

ORIGINAL

IN THE SUPREME COURT OF OHIO

IN THE MATTER OF : Supreme Court Case No.: 2016-0353  
 A.J. (d.o.b. 07/22/2014) :  
 An Adjudged Neglected Child : APPEAL FROM THE  
 : CRAWFORD COUNTY  
 : COURT OF APPEALS - THIRD  
 : APPELLATE DISTRICT  
 :  
 (Court of Appeals Case No. 3-15-12)

\*\*\*\*\*

REPLY BRIEF OF APPELLANT, BRITTANY JOHNSON

\*\*\*\*\*

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## ARGUMENT IN RESPONSE

In its reply Appellee, Crawford County Department of Job and Family Services (hereinafter “CCDJFS”) attempts to justify its denial of Jody Johnson as a placement alternative by reference to the provisions of O.A.C Section 5101:2-42-18, arguing:

“As is clear from the rule, there are multiple grounds for the determination that a relative is unsuitable to be considered as a placement for a child. A prior history of abuse or neglect as evidenced by a check of SACWIS, safety concerns regarding the home, the ability and willingness to provide care for the child, specifically prohibited criminal offense, these are all reasons to deny a relative for placement. The maternal great-aunt’s prior substantiated history of abuse or neglect with Richland County *alone* was sufficient to deny her as a suitable placement. The maternal great-aunt’s lack of financial resources to provide for the child *alone* was sufficient to deny here as a suitable placement. A conviction for child endangering in violation of Ohio Revised Code [Section] 2919.22, where the victim of the offense is under the age of eighteen, *regardless of how long ago that offense occurred*, is exclusionary when considering a potential relative or non-relative under the Ohio Administrative Code.

(Reply Brief of Appellee, Page 14.)

Appellee’s reliance on this Rule is ill-founded, as a careful review of the actual content of the Rule, coupled with an examination of the facts of this case, will demonstrate.

### **1. Response to Appellee’s First Argument:**

**“The maternal great-aunt’s prior substantiated history of abuse or neglect with Richland County *alone* was sufficient to deny her as a suitable placement.”**

Appellee’s statement is legally incorrect. Undoubtedly, Appellee is making reference to Paragraph (B)(2) of O.A.C. 5101:2-42-18. This portion of the Rule provides that the child services agency is required to “Assure that a search of the statewide automated child welfare information system (SACWIS) has been completed for the prospective caregiver and adult household members pursuant to rule 5101:2-33-22 of the Administrative Code.” From this section of the Rule Appellee makes the quantum leap that if an individual has had any prior involvement with a children services agency in the past, such involvement would “*automatically*” preclude placement.

Such an argument ignores not only the plain language of the quoted section (which contains no such prohibition), it ignores the very language contrary to Appellee's position that is contained within Paragraph (G) of the Rule.

O.A.C. 5101:2-42-18(G) provides that "The PCSA or PCPA *may* deny the placement if the relative or nonrelative had his or her parental rights involuntarily terminated." (Emphasis added) The use of the permissive word "may" in the context of the case at bar is critical. Its use clearly indicates that placement of a child with a party who has had parental rights terminated *is* acceptable under certain circumstances. If it were not so, the drafters of the Rule would surely have utilized the prohibitive phrase "shall not" with regard to potential placements with such individuals, as is evident from further reading of the Rule.

Within O.A.C. 5101:2-42-18 there is to be found the use of the prohibitive phrase "shall not" so as to deny placement to individuals who have committed certain specified criminal behaviors. See Paragraphs (F), (H) and (I) of O.A.C. 5101:2-42-18. Appellant has found no case law that explains/clarifies what is intended by the language in Paragraph (B)(2). The issue, therefore, appears to be one of first impression. However, it is Appellant's position that, based upon the context in which the language appears, it is only logical to assume that the requirements contained within Paragraph (B)(2) of O.A.C. 5101:2-42-18 are intended to be the beginning of inquiry with an individual seeking placement, not the end.

