

Ohio Department of Job and Family Services
APPLICATION FOR KINSHIP PERMANENCY INCENTIVE

Initial Application Re-Determination, list PCSA of initial application _____

The "Kinship Permanency Incentive" Program (KPI) is designed to promote a permanent commitment by a kinship caregiver(s) through becoming guardians and/or custodians over minor children who would otherwise be unsafe or at risk of harm if they remained in their own homes. KPI provides time-limited incentive payments to families caring for their kin.

Social Security Number disclaimer

For KPI, the social security number will be used for tracking and administrative purposes such as: checking the identity of household members, preventing duplicate participation, and making mass changes easier. In lieu of the social security number, you may provide your twelve digit TANF identification number, if applicable.

REQUIRED INFORMATION TO BE SUBMITTED WITH APPLICATION

- The JFS 01501 "Application for Kinship Permanency Incentive"
- Documentation of Income that is referenced in Section II
- Legal Custodian/Guardian Documentation - may be obtained from clerk of court that handled the case

Please submit a separate application for each kinship child for whom you are trying to receive KPI

SECTION I: KINSHIP FAMILY INFORMATION				
Name of Kinship Caregiver #1 (first and last)		Name of Kinship Caregiver #2 (first and last)		
Home Address, City, State, and Zip Code				
County of Residence			Telephone Number	
Race/Ethnicity of Caregiver #1 <input type="checkbox"/> American Indian/Alaskan Native	<input type="checkbox"/> White <input type="checkbox"/> Multi-racial	<input type="checkbox"/> Black	<input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Hispanic Origin	
Race/Ethnicity of Caregiver #2 <input type="checkbox"/> American Indian/Alaskan Native	<input type="checkbox"/> White <input type="checkbox"/> Multi-racial	<input type="checkbox"/> Black	<input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Hispanic Origin	
Education Level of Caregiver #1 <input type="checkbox"/> High School Graduate or Equivalent <input type="checkbox"/> College Degree	<input type="checkbox"/> Grade School <input type="checkbox"/> Technical Training	<input type="checkbox"/> Middle School <input type="checkbox"/> Some College	<input type="checkbox"/> Some High School <input type="checkbox"/> Associate Degree	
Education Level of Caregiver #2 <input type="checkbox"/> High School Graduate or Equivalent <input type="checkbox"/> College Degree	<input type="checkbox"/> Grade School <input type="checkbox"/> Technical Training	<input type="checkbox"/> Middle School <input type="checkbox"/> Some College	<input type="checkbox"/> Some High School <input type="checkbox"/> Associate Degree	
Household Members (including kin child):				
Name (First, Last)	Relationship to Caregiver #1	Social Security Number	Date of Birth (mm/dd/yyyy)	Sex
	Self			<input type="checkbox"/> Male <input type="checkbox"/> Female
				<input type="checkbox"/> Male <input type="checkbox"/> Female
				<input type="checkbox"/> Male <input type="checkbox"/> Female
				<input type="checkbox"/> Male <input type="checkbox"/> Female
				<input type="checkbox"/> Male <input type="checkbox"/> Female

SECTION II: FINANCIAL INFORMATION

Please enter all income before taxes and deductions for the kinship caregiver, the spouse of kinship caregiver, and all of the minor children who reside in the same household.

Name	Type of Income	Amount of Income (before taxes)	How Often Received (weekly, bi-weekly, etc.)	Date Last Received

Please list any child support that the kinship caregiver(s) pay out to another person.

Name of Payee	Amount Paid Out	Date of Last Payment

SECTION III: CHILD INFORMATION

Name of Child (first, last and middle)	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	Date of Birth
Race/Ethnicity of Child <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Multi-racial <input type="checkbox"/> Hispanic Origin		

