

LCCS POLICY 700
Initial Foster Care/Adoptive Requirements

Original Issue Date:	12/15/2003
Revision Dates:	
Revision Number:	
Current Effective Date:	12/15/2003
Board Approval Date:	8/14/2003
Obsolete/Combined Date:	MEPA is expanded in this policy (see policy 801 for original MEPA statements).
Reason for Obsoleting/Combining:	Combined 751
See new Policy #:	

Scope:	Foster/Adoptive Caregivers, Placement Department, Lucas County Children Services staff
Responsibility:	Foster/Adoptive Caregivers, Placement Manager & Coordinator Lucas County Children Services staff
Purpose:	To ensure that agency foster/adoptive caregivers and staff understand the process for certification/approval in order to care for children in the agency custody
Legal Cite:	OAC 5101:2-42-48 to OAC 5101:2-42-59, OAC 5101:2-39-02 & Public Law 95-608

POLICY STATEMENT

Lucas County Children Services (LCCS) requires foster caregivers to be certified to care for children in agency custody. The process for certification/approval will comply with the **Indian Child Welfare Act and Multiethnic Placement Act**

PROCEDURE - including required timeframes and documentation

Indian Child Welfare Act

Lucas County Children Services acts in accordance with the requirements of the Indian Child Welfare Act, which gives tribal courts jurisdiction over custody proceedings involving Indian children to assure that their culture is protected and that services provided to the Indian child are in the child's best interest. Ohio has no federally recognized Indian tribes, reservations, or tribal courts to assume jurisdiction. Consequently, when necessary and appropriate, a case may be transferred to a tribal court out of state.

Recordkeeping and reporting requirements regarding Indian children

Lucas County Children Services will maintain a case record for every Indian child in its care or custody.

The Indian child's case record must also contain the complete record of placement determination, including documentation regarding efforts to comply with the required order of placement preference.

Upon request from the Ohio Department of Jobs and Family Services, Lucas County Children Services must submit within seven days a complete case record for each Indian child in the agency's custody.

Whenever an Indian child is placed by or leaves the custody of an agency, that agency must complete an ODJFS form 1646 "Report of Indian Child Placement." The 1646 must be submitted to ODJFS within fourteen calendar days of the child's placement or termination from custody.

Multiethnic Placement Act

Lucas County Children Services shall not deny any person the opportunity to become a foster caregiver on the basis of race, color or national origin of that person, or of the child involved; nor delay or deny the placement of a child into foster care on the basis of race, color or national origin of the foster caregiver, or of the child involved.

MEPA does not supercede the provisions of the Indian Child Welfare Act of 1978.

The following are general principles that Lucas County Children Services shall be use in the implementation of MEPA:

A child's race, color or national origin cannot be routinely considered as a relevant factor in assessing a child's best interest. In each case, the only consideration shall be the child's individual needs and the ability of the prospective caregiver to meet those needs.

Only the most compelling reasons may serve to justify consideration of race, color or national origin as part of a placement decision. Such reasons are likely to emerge only in unique and individual circumstances. In those exceptional circumstances when race, color or national origin may be taken into account in a placement decision, such consideration must be narrowly tailored to advance the child's best interest. Even when the facts of a particular case allow consideration related to race, color or national origin, this consideration should not be the sole determining factor.

No action or decision regarding the placement of a child may cause a delay or denial in placement on the basis of the child's race, color or national origin or on the basis of the race, color or national origin of the prospective foster caregiver.

The following are examples of acts prohibited by Lucas County Children Services under MEPA:

Using race, color or national origin to differentiate between otherwise acceptable foster care placements, unless at the time a decision is made that race, color or national origin may be a factor in the placement decision, the Lucas County Children Services shall complete the (JFS 01688) "Individualized Child Assessment Form"(ICAF) using the following procedures

- The child's caseworker shall recommend that the child be referred for an individual child assessment. The caseworker shall complete section I of the ICAF and submit it and all relevant medical or psychological evaluations, school records, police reports or other material that supports consideration of race, color or national origin as a factor to be considered in the placement decision to the caseworker's supervisor and the agency's MEPA monitor for review and approval.
- If both the supervisor and the MEPA monitor determine that race, color or national origin may be a factor in placing the child, the child shall be referred for an individual child

assessment and recommendation on this issue to a licensed psychiatrist, licensed clinical psychologist, licensed independent social worker, or licensed professional clinical counselor who shall not be an employee of the custodial agency. At the time of the referral, the agency shall send to the licensed professional, the original ICAF and all relevant documentation that supports the consideration of race, color or national origin as a factor in the placement decision. The licensed professional shall be requested to make a recommendation whether race, color or national origin should be used as a factor in making the placement decision.

