

DEPARTMENT OF JOB AND FAMILY SERVICES (JFS)

General information (JFS)

Duties

The Ohio Department of Job and Family Services (ODJFS) promotes stable families, safe children, and economic independence. ODJFS is responsible for developing and supervising the state's public assistance, workforce development, unemployment insurance, child and adult protective services, adoption, child care, and child support programs. Our mission is to support the well-being of Ohioans by strengthening families and providing economic stability.

To accomplish this work, ODJFS partners with approximately 150 local agencies. These county departments of job and family services, public children services agencies, child support enforcement agencies, and local workforce development boards administer ODJFS programs. When appropriate, we also partner with local and statewide not-for-profit, faith-based, and business organizations to further our mission and better serve our customers.

Membership *(Current members, chairperson and other officers, and selection process.)*

ODJFS is an administrative department as enumerated in section 121.02 of the Ohio Revised Code with a director. It does not have a membership.

Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

State Fiscal Year 2020 expenditures were nearly \$3.6 billion. Two-thirds (67%) of that is federal revenue, 22% is Ohio General Revenue Funds, 3% is Dedicated Purpose Funding and the remaining 8% is from a fiduciary fund group or holding account.

Workload *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

The workload across the numerous programs within ODJFS is responsive to the economy and dependent upon funding. Over the preceding six years a significant emphasis has been placed on increasing the access and quality of child care in Ohio. Likewise, there has been focus on continuous improvement in the children's protection services arena. As of recent, due to the COVID-19 pandemic, the workload in the unemployment insurance program has increased by an unprecedented volume.

Staffing *(How many staff are currently employed by the board? What are their roles? Are staffing levels proportionate to the board's current and anticipated workload?)*

ODJFS has 2,071 FTE staff as of October 30, 2020. Employees are classified for specific roles within the department to accomplish our mission and responsibilities (management, policy developers, customer service representatives, project managers, licensing specialists, fiscal, attorney, IT, etc.)

Administrative hearings and public complaints *(Describe the Board’s processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

For Foster Caregivers, per OAC 5101:2-5-26 provides the procedures for revocation, denial of certification, or denial of recertification of a foster home, which includes opportunity for hearing by ODJFS.

<http://codes.ohio.gov/oac/5101:2-5-26v1>

Following Chapter 119 of the Ohio Revised Code for the opportunity for an adjudication hearing for licensure.

In-home aide certification

Survey responses (JFS)

Description

In terms of the child care programming an “In-home aide” means a person who does not reside with the child but provides care in the child’s home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child’s own home pursuant to chapter 5104 “Child Day-Care” and any rules adopted under it.

Type *(See R.C. 4798.01 for relevant definitions.)*

Inspection requirement

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	From 2015 to present, the average number of new certifications each year is 4.
Number renewed annually	From 2015 to present, the average number of In-home Aides who continue to operate each year is 12.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Ohio typically has 18 or fewer In-Home Aides at any given time. There has not been a significant increase in this provider type in the past 6 years.
Education or training requirements	<p>The in-home aide (IHA) shall complete all application requirements in accordance with appendix A to rule 5101:2-14-02 of the Administrative Code and shall meet the following qualifications:</p> <ol style="list-style-type: none"> (1) Be at least eighteen years old. (2) Have completed a high school education as verified by appendix A to rule 5101:2-14-03, for those individuals certified after April 1, 2003. (3) Be physically, intellectually and emotionally capable of complying with Chapter 5101:2-14 of the Administrative Code and performing activities normally related to child care. These include, but are not limited to, providing meals, dealing with emergencies in a calm manner, carrying out methods of child guidance and discipline in a courteous, respectful and patient manner and keeping accurate records as required by chapter 5101:2-14. (4) Be currently certified in first aid and cardiopulmonary resuscitation (CPR) as described in appendix B to rule 5101:2-14-03. (5) Maintain current training in management of communicable disease as described in appendix B to rule 5101:2-14-03. (6) Maintain a current training in six-hour child abuse recognition and prevention as described in appendix B to rule 5101:2-14-03.