Is Family Receiving OWF-Child Only benefits for this Child?
 Yes No

Reason child is living with kinship caregiver <input type="checkbox"/> Parent(s) incarcerated <input type="checkbox"/> Parent(s) substance abuse and/or treatment <input type="checkbox"/> Parent(s) unemployed <input type="checkbox"/> Parent(s) mental health and/or treatment <input type="checkbox"/> Parent(s) has a chronic illness <input type="checkbox"/> Physical abuse <input type="checkbox"/> Sexual abuse <input type="checkbox"/> Emotional abuse <input type="checkbox"/> Parent(s) death <input type="checkbox"/> Child substance abuse and/or treatment <input type="checkbox"/> Abandonment/Relinquishment/Dependency <input type="checkbox"/> Child behavior problems <input type="checkbox"/> Unruly/Delinquency <input type="checkbox"/> Child's disability/Special needs <input type="checkbox"/> Other _____	Relationship to caregiver <input type="checkbox"/> Brother <input type="checkbox"/> Cousin <input type="checkbox"/> Granddaughter <input type="checkbox"/> Grandson <input type="checkbox"/> Half Brother <input type="checkbox"/> Half Sister <input type="checkbox"/> Nephew <input type="checkbox"/> Niece <input type="checkbox"/> Non-relative <input type="checkbox"/> Sister <input type="checkbox"/> Step Sister <input type="checkbox"/> Step Brother <input type="checkbox"/> Other _____
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Was this Child ever in the Custody of a PCSA or PCPA (public or private children services agency)? Yes No
 If yes, what type of custody? Agency Authority Ex Parte Temporary Commitment
 Temporary Court Order Planned Permanent Living Arrangement Voluntary Agreement for Care

You are the Child's <input type="checkbox"/> Legal Custodian <input type="checkbox"/> Legal Guardian	Placement Approved <input type="checkbox"/> Yes, by whom _____ <input type="checkbox"/> No <input type="checkbox"/> PCSA Employee <input type="checkbox"/> PCPA Employee
Were the following ever used before obtaining legal custody? <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Caretaker Authorization Affidavit	

SECTION IV: AFFIRMATION

I affirm that the information on this application is accurate. I understand that verification of my financial situation will be required. I affirm that the financial documentation provided is true and accurate. I acknowledge that approval is contingent upon the availability of funds.

In accordance with section 2921.13 of the Ohio Revised Code, it is a misdemeanor of the first degree to knowingly make a false statement when the statement is made to secure benefits administered by a governmental agency or paid out of a public treasury.

Signature of Kinship Caregiver/Date _____	Signature of Kinship Caregiver/Date _____
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Please return this application and all required documentation to your local PCSA at the following address:

Name of PCSA _____

Attention _____

Address _____

City, State, Zip _____

PCSA Office Use Only

verification from a court that legal custody or guardianship has been granted as of July 1, 2005

updated financial information – what was used to verify information _____

verification of approved placement by a PCSA or PCPA (JFS form 01447 or comparable form)

Date Application Received _____

Application Status

approved (JFS 01503 sent out)

denied (JFS 01504 sent out)

incomplete (JFS 01502 sent out)

PCSA Representative Signature/Date: _____

FCASMTL 343 (Amendments to Ohio Administrative Code Rule 5101:2-40-04)

Family, Children and Adult Services Manual Transmittal Letter No. 343

January 21, 2015

TO: All Family, Children and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Amendments to Ohio Administrative Code Rule 5101:2-40-04

This letter transmits revisions to rule 5101:2-40-04 Kinship Permanency Incentive (KPI) Program. This rule is being amended as a result of changes to this program required by House Bill 213. These changes are effective 1/20/2015.

OAC **5101:2-40-04**, "Kinship Permanency Incentive Program" has been amended to increase the maximum amount of incentive payments that an eligible kinship caregiver may receive from six to eight. This rule is also being amended to increase the maximum amount of time that a kinship caregiver may be determined eligible from thirty-six months to forty-eight months.

The forty-eight month time frame and maximum of eight incentive payments shall not be applicable to caregivers who received a sixth incentive payment prior to March 17, 2014.

INSTRUCTIONS:

The following chart identifies the material that needs to be removed from the Family, Child and Adult Services Manual (FCASM) and the material that should be added:

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
SOCIAL SERVICES	5101:2-40-04	5101:2-40-04
TRANSMITTAL LETTERS		FCASMTL No. 343

5101:2-40-04 Kinship Permanency Incentive (KPI) Program**FCASMTL 343*****Effective Date: January 20, 2015******Most Current Prior Effective Date: May 4, 2014***