In the case at bar the evidence clearly demonstrates that CCDJFS not only failed to conduct a meaningful inquiry of the maternal aunt to ascertain the facts and circumstances underlying maternal aunt's prior involvement with children services, it conducted absolutely no inquiry at all. Once it learned of maternal aunt's prior involvement with a child services agency Appellee automatically excluded her as a placement option and conducted no further investigation. The testimony of Appellee's caseworker, Ms. Bauer, corroborates this position.

- Q. Ms. Bauer, with regard to the great aunt, Jody Johnson, when did - - this child endangering case that you discussed, when did it occur?
- A. When did it occur?
- Q. Yes.
- A. I believe it was January 2002.
- Q. So we're talking something that's been over thirteen years ago, at this point in time?
- A. Yes.
- Q. The child in question, was that Ms. Johnson's own child?
- A. I believe it was.
- Q. Was Children's Services involved in an active case at that point in time?
- A. They opened the case, which was substantiated.
- Q. Beyond that, did the Agency provide any type of services to Ms. Johnson?
- A. **I do not know that. It was in Richland County.**

(Transcript, Page 21, Lines 22-25; Page 22, Lines 1-16. Emphasis added)

It is in this regard that CCDJFS failed to carry out its statutory obligations to Appellant and her minor child.

To accept Appellee's position, that the maternal aunt was "automatically" excluded by Rule from having placement of the child due to this single prior involvement with children services one would need to assume that the drafters of the Rule felt such a case to be more serious than a situation wherein parental rights were involuntarily terminated. Put another way, if the Rule does not prohibit a person who has lost their parental rights the ability to have children services place a child in their care, then certainly an individual who retained custody of their child, and who has successfully completed a case plan with children services, cannot be said to be automatically excluded.

In automatically denying placement of the minor child at issue to Jody Johnson due to one prior involvement with a child services agency CCDJFS violated both the letter and spirit of 5101:2-42-18. Their actions in this regard were not conducted in good faith, nor in the best interest of the minor child.

**2. Response to Appellee's Second Argument:**

**“The maternal great-aunt’s lack of financial resources to provide for the child alone was sufficient to deny her as a suitable placement.”**

In making this sweeping statement Appellee makes no reference to case law, statute or Rule to support this position. Appellant contends that this is due to the fact that Appellee’s position is absolutely contrary to the very requirements imposed on child services agencies in Paragraphs (B)(4) and (5) of O.A.C. 5101:2-42-18. Paragraphs (B)(4) and (5) of O.A.C. 5101:2-42-18 specifically mandate that child services agency shall:

- (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.**

(Emphasis added.)

Appellee, in rejecting maternal aunt because of lack of income, utterly ignored its statutory obligation to provide maternal aunt with the necessary information/aid to obtain financial and medical assistance to make the proposed placement work. Appellee’s actions in this regard were not conducted in good faith, nor in the best interest of the minor child.

### **3. Response to Appellee’s Third Argument:**

**“A conviction for child endangering in violation of Ohio Revised Code [Section] 2919.22, where the victim of the offense is under the age of eighteen, regardless of how long ago that offense occurred, is exclusionary when considering a potential relative or non-relative under the Ohio Administrative Code.”**

Appellee's statement regarding child endangering as an exclusionary tool, while potentially legally accurate, is misleading and utterly irrelevant to the within cause. The record of these proceedings is utterly devoid of any evidence that the maternal aunt was ever "convicted" of child endangering or, for that matter, any other criminal charge arising out of the alleged incident in 2002. The scant evidence before this Court, as demonstrated from the record, indicates nothing more than the maternal aunt had some type of prior involvement with a child services agency (i.e. Richland County Children Services) over ten (10) years ago. Because Appellee conducted absolutely no investigation into the facts of that prior case the record does not even reflect what type of case, if any, was initiated by that agency.