- Within ten days of receipt of the ICAF that has been completed and the licensed professional's assessment and recommendation, the MEPA monitor shall meet with the caseworker and the supervisor to discuss the assessment and recommendation. The MEPA monitor, the caseworker and the caseworker's supervisor shall indicate their concurrence or disagreement with the recommendation of the licensed professional in section III of the ICAF. If the MEPA monitor, the caseworker or the caseworker's supervisor disagrees with the licensed professional's recommendation, they shall prepare and attach to the ICAF a statement of their rationale for disagreeing with the assessment and recommendation of the licensed professional.
- A copy of each completed ICFA, and the assessment and recommendation of the licensed professional shall be sent to the ODJFS bureau of family services. If the placement decision is not in accordance with the licensed professional's recommendation, all statements of disagreement shall also be sent to the ODJFS bureau of family services along with the ICAF (JFS 01688) and the licensed professional's assessment and recommendation.
- Lucas County Children Services shall maintain in the child's case file the completed original ICAF (JFS 01688), the individual assessment and recommendation, any statement of disagreement with the assessment and recommendation, and all other relevant medical or psychological evaluations, school records, police reports or other material that supports and documents consideration of race, color or national origin as a factor to be taken into account in the placement of the child.

Honoring the request of a birth parent(s) to place a child with a parent(s) of a specific race, color or national origin, unless the birth family identifies a relative or non-relative by name and that person is found to meet all relevant state child welfare protection standards, unless the agency determines that the placement is not in the best interests of the child.

Requiring a prospective foster caregiver to prepare or accept a trans-racial foster care plan.

Using "culture" or "ethnicity" as a proxy for race, color or national origin.

Delaying or denying placement of a child based upon the geographical location of the neighborhood of the prospective caregiver whenever geography is being used as a proxy for the racial composition of the neighborhood, the demographics of the neighborhood, the presence or lack of presence of a significant number of persons of a particular race, color, or national origin in the neighborhood or any similar purpose.

Requiring extra scrutiny, additional training, additional assessments or greater cultural awareness of individuals who are prospective foster caregivers of children of a different race, color or national origin than required of other prospective caregivers.

Relying upon general or stereotypical assumptions about the needs of children of a particular race, color or national origin.

Relying upon general or stereotypical assumptions about the ability of foster caregivers of a particular race, color or national origin to care for or nurture the sense of identity of a child of another race, color or national origin.

"Steering" prospective foster caregivers away from providing foster care for a child of another race, color, or national origin. "Steering" is any activity that attempts to discourage prospective foster caregivers from providing care for a child of a particular race, color or national origin.

Lucas County Children Services is permitted under MEPA:

Asking prospective foster caregivers what race, color or national origin of child the prospective foster caregivers will accept.

Providing information and resources about fostering a child of another race, color or national origin to prospective foster caregivers who request such information and making known to all foster caregivers that such information and resources are available.

Considering the request of a birth parent(s) to place the child with a relative or non-relative identified by name.

Discussing the special cultural and physical needs of children of different races, ethnicities, and national origins as part of the training which is required by rule 5101:2-5-33 of the Administrative Code for all persons who seek to become foster caregivers.

Documenting verbatim comments made by a prospective foster caregiver or household member reflecting a negative perspective regarding the race, color or national origin of a child for whom they have expressed an interest in providing care after they have completed the cultural diversity training that is required for all applicants to become certified as a foster caregiver. The matching committee may consider the information in determining if the placement is in the child's best interest.