- (A) The following definitions are applicable to this rule and supersede any definitions contained in rule 5101:2-1-01 of the Administrative Code.
- (1) "Custodian" has the same meaning as in section 5107.02 of the Revised Code, which is an individual who has legal custody of a minor child or comparable status over a minor child created by a court of competent jurisdiction in another state.
 - (2) "Family" means kinship caregiver, spouse of kinship caregiver, and all of the minor children who reside in the same household.
 - (3) "Fraudulent incentive" means incentive funds provided to the kinship caregiver (s) as a result of fraud by the kinship caregiver(s), including an intentional violation of the program requirements. Fraudulent incentive does not include incentive payments provided due to an error of the agency in processing the application.
 - (4) "Gross income" means income before taxes and deductions. Exclusions of reported income are as follows and shall be deducted from the gross income of each adult responsible for reporting his or her income:
 - (a) Child support paid out to another custodian for a child in the other custodian's care.
 - (b) Up to one-hundred dollars per month of any child support received on behalf of the child for whom the kinship caregiver is applying for the KPI program.
 - (c) Any Ohio works first (OWF) payments.
 - (d) Employment income of minor children.
 - (e) Supplemental security income (SSI) payments.
 - (5) "Guardian" has the same meaning as in section 5107.02 of the Revised Code, which is an individual that is granted authority by a probate court or a court of competent jurisdiction in another state, to exercise parental rights over a minor child to the extent provided in the court's order and subject to residual parental rights of the minor child's parents.
 - (6) "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code, which is any of the following who is eighteen years of age or older and is caring for a child in place of the child's parents.
 - (a) Individuals related by blood or adoption to the child including:
 - (i) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great."
 - (ii) Siblings.

- (iii) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand."
 - (iv) First cousins and first cousins once removed.
 - (b) Stepparents and stepsiblings of the child.
 - (c) Spouses and former spouses of individuals named in paragraphs (A)(6)(a)(i) to (A)(6)(a)(iv) and (A)(6)(b) of this rule.
 - (d) A legal guardian of the child.
 - (e) A legal custodian of the child.
- (7) "Minor child" has the same meaning as in 45 C.F.R. 260.30 (2003), which is either of the following:
 - (a) An individual who has not attained age eighteen.
 - (b) An individual who has not attained age nineteen and is a full-time student in a secondary school or in the equivalent level of vocational or technical training.
- (B) The KPI program is designed to promote a permanent commitment by a kinship caregiver(s) through becoming guardians and custodians over minor children who would otherwise be unsafe or at risk of harm if they remained in their own homes. KPI provides time-limited incentive payments to families caring for their kin.
- (C) Eligible kinship caregiver(s) shall receive a one-time payment to defray costs of placement and may receive subsequent payments at six-month intervals to support the stability of the child's placement in the home.
 - (1) The maximum incentive amount may not exceed ~~six~~ eight payments per child per kinship caregiver(s).
 - (2) The incentive amount for the kinship caregiver(s) shall not be provided for longer than a total of ~~thirty-six~~ forty-eight cumulative months during which time the kinship caregiver(s) meets all eligibility requirements of the program. One incentive payment is equivalent to six months of eligibility.
 - (3) Individuals who received their sixth incentive payment prior to March 17, 2014 are not eligible for additional incentive payments.
 - (4) Individuals who submitted their sixth redetermination application to the public children services agency on or after March 17, 2014 may be eligible for additional incentive payments.
 - (5) Individuals who have not received their sixth incentive payment may be eligible for additional incentive payments.
- (D) The PCSA shall determine the kinship caregiver(s) eligible for KPI when all of the following criteria are met:
 - (1) On July 1, 2005 or thereafter, a court issued an order granting legal custody or guardianship to the kinship caregiver(s). A temporary court order is not sufficient to meet this requirement.
 - (2) The child resides with the kinship caregiver(s). If the child is on temporary leave from the kinship caregiver's home (e.g., hospitalization, mental health treatment or respite) and the kinship caregiver retains legal custody or