Without proof of a conviction for child endangering, or any of the other prohibited matters set forth in O.A.C. 5101:2-42-18 CCDJFS had no legal basis for excluding maternal aunt as a placement. Their actions in this regard were not conducted in good faith, nor in the best interest of the minor child.

### **CONCLUSION**

The decision of the trial court, and as affirmed by the Court of Appeals, serves not only to ignore the clear mandates of O.A.C. 5101:2-42-05 and O.A.C. 5101:2-42-18, it completely denigrates the prior holdings of this Court, and the mandate that child services agencies act in good faith in the discharge of their statutory obligations and in their attempts to maintain families as intact entities. With no proof that the maternal aunt was ever convicted of any crime, and with substantial proof that she had, in fact, substantially bettered her situation in the intervening thirteen (13) years since her involvement with Richland County Children Services, the trial court/Court of Appeals failed to properly apply the principles of O.A.C. 5101:2-42-05, and take those actions mandated by O.A.C. 5101:2-42-18, to the facts of the case at bar. As such, their decisions must be

reviewed and the error effectuated thereby reversed, with the decision of the trial court vacated and the matter returned thereto for further hearing.

Respectfully submitted,

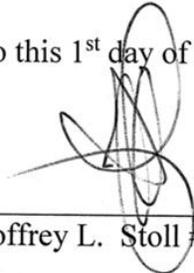


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**PROOF OF SERVICE**

I hereby certify that a copy of the foregoing was duly served upon Michael J. Wiener, Esq., **Assistant Prosecuting Attorney, Crawford County Prosecutor's Office**, 112 East Mansfield Street, Suite 305, Bucyrus, Ohio 44820; Brian N. Gernert, Esq., **KENNEDY, PURDY, HOFFEL & GERNERT, LLC**, 111 West Rensselaer Street, P.O. Box 191, Bucyrus, Ohio 44820; and Jeffrey D. Zeisler, Esq., **KELLER & ZEISLER**, 659 Harding Way West, Galion, Ohio 44833, by placing a copy of same in each said attorney's mailbox maintained in the Office of the Clerk of Courts of Crawford County, Ohio this 1<sup>st</sup> day of July, 2016.



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Geoffrey L. Stoll #0038520

## **5101:2-42-05. Selection of a placement setting.**

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### **Ohio Administrative Code**

#### **5101:2. Division of Social Services**

#### **Chapter 5101:2-42. Substitute Care**

*All rules passed and filed through June 24, 2016*

#### **5101:2-42-05. Selection of a placement setting**

- (A) When a child cannot remain in his or her own home, the public children services agency (PCSA) or private child placing agency (PCPA) shall explore both maternal and paternal relatives regarding their willingness and ability to assume temporary custody or guardianship of the child. Unless it is not in the child's best interest, the PCSA or PCPA shall explore placement with a non-custodial parent before considering other relatives.
- (B) If a suitable relative is not available to assume temporary custody, guardianship, or placement, the PCSA or PCPA shall explore placement with a suitable nonrelative who has a relationship with the child and/or family.
- (C) The PCSA or PCPA shall only place children:
  - (1) In homes of relative or non-relatives approved by the PCSA or PCPA in accordance with rule **5101:2-42-18** of the Administrative Code.
  - (2) In substitute care settings that are licensed, certified or approved by the agency of the state having responsibility for licensing, certifying or approving facilities of the type in which the child is placed.
- (D) The PCSA or PCPA shall attempt to place siblings in the same home unless it is not in the child's or siblings' best interest.
- (E) When the PCSA or PCPA has temporary custody of a child, it shall select a substitute care setting that is consistent with the best interest and special needs of the child and that meets the following criteria:
  - (1) Is considered the least restrictive, most family-like setting available to meet the child's emotional and physical needs.
  - (2) Is in close proximity to the home from which the child was removed or the home in which the child will be permanently placed.
  - (3) Is in close proximity to the school in which the child was enrolled prior to placement.
  - (4) Is designed to enhance the likelihood of achieving permanency plan goals.
  - (5) Is able to provide a safe environment for the child.
- (F) The following allowable settings are listed in order from least restrictive to most restrictive:
  - (1) The home of a suitable relative as defined in rule **5101:2-1-01** of the Administrative Code.
  - (2) The home of a suitable nonrelative as defined in rule **5101:2-1-01** of the Administrative Code.
  - (3) A foster home.
  - (4) An independent living arrangement, as appropriate for the child.
  - (5) A group home.
  - (6) A maternity home.
  - (7) An emergency shelter care facility.