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<ul style="list-style-type: none"> (7) Maintain a copy of the certificate in his or her files. (8) Not be involved in any other employment during the hours in which care is provided. (9) Not use or disclose any information concerning the family receiving publicly funded child care to anyone other than the county agency or the Ohio department of job and family services (ODJFS), except upon written consent of the parent. (10) Submit verification that he or she meets the medical statement requirements detailed in appendix C to rule 5101:2-14-03.
Experience requirements	None
Examination requirements <i>(Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?)</i>	<p>There is no examination; however, the applicant must pass a background check of:</p> <ul style="list-style-type: none"> (1) Bureau of criminal investigation (BCI) records pursuant to section 5104.013 of the Revised Code. (2) Federal bureau of investigation (FBI) records pursuant to section 5104.013 of the Revised Code. (3) National sex offender registry. (4) State sex offender registry. (5) Statewide automated child welfare information system (SACWIS) records.
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	A minimum of six clock hours of training annually in any of the categories listed in appendix D to rule 5101:2-14-03 each fiscal year. The fiscal year is defined July first through June thirtieth
Initial fee	None

If the regulation is a registration, certification, or license requirement, please complete the following:	
Duration	Certificate is valid for two years
Renewal fee <i>(If different from initial fee, please explain why.)</i>	None
Does the Board recognize uniform licensure requirements or allow for reciprocity?	Not applicable
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Yes, an individual may care for children in the children's own home without regulation. Regulation is only required for the care to paid for by the Publicly Funded Child Care program.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	No, the county JFS agencies are required to follow the certification regulations set by Chapter 5104. Of the Revised Code and the rules adopted under it.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The county agency may revoke the certification for failure to comply with ORC/OAC.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)?
How is that revenue used?**

Not applicable

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Yes, the requirements of the Child Care and Development Block Grant Act of 2014 (CCDBG) for the implementation of the Child Care Development Fund require the regulation of providers of publicly funded child care.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

The certification of In-Home Aides seeks to protect children from harm while their parents are at work or school.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The certification of in-home aides includes only the minimum requirements set by CCDBG for the regulation of publicly funded child care.

Are there any changes the Board would like to see implemented?

None

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

All states are required federally to offer care in the child's own home and must follow the same federal requirements.

Surrounding state comparison (LSC)

In-Home Aide						
	Ohio	Indiana (Nanny)	Kentucky (Registered child care provider)	Michigan (License exempt provider)	Pennsylvania	West Virginia (In-home care provider)
License required?	Certification (<i>R.C. 5104.12</i>)	Certification (<i>470 Ind. Admin. Code 3-18-1(5), Indiana Family and Social Services Administration,</i>	Registration (<i>922 Ky. Admin. Regs. 2:180, Section 2</i>)	Enrollment (<i>Michigan Department of Education, State of Michigan Child</i>)	No ⁶	Certificate of registration (<i>W.</i>

⁶ Pennsylvania licenses three types of child care providers: child care centers, group child care homes, and family child care homes. The definition of family child care homes excludes child care provided at the child's home. 55 Pa. Code Ch. 3270-3290. Subsidized child care must be provided by one of these licensed providers or a relative. Pennsylvania Department of Human Services, *Child Care Works Subsidized Child Care Program*, available at <https://www.dhs.pa.gov/Services/Children/Pages/Child-Care-Works-Program.aspx>. Publicly funded care by a relative is permissible only under very limited circumstances, such as when care is provided during nighttime hours or the child must receive care in the child's home for health reasons. Pennsylvania Department of Human Services, *Child Care and Development Fund Plan for Pennsylvania*, page 116, available at <https://www.dhs.pa.gov/Services/Children/Documents/Child%20Care%20Early%20Learning/CCDF%20Plan%202019-2021.pdf>.

In-Home Aide						
	Ohio	Indiana (Nanny)	Kentucky (Registered child care provider)	Michigan (License exempt provider)	Pennsylvania	West Virginia (In-home care provider)
		<i>Nanny Care Provider Eligibility Application)</i>		<i>Development and Care Handbook)</i>		<i>Va. Code Ann. Ann. 49-2-113(g))⁷</i>
Minimum age	18 (O.A.C. 5101:2-14-03(A)(1))	18 (Indiana Family & Social Services Administration, <i>CCDF Provider Manual</i>)	18 (922 Ky. Admin. Regs. 2:180, Section 2(4)(b))	18 (Michigan Department of Education, <i>State of Michigan Child Development and Care Handbook</i>)	N/A	18 (W. Va. Code Ann. R. 78-20-6(6.1.a.1))
Education or training	High school education, certification in first aid and CPR, training in management of communicable diseases, and six hours training in child abuse recognition and prevention	Certification in first aid and CPR (470 Ind. Admin. Code 3-18-7) and orientation (Indiana Family and Social Services Administration, <i>CCDF Certified Unlicensed Provider, CCDF</i>)	Six hours training (922 Ky. Admin. Regs. 2:180, Section 2(5)(b))	Seven hours training (Michigan Department of Education, <i>State of Michigan Child Development and Care Handbook, page 9</i>)	N/A	Two hours training (West Virginia Department of Health and Human Resources, <i>Child Care and Development Fund (CCDF) Plan for West Virginia, FFY 2019-2021</i>)

⁷ To receive a certificate of registration, in-home child care providers must comply with the same standards as informal family child care homes. West Virginia Department of Health and Human Resources, *Child Care and Development Fund Plan for West Virginia*, page 121, available at <https://dhhr.wv.gov/bcf/Childcare/Pages/West-Virginia-State-Plan.aspx>.