- guardianship this shall not preclude eligibility for KPI.
- (3) The kinship caregiver(s) is a resident of the state of Ohio.
 - (4) The gross income of the kinship caregiver's family does not exceed three hundred per cent of the federal poverty guidelines.
 - (5) The placement has been assessed and approved by the public children services agency (PCSA) or private child placing agency (PCPA).
 - (a) For children placed by the PCSA or PCPA, the placement was assessed and approved pursuant to paragraphs (B) to (J) of rule 5101:2-42-18 of the Administrative Code.
 - (b) For children placed directly with a kinship caregiver by a court or relative, the PCSA shall assess the home in accordance with the requirements identified in paragraphs (B) and (D) to (J) of rule 5101:2-42-18 of the Administrative Code prior to the approval of KPI.
- (E) When the kinship caregiver(s) submits an application for re-determination, the PCSA shall review the eligibility requirements in paragraph (D) of this rule with the kinship caregiver(s).
- (1) The PCSA shall ensure that the requirements in paragraphs (D)(1) to (D)(4) of this rule continue to be met by the kinship caregiver's family.
 - (2) If there are any new adults in the home, the PCSA shall conduct background checks on the adult(s) pursuant to paragraphs (B)(2) and (B)(8) of rule **5101:2-42-18** of the Administrative Code.
 - (3) If the kinship caregiver(s) has moved to a new address, the PCSA shall ensure that the home meets the requirements listed in paragraph (B)(3) of rule 5101:2-42-18 of the Administrative Code.
- (F) For each state fiscal year (SFY), the Ohio department of job and family services (ODJFS) shall determine the initial and subsequent payment amounts. At the beginning of each SFY, ODJFS shall provide notice to the PCSAs identifying the initial and subsequent payment amounts for that SFY.
- (G) The PCSA in the county in which the kinship caregiver(s) resides, at the time of initial application or re-determination, is responsible for the following:
- (1) Upon request of the kinship caregivers(s), providing the kinship caregiver(s) with the JFS 01501 "Application for Kinship Permanency Incentive" (rev. 7/2007).
 - (2) Determining eligibility for the initial incentive payment.
 - (3) Notifying the kinship caregiver(s) of the approval, denial or incomplete application in accordance with paragraphs (H)(1) to (H)(3) of this rule.
 - (4) Informing the kinship caregiver(s) that subsequent payments will require re-determination of eligibility every six months and that the kinship caregiver(s) must submit another application.
 - (5) Notifying the kinship caregiver(s) thirty days prior to the eligibility for a subsequent incentive payment that the kinship caregiver(s) must submit verifying documentation to enable the PCSA to determine eligibility.
 - (6) Determining continuing eligibility for subsequent incentive payments.

- (7) Notifying the kinship caregiver(s) of the approval, denial or incomplete application for subsequent incentive payments in accordance with paragraphs (H)(1) to (H)(3) of this rule.
 - (8) Conducting a face-to-face interview with the kinship caregiver(s) to determine eligibility no less frequently than annually. The PCSA may waive the face-to-face interview if this proves to be a hardship for the kinship caregiver(s).
- (H) The PCSA shall approve or deny the application for KPI based on criteria identified in paragraphs (D)(1) to (D)(5) of this rule and provide written notification to the kinship caregiver(s) of its decision within fifteen days of receipt of the completed JFS 01501, supporting documentation, and the results of the background checks.
- (1) When sufficient information is not available to enable the PCSA to approve or deny the application for incentive payments, the PCSA shall provide the kinship caregiver(s) with JFS 01502 "Notice of Incomplete Kinship Permanency Incentive Application" (rev. 7/2007) that identifies the information needed. The PCSA shall notify the kinship caregiver(s) that if information requested is not submitted within ten days the application will be denied. This shall not prohibit the kinship caregiver(s) from reapplying.
 - (2) For approved applications, JFS 01503 "Notice of Approval for Kinship Permanency Incentive Funds" (7/2011) shall be completed.
 - (3) For denied applications, JFS 01504 "Notice of Denial for Kinship Permanency Incentive Funds" (rev. 9/2009) shall be completed.
- (I) If a kinship caregiver(s) relocates to another Ohio county, the PCSA in the current county of residence is responsible for determining eligibility for subsequent incentive payments and complying with notification requirements outlined in paragraphs (G)(5) to (G)(8) of this rule. When known, the PCSA in the county in which the kinship caregiver(s) currently resides shall coordinate with the PCSA in the county of former residence in order to secure information regarding prior incentive payments. The PCSA in the county in which the kinship caregiver(s) formerly resided shall share information regarding prior incentive payments and upon request, transfer the case to the PCSA of the kinship caregiver's current county of residence.
- (J) The kinship caregiver(s) is responsible for notifying the PCSA of any status change in the household that may impact eligibility; as well as notifying the PCSA of address changes.
- (K) The PCSA may develop an interagency agreement with the CDJFS to assist in gathering eligibility information necessary for the PCSA to approve or deny the application.
- (L) If a director of a PCSA determines that a kinship caregiver(s) has received a fraudulent incentive, the kinship caregiver(s) is ineligible to participate in the KPI program.
- (M) The PCSA shall enter incentive payments for reimbursement from ODJFS into the "KPIP Webtool" within ninety days of the effective date of the incentive payment to the caregiver. Any amounts reported beyond ninety days of the effective date of the incentive payment may not be reimbursed by ODJFS.
- (N) In order to confine KPI expenditures to appropriated state funds, the director of the department of job and family services, or designee, may issue an order at any time