Considering race, color or national origin as a relevant factor when a child demonstrates, or the child's caseworker's assessment demonstrates, that the child's individualized needs indicate that race, color or national origin may be a factor in the placement decision. When race, color or national origin is considered, the custodial agency shall complete the JFS 01688, "Individualized Child Assessment Form".

The Lucas County Children Services MEPA monitor is the Placement Department Coordinator and the back-up is the Placement Department Manager. The gathering of data will be incorporated into the internal auditing process for Foster Care. The MEPA monitor, will receive quarterly, analytical data on the matching and selection process for confirmation of the appropriate use of JFS form #01688

Characteristics of Foster/Adoptive Children Served by Lucas County Children Services

Lucas County Children Services serves a diverse population of children and youth. The age range of the children is from birth to 18 years of age. In cases where a child has been determined to have Mental Retardation or Developmental Delay the child is served until 21 years of age.

The children served by Lucas County Children Services have experienced some form of abuse or neglect. As a result of the abuse and/or neglect these children may act out sexually or behaviorally, have mental illness, exhibit running away behavior, have school related issues, suicidal ideation and/or anger control problems, be physically and cognitively challenged, have involvement in the juvenile justice system etc.

Levels of care needed for children in the custody and care of Lucas County Children Services will most likely be family foster care, treatment foster care, medically fragile (contracted) relative care, group homes and institutions care.

Race of Children in Lucas County Children Services Custody

African American	50%
Caucasian	46%
Other	4%

Gender of Children in Agency Custody

Female	47%
Male	53%

Methods of disseminating general information regarding the children served by Lucas County Children Services and strategies to reach all parts of the community:

- Lucas County Children Services publishes an annual report to the community that outlines children served by the agency.
- Lucas County Children Services also uses media presentations, television, newspaper ads and radio; flyers and brochures, billboards, churches, temples, synagogue and other religious organizations, bulletins, speeches, networking with other professionals and neighborhood centers as methods to reach all parts of the community.
- Annually the Placement and Public Relations Department will review the demographics (ages, development, emotional and physical needs cultural, racial, ethnicity , gender special needs and level of care needed etc.) of children in custody that need foster care and develop a specific recruitment plan that will attract foster homes that will best meet the children's needs.
- Lucas County Children Services provides Cultural diversity training through our regional training center, it is mandatory that staff attend this training. The training is intended to ensure that staff has a working knowledge that must be demonstrated in their work performance of how to work with diverse populations of people.
- In cases of linguistic barriers, (such as languages other than English, hearing impaired, etc.) Lucas County Children Services will make available interpreters through other community organizations that specialize in this area. This will assist with better communication between children, agency staff, and foster parents.

Lucas County Children Services will make every effort in accordance with MEPA and the INDIAN CHILD WELFARE ACT to recruit foster homes, which reflect the diversity of our community and the populations that we serve. The agency will provide timely placements that reflect diversity of the children and families that we serve. **However, LCCS will not delay or deny placement of a child based upon the geographical location of the neighborhood of the prospective caregiver whenever geography is being used as a proxy for the racial composition of the neighborhood, the demographics of the neighborhood, the presence or lack of presence of a significant number of persons of a particular race, color, or national origin in the neighborhood or any similar purpose.**

ALL FOSTER CAREGIVER RECRUITMENT ACTIVITIES AND MATERIALS SHALL BE IN COMPLIANCE WITH MEPA AND, The INDIAN CHILD WELFARE ACT OF 1978(5101:2-42-48 to 5101:2-42-58 OF THE ADMINISTRATIVE CODE), 25 U.S.C.A. 1901, AS AMENDED, AND THE ADOPTION AND SAFE FAMILIES ACT OF 1997.

Initial Foster/Adoptive Home Assessment requirements

Foster caregiver shall be at least twenty-one years of age/adoptive caregiver shall be at least 18 years of age.

At least one foster caregiver in the home shall be able to read, write, and speak in English or be able to effectively communicate with any child placed in their home and with the Lucas County Children Services

A foster caregiver may be a legally married couple, a single person or co-parent(s).