In-Home Aide						
	Ohio	Indiana (Nanny)	Kentucky (Registered child care provider)	Michigan (License exempt provider)	Pennsylvania	West Virginia (In-home care provider)
	<i>(O.A.C. 5101:2-14-03)</i>	<i>provider eligibility standards)</i>				
Continuing education	Six hours annually <i>(O.A.C. 5101:2-14-03(B))</i>	Maintain first aid and CPR certification <i>(470 Ind. Admin. Code 3-18-7)</i>	Three hours annually <i>(922 Ky. Admin. Regs. 2:180, Section 7(2)(b))</i>	Annual health and safety training <i>(Michigan Department of Education, State of Michigan Child Development and Care Handbook, page 8)</i>	N/A	One hour annually <i>(W. Va. Code Ann. R. 78-20-6(6.3.d))</i>
Initial licensure fee	N/A	Background check fee <i>(470 Ind. Admin. Code 3-18-14(a))</i> and drug testing fee <i>(470 Ind. Admin. Code 3-18-15(a))</i>	Background check fee <i>(922 Ky. Admin. Regs. 2:280, Section 4(c)(2)(a))</i>	Background check fee <i>(Michigan Department of Education, State of Michigan Child Development and Care Handbook, page 8)</i>	N/A	N/A
License duration	Two years <i>(O.A.C. 5101:2-14-02(B)(2))</i>	One year <i>(470 Ind. Admin. Code 3-18-20(e))</i>	One year <i>(922 Ky. Admin. Regs. 2:180, Section 4(3))</i>	One year <i>(Michigan Department of Education, State of Michigan Child Development and</i>	N/A	Two years <i>(W. Va. Code Ann. Ann. 49-2-115(e))</i>

In-Home Aide						
	Ohio	Indiana (Nanny)	Kentucky (Registered child care provider)	Michigan (License exempt provider)	Pennsylvania	West Virginia (In-home care provider)
				<i>Care Handbook, page 7)</i>		
Renewal fee	N/A	N/A	N/A	N/A	N/A	N/A

Foster caregiver certificate

Survey responses (JFS)

Description
<p>Per OAC 5101:2-1-01, the term “foster caregiver” means a person holding a valid foster home certificate issued by ODJFS.</p> <p>Per OAC 5101:2-01-01, “foster home” means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children non-secure care, supervision, or training twenty-four hours a day. “Foster home” does not include care provided for a child in the home of a person other than the child’s parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. Family foster homes, pre-adoptive infant foster homes and specialized foster homes are types of foster homes.</p> <p>General Requirements for foster caregivers:</p> <ul style="list-style-type: none"> • Foster Parents must be at least 18 years old. • Foster Parents must have functional literacy to be able to read and write at the level necessary to participate effectively in the community in which they live. They must be able to communicate with children in the home, the recommending agency and health care and other service providers. • Foster Parents may be legally married, a single person or co-parent(s). • The foster parent’s household must have enough income to meet the basic needs of the child and to make timely payment of shelter costs, utility bills and other debts.

Description

- Foster Parents and all members of the foster home must be free of any physical, emotional or mental conditions that could endanger the child or seriously impair your ability to care for the child.
- A licensed physician, physician's assistant, clinical nurse specialist, certified nurse practitioner or certified nurse-midwife must complete and sign a JFS01653 for all foster parents. All other household members are to complete the JFS 01653.
- All household members are up to date on immunizations or have documentation that immunizations are contrary to an individual's health or for reasons of conscience, including religious convictions.
- Foster Parents must have an approved inspection by a state certified fire safety inspector or the state fire marshal's office certifying that the foster home is free from conditions hazardous to the safety of foster children.

A Foster Parent must complete all required **pre-placement and continuing training**.

Type *(See R.C. 4798.01 for relevant definitions.)*

Government certification

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	As of October 2020, there were 7,808 certified foster homes. The homes are required to be recertified every two years.
Number renewed annually	None are renewed annually since all foster care certifications are valid for two years.
Have there been significant increases or decreases in active registrations,	No. Number of certified foster homes has not changed substantially in the last six years.

