



## Denial of Foster Home Certificates and Applications for Criminal Activities of Youth Residents of Foster Homes

Updated: October 10, 2011

### **WHEN FOSTER HOME APPLICATIONS \*MUST\* BE DENIED**

- A. Per section Q of OAC 5101:2-7-02, private agencies must recommend denial of a foster home application if the applicant **fails to notify** the private agency in writing when:
1. a youth 12-17 residing with the applicant has been convicted of (in adult court) or pleaded guilty (in adult court) to any of the offenses listed in appendix (A) of OAC 5101:2-7-02; or
  2. a youth 12-17 residing with the applicant has been adjudicated delinquent (in juvenile court) for an offense listed in appendix (A).

This rule applies to **any** youth resident of the home (foster child, adopted child, bio child).

The list of 'prohibited offenses' in appendix (A) of OAC 5101:2-7-02 includes: murder, menacing, stalking, assault, sex offenses, drug offenses, burglary, robbery, prostitution, and other serious offenses.

- B. Per section Q of OAC 5101:2-7-02, if either of the residency issues occur as listed in #1 or #2 above, the private agency must show that the youth in question meets **both** rehabilitation standards listed in (l)(4) and (5) of OAC 5101:2-7-02. If the agency fails or is unable to do this, ODJFS must deny the application. The two rehab standards are:
1. If the victim of the youth's offense was neither a child, functionally impaired, MR/DD, mentally ill, or person aged 60 or older.
  2. The person's certification as a foster caregiver or the person's residency in the foster caregiver's household will not jeopardize in any way the health, safety or welfare of the children the agency serves. It is up to the private agency to determine this, though the rule does offer criteria for the private agency to base its decision on.

Foster caregiver applicants **can** still be approved if their bio or adopted children have substantiated criminal histories. If the offenses are included in the list of serious offenses in appendix (A) of OAC 5101:2-7-02, then the agency must show that the youth in question meet the rehabilitation standards listed above.

**WHEN FOSTER HOME APPLICATIONS OR CERTIFICATES \*MAY\* BE DENIED**

- C. ODJFS **may** deny a foster home certificate if a child age 12-17 that resides with the foster caregiver or prospective foster caregiver has been convicted of or pleaded guilty to an offense (in adult court) described in division (A) of section 5103.0319 of the Revised Code **or** has been adjudicated to be a delinquent child (in juvenile court) for committing an act that if committed by an adult would have constituted such an offense.
1. The offenses in division (A) include: murder, menacing, stalking, assault, sex offenses, drug offenses, burglary, robbery, prostitution, and other serious offenses.
- D. A foster home certificate or application **may** be recommended for denial by a private agency, or unilaterally denied by ODJFS, if any of the circumstances listed in OAC 5101:2-5-28 (A) occur. These include:
1. A foster caregiver or applicant, any adult resident of a foster home, or any minor resident of a foster home age 12-17, residing with the foster caregiver has been convicted of, pleaded guilty to (in adult court), or been adjudicated delinquent (in juvenile court) for commission of any offense listed in paragraphs (J) and (R) of OAC 5101:2-7-02.
    - i. These offenses include: murder, menacing, stalking, assault, sex offenses, drug offenses, burglary, robbery, prostitution, and other serious offenses.