

5101:2-5-03

**Certification of an agency to perform specific functions.**

- (A) Specific functions of a public children services agency (PCSA) which require need certification by the ~~Ohio department of job and family services (ODJFS)~~ Ohio department of children and youth (DCY) are:
- (1) To operate children's residential center(s).
  - (2) To operate group home(s).
  - (3) To operate residential parenting facilities.
  - (4) To operate children's crisis care facilities.
  - (5) To operate residential infant care center(s).
  - (6) To operate family preservation center(s).
- (B) Functions performed by a PCSA that do not require need certification by ~~ODJFS~~ shall are to comply with the Administrative Code rules applicable to the functions performed. ~~ODJFS~~ DCY may take any appropriate action permitted under division (D) of section 5101.24 of the Revised Code for noncompliance with applicable rules.
- (C) Specific functions of a private child placing agency (PCPA) which require need certification by ~~ODJFS~~ are:
- (1) To operate children's residential center(s).
  - (2) To operate group home(s).
  - (3) To operate or provide independent living arrangements.
  - (4) To operate residential parenting facilities.
  - (5) To operate children's crisis care facilities.
  - (6) To operate residential infant care center(s).
  - (7) To operate family preservation center(s).
  - (8) To operate a scholars residential center(s).
  - (9) To act as a representative of ~~ODJFS~~ DCY in recommending pre-adoptive infant foster homes for certification.

- (10) To act as a representative of ~~ODJFS~~DCY in recommending family foster homes for certification.
  - (11) To act as a representative of ~~ODJFS~~DCY in recommending treatment foster homes for certification.
  - (12) To act as a representative of ~~ODJFS~~DCY in recommending medically fragile foster homes for certification.
  - (13) To accept temporary, permanent or legal custody of children.
  - (14) To place children for foster care or adoption.
- (D) Specific functions of a private noncustodial agency (PNA) or a local public entity that is not a PCSA which require~~need~~ certification by ~~ODJFS~~ are:
- (1) To operate children's residential center(s).
  - (2) To operate group home(s).
  - (3) To operate or provide independent living arrangements.
  - (4) To operate residential parenting facilities.
  - (5) To operate children's crisis care facilities.
  - (6) To operate private, nonprofit therapeutic wilderness camp(s).
  - (7) To operate residential infant care center(s).
  - (8) To operate family preservation center(s).
  - (9) To operate a scholars residential center(s).
  - (10) To act as a representative of ~~ODJFS~~DCY in recommending pre-adoptive infant foster homes for certification.
  - (11) To act as a representative of ~~ODJFS~~DCY in recommending family foster homes for certification.
  - (12) To act as a representative of ~~ODJFS~~DCY in recommending treatment foster homes for certification.
  - (13) To act as a representative of ~~ODJFS~~DCY in recommending medically fragile foster homes for certification.

(14) To participate in the placement of children in foster homes or for adoption.

(E) ~~A~~ An initial certificate issued by ODJFS is valid for two years at least four years and until the continuous certificate is issued, unless revoked sooner. ODJFS may extend a certification span up to six months. An extension request is to be made no less than one hundred twenty days prior to the end date of the current certificate. An extension may be approved for either of the following if both the agency and ODJFS are in agreement:

~~(1) An agency requests an extension due to agency need.~~

~~(2) ODJFS needs to extend the certification span.~~

(F) To obtain a continuous certification status, an agency is to submit an application, no earlier than ninety days and no later than thirty days prior to the end date of their fourth year of the initial certificate, in the Ohio comprehensive child welfare information system (Ohio CCWIS).

(1) If an agency fails to apply for a continuous certification by the end of their fourth year of the initial certification period, the agency's certificate will expire.

(2) DCY may revoke or deny an agency certificate if the agency fails to maintain compliance with Administrative Code rules applicable to the agency's certified function.

~~(F)~~ (G) Any certificate issued by ~~ODJFS~~ shall is not to be transferable from one agency, owner, operator, corporation, partnership, or association to another.

~~(G)~~ (H) A PCPA ~~shall~~ is to maintain compliance with any applicable rules of the Administrative Code for any child it is serving under a court order for protective supervision or for any child in the temporary, permanent or legal custody of the PCPA.

~~(H)~~ (I) During a complaint investigation or review of an agency acting as representative of ~~ODJFS~~ DCY in recommending foster homes for certification, ~~ODJFS~~ DCY may inspect any foster home recommended for certification by the agency. The inspection may be announced or unannounced.

~~(I)~~ (J) An agency may voluntarily terminate certification of any or all of its authorized functions upon written notice to ~~ODJFS~~ DCY. Approval of an agency's voluntary certificate termination is up to DCY's discretion.

(K) Agency audits.

- (1) Two years after obtaining initial certification an agency is to submit a copy of an independent financial statement audit performed by a licensed public accounting firm following applicable American Institute of Certified Public Accountants (AICPA) auditing standards for the two most recent fiscal years. DCY may grant a one time extension of one hundred eighty days.
  - (2) Two years after the initial audit is approved and every two years after the most recent audit approval, a PCPA or PNA is to submit a copy of an independent financial statement audit performed by a licensed public accounting firm following applicable AICPA auditing standards for the two most recent fiscal years it is possible for an independent audit to have been conducted.
  - (3) All independent audits are to demonstrate the agency operated in a fiscally accountable manner as determined by the department.
  - (4) This paragraph does not apply to a PCSA or to a local public entity that is not a PCSA.
- (L) An agency is not to operate any function requiring certification without obtaining certification from DCY. An agency is not to operate an office or residential facility that is not previously approved.
- (M) The certificate issued to the agency is to be posted in a prominent place so that visitors to the agency may view it.
- (N) When a PCSA, PCPA or PNA is currently operating one or more functions requiring certification on a temporary certificate, the agency is not to request certification of another function or expansion of an existing certified function.
- (O) An agency administrator or staff person is not to deny DCY access to any relevant records, information, personnel, residential facility, residents, offices or areas of the agency.

Replaces: 5101:2-5-04  
Effective: 1/1/2025  
Five Year Review (FYR) Dates: 9/11/2024 and 01/01/2030

CERTIFIED ELECTRONICALLY

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Certification

11/26/2024

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Date

Promulgated Under: 119.03  
Statutory Authority: 5103.03, 5103.6018, 5103.617, 5103.54, 5153.166  
Rule Amplifies: 5103.03, 5153.16  
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