A foster caregiver shall have an income sufficient to meet the basic needs of the household and to make timely payment of shelter costs, utility bills, and other debts.

A foster caregiver and all members of the household shall be free of any physical, emotional, or mental condition which would endanger a child or seriously impair the ability of the foster caregiver to care for a foster child.

Applicants shall have an ODJFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" completed for the applicant and all household members by a licensed physician within six months prior to the agency's initial recommendation for certification.

An applicant may be required to secure and provide a report in addition to the ODJFS 01653 of an examination of any member of the household by a licensed physician, psychologist, or other certified or licensed professional if:

- An applicant or any person residing within the household has suffered a serious illness or injury within the past year; or
- Lucas County Children Services determines it to be necessary to ensure the safety, health, or care of any foster child who may be placed in the home.

A foster caregiver shall not operate the home as an adult boarding or rooming house.

A foster caregiver shall obtain written approval from the Lucas County Children Services prior to conducting any business, or allowing any business to operate, including babysitting services, in the home.

A foster caregiver shall not provide or allow babysitting services in a family foster home such that more than ten children, including foster, natural or adoptive children are present and under the supervision of a caregiver at any one time. Any caregiver that is an approved or certified type B family day care home provider shall follow the requirements for approval or certification as a type B family day care home.

A foster caregiver shall obtain an inspection by a state certified fire safety inspector or the state fire marshal's office certifying that the family foster home is free from conditions hazardous to the safety of foster children. The inspection/certification must have occurred within six months prior to the initial recommendation for certification of the family foster home by the agency or within ninety days of any change of address of the family foster home.

If the foster caregiver(s) is unable to obtain an inspection as required by paragraph of this rule due to the unavailability of a state certified fire safety inspector or the state fire marshal's office they shall so notify the agency.

A foster caregiver shall complete all pre-placement and continuing as required by rule 5101:2-5-33 of the Administrative Code and any additional hours of training required by the Lucas County Children Services written training plan.

A foster caregiver or applicant shall comply with all agency policies or instructions.

Criminal Offenses /Conviction/ Notification

A foster caregiver and all other persons eighteen years of age or older who reside with the foster caregiver shall not have been convicted of or pleaded guilty to any of the offenses listed in the ORC, OAC (see APPENDIX A).

No person who has been convicted of or pleaded guilty to an offense listed in of this rule shall be certified as a foster caregiver on or after October 29, 1993, unless the Lucas County Children Services finds and documents that person has met all of the following conditions:

- 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.
- Where the offense was a felony, at least ten years have elapsed since the person was fully discharged from imprisonment or probation.
- The victim of the offense was not one of the following:
 - A person under the age of eighteen.
 - A functionally impaired person as defined in section 2903.10 of the Revised Code.
 - A mentally retarded person as defined in section 5123.01 of the Revised Code.
 - A developmentally disabled person as defined in section 5123.01 of the Revised Code.
 - A person with a mental illness as defined in section 5122.01 of the Revised Code.
 - A person sixty years of age or older.

The person's certification as a foster caregiver 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 certification as a foster caregiver:

- The person's age at the time of the offense.
- The nature and seriousness of the offense.
- The circumstances under which the offense was committed.
- The degree in which the person participated in the offense.
- The time elapsed since the person was fully discharged from imprisonment or probation.
- The likelihood that the circumstance leading to the offense will recur.
- Whether the person is a repeat offender.
- The person's employment record.
- The person's efforts at rehabilitation and the results of those efforts.
- Whether any criminal proceedings are pending against the person.
- Whether the person has been convicted of or pleaded guilty to a felony contained in the Revised Code that is not listed (see appendix A) if the felony bears a direct and substantial relationship to being a foster caregiver or adult member of the caregiver's household
- Any other factors the agency considers relevant.

A foster caregiver shall not have been convicted of or pleaded guilty to any of the offenses listed in Ohio Revised Code (see appendix A).

It is the perspective foster caregiver's duty to provide verification to Lucas County Children Services that they have not been or any member of their household convicted of or pleaded guilty to any offences listed in the Revised Code pursuant to foster care that would not permit them to be certified.

