

5101:2-5-11

**Complaint handling.**

- (A) The ~~Ohio department of job and family services (ODJFS)~~Ohio department of children and youth (DCY) may begin an investigation if either of the following apply:
- (1) ~~ODJFS~~DCY has knowledge of rule noncompliance or receives a complaint alleging that an agency is in violation of any of the requirements of the Administrative Code relative to the functions performed by the agency.
  - (2) A person or organization is operating a function that requires certification pursuant to rule 5101:2-5-03 of the Administrative Code without a certificate.
- (B) Whenever ~~ODJFS~~DCY receives any report concerning the operation of an agency that alleges child abuse or neglect has occurred or is occurring, ~~ODJFS shall~~DCY will immediately refer the report to the appropriate public children services agency.
- (C) At the commencement of a site investigation ~~by ODJFS~~ of a complaint, other than an abuse or neglect investigation, ~~ODJFS shall~~DCY will contact the administrator or designee of the agency and explain the nature of the complaint.
- (D) An agency ~~shall~~is to cooperate with ~~ODJFS~~DCY in the investigation of any complaint and with the implementation of any required corrective action plans whenever an investigation finds a violation of the requirements of the Administrative Code as applicable to the functions performed by the agency.
- (E) Upon completion of the investigation of a complaint, ~~ODJFS shall~~DCY will conduct an exit interview with the administrator or designee. The purpose of the exit interview is to inform the administrator of the findings of the investigation. Any areas of noncompliance will be presented in writing on a citation of noncompliance and explained to the administrator or designee during the exit interview. The signature of the administrator or designee on the citation ~~shall~~is to signify only that the administrator or designee has received the citation.
- (F) No agency ~~shall~~is to recommend denial or revocation of a foster home certificate or discharge, demote, suspend, reduce board payments to a foster home, or threaten to recommend denial or revocation of a foster home certificate, discharge, demote, suspend, or in any manner discriminate against any foster caregiver or employee based on the foster caregiver or employee taking any of the following actions:
- (1) Making any good-faith oral or written complaint to ~~ODJFS~~DCY regarding a violation of any Administrative Code rules applicable to the functions performed by the agency.

- (2) Instituting or causing to be instituted any proceeding against the agency under this chapter.
- (3) Acting as a witness in any proceeding under this chapter.
- (4) Refusing to perform work that constitutes a violation of any Administrative Code rule applicable to the agency's certified functions.

~~(G) If the director of ODJFS determines that a person or organization is operating a function that requires certification pursuant to rule 5101:2-5-03 of the Administrative Code without a certificate, the director may petition the court of common pleas in the county in which the person or organization is operating without a certificate for an order enjoining the person or organization from operating without a certificate.~~

~~(H) If both of the following are the case, the director of ODJFS may petition the court of common pleas of any county in which an agency that holds a certificate issued under rule 5101:2-5-03 of the Administrative Code is operating for an order to prevent the agency from receiving additional children into the agency's care or an order removing children from the agency's care:~~

- ~~(1) ODJFS has evidence that the life, health, or safety of one or more children in the care of the agency is at imminent risk.~~
- ~~(2) ODJFS has issued a proposed adjudication order pursuant to Chapter 119. of the Revised Code to deny renewal of or revoke the agency's certificate.~~

Effective:

Five Year Review (FYR) Dates: 9/11/2024

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 5103.03, 5153.166  
Rule Amplifies: 5103.02, 5103.03, 5153.166  
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