suspending the intake of any applications for KPI. During a program suspension, all applicants will be advised that a suspension is in effect. All applications will be denied during the same time that a suspension is in effect. No waiting lists will be established during the periods of suspension.

- (O) The PCSA shall inform the kinship caregiver(s) of the right to request a state hearing and provide the kinship caregiver(s) with a copy of the JFS 04059 "Explanation of State Hearing Procedures" (rev. 10/08) upon approval or denial of their application. The kinship caregiver(s) has the right to request a state hearing if the PCSA denies eligibility for KPI, or the application has been acted upon erroneously, or not acted upon with reasonable promptness.

Effective:

Five Year Review (FYR) Dates: 05/01/2019

Certification

Date

Promulgated Under: 119.03

Statutory Authority: 5101.801, 5101.802

Rule Amplifies: 5101.801, 5101.802

Prior Effective Dates: 1/1/2006, 7/2/2007 (Emer.), 9/30/2007, 8/21/2009 (Emer.), 11/18/2009, 7/1/2011 (Emer.), 9/29/2011, 5/4/2014

5101:2-42-18 PCSA and PCPA Approval of Placements with Relative and Nonrelative Substitute Caregivers

FCASMTL 318

Effective Date: May 4, 2014

Most Current Prior Effective Date: June 1, 2011

Appendix A - Offenses Listed in Paragraph (I) (1) of Rule 5101:2-42-18 of the Administrative Code

- (A) A public children services agency (PCSA) or private child placing agency (PCPA) having custody of a child , or upon interstate request by a state with jurisdiction, may approve placement with the following substitute caregivers in accordance with rule 5101:2-42-05 of the Administrative Code if the placement is determined to be in the child's best interest and the substitute caregivers prefer are not to be certified through the Ohio department of job and family services:
- (1) A relative by blood or marriage who, in accordance with sections 5103.02 and 5103.03 of the Revised Code, is exempt from certification and who is being considered as a substitute caregiver ; in lieu of a parent; or
 - (2) A nonrelative who has a relationship with the child and/or family and who, in accordance with section 5153.161 of the Revised Code, is approved by the court.
- (B) Prior to placing the child with the relative or nonrelative substitute caregiver, the PCSA or PCPA shall adhere to the following procedures and document its actions in approving the placement setting:
- (1) Collect identifying information (first name, last name, maiden name, aliases, social security number, address, telephone number, place of employment) on the prospective caregiver and ~~others residing within the home~~ all household members .
 - (2) Assure that a search of the statewide automated child welfare information system (SACWIS) has been completed for the prospective caregiver and ~~others residing within the home~~ adult household members pursuant to rule 5101:2-33-22 of the Administrative Code.
 - (3) Assess the safety of the home by checking on all of the following:
 - (a) Cleanliness of the home.
 - (b) Absence of hazardous conditions inside and outside.
 - (c) Storing of poisonous and otherwise dangerous or combustible materials.
 - (d) Proper heating, lighting and ventilation.
 - (e) Condition of indoor plumbing and toilet facilities.
 - (f) Installation of a working smoke alarm on each level of occupancy of the home.
 - (g) Safe storing of weapons, including firearms and ammunitions, in

inoperative condition and in a secured and locked area.

