



Ohio Administrative Code

Rule 5180:2-5-28 Agency cause for denial, revocation, or suspension of foster home certification.

Effective: March 5, 2026

(A) What is a recommending agency to do upon receiving an allegation of a foster home rule violation?

The agency is to:

(1) Begin investigating within three calendar days of all allegations of rule noncompliance of Chapters 5180:2-7 or any other relevant chapter of the Administrative Code. 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, unless there is a conflicting law enforcement or third-party investigation.

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

(a) The investigation details.

(b) If noncompliance is found implement a corrective action plan as required by the agency or the recommendation to deny continuous certification or revoke the certification of the foster home.

(c) A written explanation if noncompliance is not found.

(B) What are valid causes for denying initial or continuous certification or revoking a foster home certificate either upon the recommendation of a recommending agency or through unilateral action by the Ohio department of children and youth (DCY)?

The following may be considered a valid cause for denial or revocation of a foster caregiver or



applicant:

- (1) Failure or refusal to comply with applicable rules.
- (2) Knowingly providing false or misleading information to the agency.
- (3) Falsifying or failing to submit required reports.
- (4) Withholding or failing to provide access to required records.
- (5) Denying entry into the residence to any person performing duties required by Chapter 5180:2-5, 5180:2-7 or 5180:2-36 of the Administrative Code or any laws of the state or any subdivision therein.
- (6) Failing or refusing to comply with agency instructions regarding care of a foster child an agency has placed within the home.
- (7) Interfering or acting in conflict with an agency plan for a foster child's care.
- (8) A household resident (not a foster child) being guilty of a crime 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 to rule 5180:2-5-09.1 of the Administrative Code.
- (10) Refusing to obtain a criminal records check.
- (11) Agency's documented determination that the individual 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 other applicable reason pursuant to section 5103.0319 or 5103.0326 of the Revised Code.

(C) What steps should the agency take when one or more of the above conditions are present?

The agency is to:

(1) Review the foster home certificate or application and, if applicable, recommend:

(a) Revocation of the certificate.

(b) Denial of the initial or continuous certification 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) Assess the 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) What if a caregiver fails to comply with specific notification requirements in paragraph (L) of rule 5180:2-7-02 or paragraph (G) of rule 5180:2-7-14 of the Administrative Code?

The agency is to immediately notify:

(1) The child's custodial agency if applicable.

(2) DCY.

(E) What action must be taken if 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?



(1) The agency is to:

(a) Immediately remove the foster child from the home.

(b) Notify the custody-holding agency or individual within one hour.

(2) No further justification is needed beyond the agency's determination of threat to a foster child's safety.

(F) When can DCY suspend a foster care certificate?

DCY may suspend a certificate if DCY determines that any of the following have occurred:

(1) A child dies or suffers a serious injury while placed or residing with the foster caregiver.

(2) A PCSA receives a report of abuse or neglect pursuant to section 2151.421 of the Revised Code, and no additional review or appropriate action is taken by the recommending agency to ensure safety of the children, and the person alleged to have inflicted abuse or neglect on the child who is the subject of the report is a foster caregiver or a member of the caregiver's household.

(3) DCY, the recommending agency, a PCSA, or a county department of job and family services determines that a foster caregiver or a member of the caregiver's household created a serious risk to the health or safety of a child placed therein that resulted in or could have resulted in a child's death or injury.

(4) A foster caregiver or a member of the caregiver's household is charged by an indictment, information, or complaint with an offense relating to the death, injury, abuse, or neglect of a child and no additional review or appropriate action is taken by the recommending agency to ensure the safety of the child.

(5) DCY determines that the foster caregiver or a member of the caregiver's household does not meet the requirements of section 2151.86, 5103.18 or 5103.181 of the Revised Code.



(6) For the purpose of this rule, serious risk means any situation that poses a significant threat of serious harm to a child's health or well-being, including but not limited to:

- (a) Circumstances that could cause physical injury requiring professional medical attention.
- (b) Circumstances that could result in long-term impairment.
- (c) Circumstances that indicate the possibility of non-accidental trauma or neglect.

(7) For the purpose of this rule, serious injury means any physical injury to a child that substantially impairs the child's health or physical well-being and requires professional medical attention. Serious injury includes but is not limited to:

- (a) Injuries likely to result in long-term impairment.
- (b) Injuries that indicate non-accidental trauma or neglect.

(G) What happens if a foster caregiver's certificate is suspended?

(1) A caregiver is not to have children placed in the home while a suspension remains in effect. Upon the issuance of the order of suspension, DCY will place a hold on the certificate or indicate that the certificate is suspended in the Ohio comprehensive child welfare information system (Ohio CCWIS).

(2) Upon receipt of a written suspension order from DCY, delivered either by signature required service or in person, the suspension is in effect immediately and any children placed with the foster home are to be removed within forty-eight hours. The custodian of the children placed at the agency is to ensure a suitable placement for the child(ren) is made by or in coordination with the recommending agency. Refusal of delivery by personal service or by mail is not failure of delivery and service shall be deemed to be complete.

(H) Can the foster caregiver request a review of the decision to suspend the license?



The caregiver may request an administrative hearing before DCY pursuant to sections 119.05 to 119.12 of the Revised Code.

(I) How long will the certificate be suspended?

The suspension will remain in effect until any of the following occurs:

- (1) The PCSA completes its investigation pursuant to section 2151.421 of the Revised Code and determines that all of the allegations are unsubstantiated.
- (2) All criminal charges are disposed of through dismissal or a finding of not guilty.
- (3) Pursuant to Chapter 119. of the Revised Code, DCY issues a final order terminating the suspension.