Lucas County Children Services to determine whether a prospective foster caregiver is qualified to be certified as a foster caregiver a criminal records check shall be conducted for the prospective foster caregiver and may be conducted for each adult member of the household

Lucas County Children Services shall not approve a prospective foster caregiver on a conditional basis pending the results of the criminal records check required by rule. The required criminal records check **must** be completed prior to Lucas County Children Services recommending a prospective foster caregiver for certification.

Lucas County Children Services must consider the provision listed in Appendix A for any prospective foster caregiver and all other persons eighteen years of age or older who reside with the foster caregiver who has been convicted of, or pleaded guilty to, one or more of the listed offenses of this policy, even if the persons' record has been sealed by a court pursuant to section 2953.32 of the Revised Code because the information contained in the sealed record bears a direct and substantial relationship to the care to be provided to any foster child who may be placed in the home.

A conviction of, or plea of guilty to, an offense listed in Appendix A of this policy shall not prevent a person's certification as a foster caregiver or being an adult household member of the home if the person 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. "Unconditional pardon" includes a conditional pardon with respect to which all conditions have been performed or transpired

A foster caregiver or prospective foster caregiver shall notify the Lucas County Children Services in writing if a person at least twelve years of age, but less than eighteen years of age, residing with the foster caregiver or prospective foster caregiver has been convicted of or pleaded guilty to any of the offenses listed in Appendix A of this policy, 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.

If Lucas County Children Services subsequently learns that a foster caregiver has failed to notify the agency of the above, Lucas County Children Services will notify ODJFS who shall then initiate action to revoke the foster caregiver's certificate.

ODJFS shall deny a foster home certificate on the grounds that a person at least twelve years of age but less than eighteen years of age residing with the foster caregiver or prospective foster caregiver has been convicted of or pleaded guilty to an offense listed in Appendix A of this policy or has been adjudicated to be a delinquent child for committing an act that if committed by an adult would have constituted such an offense, unless the agency establishes that the delinquent child meets the rehabilitation provisions of the revised code. Lucas County Children Services will view these provisions considering the age and sex of children that are or would be placed in the foster home.

Notification

A foster caregiver or prospective caregiver shall notify the recommending agency within **twenty-four** hours of any charge of any criminal offense brought against the caregiver **or any** resident of his home. If the charges result in a conviction, the foster caregiver shall notify the recommending agency within **twenty-four** hours of conviction. Failure to notify the agency in either of these circumstances shall result in ODJFS seeking an order to revoke the caregiver's certificate to operate a foster family.

Simultaneously approving applicants for Foster Care placement and adoptive placements

- Applicants have a right to request to be considered as both a Foster and Adoptive Care Provider.
- Applicant must notify the Agency of their wish to be considered as both a Foster and Adoptive Care Provider.
- Applicants must be at least 21 years of age to be considered as both a Foster and Adoptive Care Provider.
- Placement/Licensing Supervisor will discuss the Foster Care and Adoption rules and the expectations of a dual approved home with the applicant.

The decision-making assessment will be a joint process involving the applicant and LCCS. It is designed to determine, whether adoption and/or foster care is a viable option for the applicant, and the characteristics of the children the applicant can best parent. The combined homestudy will be initiated after the above mutual assessment of the applicant's suitability.

FOSTER CARE PER DIEM SUMMARY IS AVAILABLE UPON REQUEST

Lucas County Children Services Pre-placement and Continuing training Requirements:

Lucas County Children Services shall develop and submit its annual foster caregiver pre-placement and continuing training program proposal to ODJFS for approval by October fifteenth of every even numbered year beginning October 15, 2004.

CASE PRACTICE GUIDES

RELATED POLICIES and FORMS

LCCS Policy 540 Interpreter & Translator Services for Families
LCCS Policy 735 Assessment, Training & Homestudy Process for Foster Families
LCCS Policy 735A Foster Care Annual Training Requirements
LCCS Policy 740 Grievance Review and Resolution Procedure
LCCS Policy 800 Assessment, Training & Homestudy Process for Adoptive Families

ODJFS 01688 (Individualized Child Assessment Form)

ODJFS 1646 (Report of Indian Child Placement)