If any of the following are applicable:



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(1) A conviction or guilty plea to an offense listed in division (A)(4) of section 109.572 of the Revised Code, unless the individual meets the rehabilitation criteria in appendix C to this rule for a foster care applicant, a foster caregiver and household members of a foster care applicant or foster caregiver's home or appendix D to this rule for a college intern, subcontractor, volunteer, employee, board president, owner or administrator of a PCPA, PNA, residential center operated by a PCSA or LPE.

(a) Section 109.572 of the Revised Code specifies that this rule applies to records of convictions that have been sealed pursuant to section 2953.32 of the Revised Code.

(b) A conviction of or a plea of guilty to an offense listed in division (A)(4) of section 109.572 of the Revised Code is not prohibitive if the individual has been granted an unconditional pardon for the offense pursuant to Chapter 2967. of the Revised Code or the conviction or guilty plea has been set aside pursuant to law. For purposes of this rule, "unconditional pardon" includes a conditional pardon to which all conditions have been performed or have transpired.

(2) Being registered or obligated to be registered on the national or state sex offender registry or repository.

(N) For whom must an Ohio SACWIS alleged perpetrator search be conducted?

(1) For any college intern, subcontractor, volunteer, employee, officer, board president, owner or administrator of a PCPA, PNA, or residential center operated by a PCSA or LPE, the agency shall conduct an alleged perpetrator search pursuant to section 5103.0310 of the Revised Code. The individual is ineligible if:

(a) They have a substantiated finding within the last ten years.

(b) They have had a child removed from their home in the last ten years pursuant to section 2151.353 of the Revised Code due to a court determination of abuse or neglect caused by that specific person.

(c) While employed or working, they are identified in Ohio SACWIS as the perpetrator for a substantiated finding of child abuse or neglect.

(2) For any foster caregiver applicant, foster caregiver or any adult household member of an applicant's or caregiver's household, the agency shall conduct an alleged perpetrator search pursuant to section 5103.18 of the Revised Code.



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(O) What must the agency do if a caregiver or adult household member is arrested for, charged with, or convicted of certain offenses?

The recommending agency shall evaluate if the foster home should continue to be recommended for certification or be recommended for denial or revocation of certification when a person who is certified as a foster caregiver or is a household member in a certified caregiver's home is convicted of any offense listed in appendix A to this rule.

(1) The evaluation shall begin within five days of the agency's knowledge of the person's conviction, be completed within thirty days, and be documented in the foster home's record.

(2) The evaluation shall include, at a minimum:

(a) Whether there are children currently placed in the foster home and the impact of disruption on the children if moved.

(b) Whether rehabilitation of the individual had to be considered for initial certification.

(c) The length of time of certification prior to this conviction.

(d) The factors outlined in appendix C to this rule.

(3) This requirement shall be applicable for any adult who resides with a foster caregiver upon conviction of any offense listed in appendix A to this rule.

(P) Who must meet rehabilitation criteria?

Unless specifically disqualified in appendix A or appendix B to this rule:

(1) A foster caregiver or an adult resident of the foster caregiver's household shall meet all the rehabilitation conditions in appendix C to this rule.

(2) An employee, board president, officer, owner or administrator of a PCPA, PNA, residential center operated by a PCSA or LPE shall meet all the rehabilitation conditions in appendix D to this rule.

(Q) Who must provide proof of rehabilitation?

It is the individual's duty to provide written verification that the rehabilitation criteria specified in this rule and appendix C or D to this rule are met. If the individual fails to provide proof or if the agency determines that the proof offered by the individual is



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inconclusive or insufficient, the person is not to be certified as a foster caregiver or hired by the agency. Any doubt shall be resolved in favor of protecting the children the agency serves.