- (h) Adequacy of each child's bedding and appropriateness to his or her needs.
 - (i) Availability of a working telephone within the home or reasonable access to a working telephone for emergency situations.
- (4) Provide the prospective caregiver with known information regarding educational, medical, child care, and special needs of the child including information on how to access support services to meet the needs of the child.
- (5) Provide the prospective caregiver with the following information:
- (a) How to apply for Ohio works first (OWF) child-only financial assistance and medicaid coverage.
 - (b) How to apply for certification as a foster caregiver.
 - (c) The requirements for foster caregiver certification.
 - (d) The difference in payment between an OWF child-only payment and the foster care per diem.
 - (e) The difference (if any) in the eligibility for supportive services.
- (6) Assess the prospective caregiver's ability and willingness to provide care and supervision of the child and to provide a safe and appropriate placement for the child.
- (7) Require all adults in the home to identify prior PCSA or children services agency (CSA) involvement. When involvement with another PCSA or CSA is indicated or suspected, secure the necessary releases of information and initiate requests for information from the other PCSAs or CSAs.
- (8) Submit fingerprints for the prospective relative or nonrelative caregiver and all adults residing within the home according to the requirements of the bureau of criminal identification and investigation (BCII). Information on how to obtain a criminal records check can be found at www.webcheck.ag.state.oh.us ~~www.webcheck4.ag.state.oh.us~~ . The agency shall request that BCII include information from the federal bureau of investigation (FBI) in the criminal records check. The required criminal records check must be completed prior to an agency approving the prospective relative or nonrelative placement.
- (9) Require the prospective caregiver to submit written notification if a person at least twelve years of age but less than eighteen years of age residing within the home of the prospective caregiver has been convicted of or plead guilty to any offenses described in section 5103.0319 of the Revised Code, or has been adjudicated to be a delinquent child for committing an act that if committed by an adult would have constituted such a violation.
- (C) If a child must be removed from his or her home immediately in accordance with rules 5101:2-39-01 and 5101:2-39-03 of the Administrative Code, the PCSA or PCPA may place the child with the prospective relative or nonrelative substitute caregiver, if there are no known safety concerns, and initiate the assessments required by paragraph (B) of this rule no later than the next business day. All activities required by paragraph (B) of this rule shall be completed no later than five days from the date the child was placed.

- (D) The PCSA or PCPA shall complete either the JFS 01447 ~~"Assessment of Relative or Nonrelative Caregiver's Ability to Care for Child(ren) and Recommendation for Placement"~~ (rev. 10/2003) "Assessment of Relative or Nonrelative Substitute Caregiver" (rev. 2/2014) or an alternative form designed by the agency that includes all of the information on the JFS 01447.
- (E) The PCSA or PCPA shall approve or deny the relative or nonrelative placement and provide him or her with written notification of the approval or denial no later than thirty days from the date that the assessment was initiated, or the child was placed, whichever comes first.
- (F) The PCSA or PCPA shall not approve the placement if the relative or nonrelative or other adult residing within the home has a felony conviction ~~identified in paragraph (K) of rule 5101:2-7-02 of the Administrative Code~~ for spousal abuse, rape, sexual assault, or homicide .
- (G) ~~The PCSA or PCPA shall not approve~~ may deny the placement if the relative or nonrelative had his or her parental rights involuntarily terminated ~~or if the relative or nonrelative or other adults residing within the home have been convicted of or plead guilty to any offenses identified in paragraphs (J)(1) and (J)(2) of rule 5101:2-7-02 of the Administrative Code unless he or she meets the conditions of paragraphs (I)(1) to (I)(4) of rule 5101:2-7-02 of the Administrative Code.~~
- (H) The PCSA or PCPA shall not approve the placement if the relative or nonrelative or other adults residing within the home have been convicted of or pleaded guilty to any offense listed in paragraph (I)(1) of this rule unless the agency finds and documents that person has met all of the following conditions:
- (1) Except as provided in paragraph (H)(3) of this rule, where the offense was a misdemeanor, or would have been a misdemeanor if conviction had occurred under the current criminal code, at least three years have elapsed from the date the person was fully discharged from any imprisonment or probation arising from the conviction. A person who has had his record of misdemeanor conviction sealed by a court pursuant to section 2953.32 of the Revised Code shall be considered to have met this condition.
 - (2) Except as provided in paragraph (H)(3) of this rule, where the offense was a felony, at least ten years have elapsed since the person was fully discharged from imprisonment or probation.
 - (3) The victim of the offense was not one of the following:
 - (a) A person under the age of eighteen.
 - (b) A functionally impaired person as defined in section 2903.10 of the Revised Code.
 - (c) A mentally retarded person as defined in section 5123.01 of the Revised Code.
 - (d) A developmentally disabled person as defined in section 5123.01 of the Revised Code.
 - (e) A person with a mental illness as defined in section 5122.01 of the Revised Code.
 - (f) A person sixty years of age or older.