- (8) A children's residential center.
- (9) A medical or educational facility.
- (G) For a child in the permanent custody of a PCSA or PCPA, an adoptive placement shall be considered the least restrictive setting. When selecting an adoptive placement, the agency shall follow rule **5101:2-48-16** of the Administrative Code.
- (H) Only when a PCSA or PCPA determines that a child's mental, physical or emotional needs indicate that a less-restrictive setting cannot address his or her needs, the PCSA or PCPA may place the child in a more restrictive setting.
- (I) This rule shall not contravene the placement of a child in a secure facility or other specified setting by law enforcement or any court of jurisdiction.
- (J) The PCSA or PCPA shall document the following in the child's case plan:
  - (1) Educational, medical, psychological, and social information used by the agency to select a placement setting.
  - (2) How the setting constitutes a safe and appropriate placement.
  - (3) Why less-restrictive placements, if applicable, were not utilized.
- (K) The provisions of this rule do not apply to a permanent surrender agreement executed in the child's best interest by a PCPA in accordance with division (B)(2) of section **5103.15** of the Revised Code for a child less than six months of age for the purpose of adoption on the date of the execution of the agreement.
- (L) All placement activities shall be in compliance with rules 5101:2-42-18.1 and 5101:2-48-13 of the Administrative Code and 42 U.S.C. sections 671(a)(18), 674(d) and 1996b (collectively, the Multiethnic Placement Act or MEPA as in effect January 1, 1997).

**Cite as Ohio Admin. Code 5101:2-42-05**

**History.** Effective: 05/10/2014

R.C. **119.032** review dates: 01/21/2014 and 05/01/2019

Promulgated Under: **119.03**

Statutory Authority: **5103.03, 5153.16**

Rule Amplifies: **2151.55, 2151.551, 2151.552, 2151.553, 2151.554, 2152.72, 5103.02, 5103.03, 5153.16**

Prior Effective Dates: 1/14/83, 9/23/87 (Emer.), 12/27/87, 1/1/89, 1/1/90, 10/1/90, 12/15/95 (Emer.), 3/1/96, 10/1/97, 12/30/97, 3/18/99 (Emer.), 6/17/99, 1/1/03, 10/4/04 , 12/19/2008

## **5101:2-42-18. PCSA and PCPA approval of placements with relative and nonrelative substitute caregivers.**

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### **Ohio Administrative Code**

#### **5101:2. Division of Social Services**

#### **Chapter 5101:2-42. Substitute Care**

*All rules passed and filed through June 24, 2016*

### **5101:2-42-18. PCSA and PCPA approval of placements with relative and nonrelative substitute caregivers**

- (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 are not 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; 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 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 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.webcheck4.ag.state.oh.us](http://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 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 for spousal abuse, rape, sexual assault, or homicide.
- (G) The PCSA or PCPA may deny the placement if the relative or nonrelative had his or her parental rights involuntarily terminated.
- (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.
- (I) 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.
- (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.

- (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.
- (L) On an annual basis, the PCSA or PCPA shall 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.
- (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.

**Click to view Appendix**

**Cite as Ohio Admin. Code 5101:2-42-18**

**History.** Effective: 05/04/2014

R.C. **119.032** review dates: 02/10/2014 and 05/01/2019

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