- (4) The person's approval as a relative or nonrelative caregiver or the person's residency in the relative or nonrelative caregiver's household will not jeopardize in any way the health, safety or welfare of the children the agency serves. The following factors shall be considered in determining the person's approval as a relative or nonrelative caregiver or the person's residency in the relative or nonrelative caregiver's household.
- (a) The person's age at the time of the offense.
 - (b) The nature and seriousness of the offense.
 - (c) The circumstances under which the offense was committed.
 - (d) The degree of participation of the person involved in the offense.
 - (e) The time elapsed since the person was fully discharged from imprisonment or probation.
 - (f) The likelihood that the circumstance leading to the offense will recur.
 - (g) Whether the person is a repeat offender.
 - (h) The person's employment record.
 - (i) The person's efforts at rehabilitation and the results of those efforts.
 - (j) Whether any criminal proceedings are pending against the person.
 - (k) Whether the person has been convicted of or pleaded guilty to a felony contained in the Revised Code that is not listed in paragraph (l) of this rule, if the felony bears a direct and substantial relationship to being a relative or nonrelative caregiver or adult member of the caregiver's household.
 - (l) Any other factors the agency considers relevant.
- (l) Except as provided in paragraph (H) of this rule, a relative or nonrelative caregiver or other adult residing in the home shall not have been convicted of or pleaded guilty to, any of the following offenses:
- (1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321 (2907.32.1), 2907.322 (2907.32.2), 2907.323 (2907.32.3), 2909.02, 2909.22, 2909.23, 2909.24, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2913.49, 2917.01, 2917.02, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161 (2923.16.1), 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, two or more violations of section 4511.19 of the Revised Code or the equivalent violation from any other state committed within the three years immediately preceding the submission of the application or petition that is the basis of the request, or felonious sexual penetration in violation of former section 2907.12

of the Revised Code as listed in appendix A to this rule.

- (2) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in paragraphs (I)(1) and (I)(2) of this rule.
- (H) (J) If the PCSA or PCPA disapproves of a court ordered placement of a child, it shall notify the court in writing of its findings and recommend a suitable substitute care placement. The PCSA or PCPA shall continue to notify the court in writing of its findings and recommended substitute care placement at least every six months.
- (H) (K) The PCSA or PCPA shall maintain documentation, in the case record, of all assessments and findings required by this rule that are used in approving or disapproving the placement.
- (H) (L) On an annual basis, The the PCSA or PCPA shall reevaluate the placement annually complete a home assessment to assure that the placement continues to meet the requirements of this rule for approval of the placement.
- (1) If there are any new adults in the home, the agency shall conduct background checks on the new adult(s) pursuant to paragraphs (B)(2) and (B)(8) of this rule.
- (2) If the relative or nonrelative caregiver(s) have moved to a new address, the agency shall ensure that the home meets the requirements listed in paragraph (B)(3) of this rule.
- (H) (M) Nothing in this rule removes the PCSA's responsibility for conducting parent assessments when a child reunifies with the parent from which the child was removed or when a child is being placed with a non-custodial or non-residential parent in accordance with rules 5101:2-37-01, 5101:2-37-02, and 5101:2-37-04 of the Administrative Code.

Effective:

R.C. 119.032 review dates: 02/10/2014

Certification

Date

Promulgated Under: 119.03

Statutory Authority: 5103.03, 5153.16

Rule Amplifies: 2151.86, 5103.03, 5153.16

Prior Effective Dates: 9/28/87 (Emer.), 12/27/87, 1/1/89, 11/3/03, 12/19/08, 6/15/09, 06/01/2011

Appendix A to OAC 5101:2-42-18
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OFFENSES LISTED IN PARAGRAPH (I) (1) OF RULE 5101:2-42-18
OF THE ADMINISTRATIVE CODE

OFFENSES AGAINST ANIMALS

R.C. 959.13-- Cruelty to animals

HOMICIDE

R.C. 2903.01-- Aggravated murder
R.C. 2903.02-- Murder
R.C. 2903.03-- Voluntary manslaughter
R.C. 2903.04-- Involuntary manslaughter

ASSAULT

R.C. 2903.11-- Felonious assault
R.C. 2903.12-- Aggravated assault
R.C. 2903.15-- Permitting child abuse
R.C. 2903.13-- Assault
R.C. 2903.16-- Failing to provide for a functionally impaired person

MENACING

R.C. 2903.21-- Aggravated menacing
R.C. 2903.211-- Menacing by stalking
R.C. 2903.22-- Menacing

PATIENT ABUSE AND NEGLECT

R.C. 2903.34-- Patient abuse, neglect

KIDNAPPING AND RELATED ISSUES

R.C. 2905.01-- Kidnapping
R.C. 2905.02-- Abduction
R.C. 2905.04-- Child stealing (as this law existed prior to July 1, 1996)
R.C. 2905.05-- Criminal child enticement

OFFENSES LISTED IN PARAGRAPH (I) (1) OF RULE 5101:2-42-18
OF THE ADMINISTRATIVE CODE

SEX OFFENSES

- R.C. 2907.02-- Rape
- R.C. 2907.03-- Sexual battery
- R.C. 2907.04-- Unlawful sexual conduct with a minor
- R.C. 2907.05-- Gross sexual imposition
- R.C. 2907.06-- Sexual imposition
- R.C. 2907.07-- Importuning
- R.C. 2907.08-- Voyeurism
- R.C. 2907.09-- Public indecency
- R.C. 2907.12-- Felonious sexual penetration (as this former section of law existed)
- R.C. 2907.21-- Compelling prostitution
- R.C. 2907.22-- Promoting prostitution
- R.C. 2907.23-- Procuring
- R.C. 2907.25-- Prostitution
- R.C. 2907.31-- Disseminating matter harmful to juveniles
- R.C. 2907.32-- Pandering obscenity
- R.C. 2907.321-- Pandering obscenity involving a minor
- R.C. 2907.322-- Pandering sexually oriented matter involving a minor
- R.C. 2907.323-- Illegal use of a minor in nudity-oriented material or performance

ARSON

- R.C. 2909.02-- Aggravated arson
- R.C. 2909.03-- Arson
- R.C. 2909.22-- Soliciting or providing support for act of terrorism
- R.C. 2909.23-- Making terroristic threat
- R.C. 2909.24-- Terrorism

ROBBERY AND BURGLARY

- R.C. 2911.01-- Aggravated robbery
- R.C. 2911.02-- Robbery
- R.C. 2911.11-- Aggravated burglary
- R.C. 2911.12-- Burglary

THEFT AND FRAUD

- R.C. 2913.49-- Identity Fraud

OFFENSES AGAINST THE PUBLIC PEACE

- R.C. 2917.01-- Inciting to violence
- R.C. 2917.02-- Aggravated riot

OFFENSES LISTED IN PARAGRAPH (I) (1) OF RULE 5101:2-42-18
OF THE ADMINISTRATIVE CODE

OFFENSES AGAINST THE FAMILY

- R.C. 2919.12-- Unlawful abortion
- R.C. 2919.22-- Endangering children
- R.C. 2919.23-- Interference with custody (that would have been a violation of R.C. 2905.04 as it existed prior to July 1, 1996 if violation had been committed prior to that date)
- R.C. 2919.24-- Contributing to unruliness or delinquency of a child
- R.C. 2919.25-- Domestic violence

WEAPONS CONTROL

- R.C. 2923.12-- Carrying a concealed weapon
- R.C. 2923.13-- Having a weapon while under disability
- R.C. 2923.161-- Improperly discharging a firearm at or into a habitation or school

DRUG OFFENSES

- R.C. 2925.02 -- Corrupting another with drugs
- R.C. 2925.03 -- Trafficking in drugs
- R.C. 2925.04 -- Illegal manufacture of drugs or cultivation of marijuana
- R.C. 2925.05 -- Funding of drug or marijuana trafficking
- R.C. 2925.06 -- Illegal administration or distribution of anabolic steroids
- R.C. 2925.11 -- Possession of drugs or marijuana that is not a minor drug possession offense

OTHER

- R.C. 2927.12-- Ethnic intimidation
- R.C. 3716.11 -- Placing harmful objects in food or confection
- R.C. 4511.19-- Operating vehicle under the influence of alcohol or drugs – OVI or OVUAC

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