If the regulation is a registration, certification, or license requirement, please complete the following:	
certifications or licenses in the preceding six years?	
Education or training requirements	ORC 5103.0311, 5103.0316, 5103.033 and OAC 5101:2-5-40 outlines preplacement and continuing training requirements for foster caregivers.
Experience requirements	Prior experience is not required.
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i>)	<p>There is no examination; however, the applicant must submit an application, meet the general requirements outlined above, and must pass a background check of:</p> <ol style="list-style-type: none"> (1) Bureau of criminal investigation (BCI) records pursuant to section 2151.860 of the Revised Code and 5101:2-5-09.1 of the Ohio Administrative Code. (2) Federal bureau of investigation (FBI) records pursuant to section 2151.86 of the Revised Code and 5101:2-5-09.1 of the Ohio Administrative Code. (3) National sex offender registry. (4) State sex offender registry. (5) Statewide automated child welfare information system (SACWIS) records. <p>ORC 5103.0311, 5103.0316, 5103.033 and OAC 5101:2-5-40 outlines preplacement and continuing training requirements for foster caregivers.</p>
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	5101:2-5-40 outlines continuing training requirements, along with a description of the required training topics.
Initial fee	None
Duration	Foster Caregivers are issued a two-year certification.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Renewal fee <i>(If different from initial fee, please explain why.)</i>	None
Does the Board recognize uniform licensure requirements or allow for reciprocity?	There is not Board governance over Foster Caregivers as they are not employed.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	All states have foster care licensure requirements. Licensure in one state does not transfer to another.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	There is not Board governance over Foster Caregivers as they are not employed. A foster caregiver is not an occupation. No, foster caregivers may not provide care without being certified as foster care providers.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	There is not Board governance over Foster Caregivers as they are not employed. However, OAC 5101:2-5-26 provides the procedures for revocation, denial of certification, or denial of recertification of a foster home, which includes opportunity for hearing by ODJFS http://codes.ohio.gov/oac/5101:2-5-26v1
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

There is not Board governance over Foster Caregivers as they are not employed.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)?
How is that revenue used?**

There is no revenue as there are no fees.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Foster caregiver is not an occupation. However, there are federal and state laws that require background checks (criminal records, sex offender registry, regulations that require background checks, and provide for disqualifying offenses

2151.86 <http://codes.ohio.gov/orc/2151.86v1>

5102.0310 <http://codes.ohio.gov/orc/5103.0310v1>

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

N/A to R.C. 4798.02

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Per R.C. 4798.02, it is not an occupational regulation.

However, there are federal and state laws that require background checks (criminal records, sex offender registry, regulations that require background checks, and provide for disqualifying offenses that are effective at preventing the harm of licensing people with disqualifying criminal offenses from becoming foster caregivers.

2151.86 <http://codes.ohio.gov/orc/2151.86v1>

5102.0310 <http://codes.ohio.gov/orc/5103.0310v1>

Are there any changes the Board would like to see implemented?

Not applicable

Comparison to other states (*How many other states regulate the occupation? How do Ohio's regulations compare to those others states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?*)

All states have foster caregiver licensure or certification requirements. Due to changes to Ohio's foster care licensing standards to match the federal foster care modeling standards effective June 15, 2020, Ohio's regulations are comparable to other states.

Surrounding state comparison (LSC)

Foster Caregiver						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification (<i>R.C. 5103.03</i>)	License (<i>Ind. Code. Ann. 31-27-4-1</i>)	Approval (<i>922 Ky. Admin. Regs. 1:310, Section 1(13)(b); 922 Ky. Admin. Regs. 1:350, Section 1(10)(b)</i>)	License (<i>Mich. Comp. Laws 722.115h</i>)	Approval (<i>55 Pa. Code 3700.61</i>)	Certification (<i>W. Va. Code Ann. 49-2-107</i>)
Minimum age	21 (<i>O.A.C 5101:2-7-02</i>)	21 (<i>465 Ind. Admin. Code 2-1.5-3(a)</i>)	21, 18 under certain circumstances (<i>922 Ky. Admin. Regs. 1:310, Section 4; 922 Ky. Admin. Regs. 1:350, Section 2</i>)	18 (<i>Mich. Admin. Code R. 400.9201(a)</i>)	21 (<i>55 Pa. Code 3700.62</i>)	21 (<i>W. Va. Code Ann. R. 78-2-13(13.1.c)</i>)

Foster Caregiver						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	36 hours (<i>R.C. 5103.031</i>)	Ten hours (<i>465 Ind. Admin. Code 2-1.5-22(a)</i>)	24 hours for foster caregivers under the supervision of a child-placing agency (<i>922 Ky. Admin. Regs. 1:310, Section 5</i>) 15 hours for foster caregivers under the supervision of the Cabinet for Health and Family Services (<i>922 Ky. Admin. Regs. 1:495, Section 2</i>)	12 hours (<i>Mich. Admin. Code R. 400.12312</i>)	Orientation (hours vary by agency but state recommends 24 hours) (<i>55 Pa. Code 3700.38</i>)	Orientation (unspecified number of hours) (<i>W. Va. Code Ann. R. 78-2-20(20.1.e)</i>)
Continuing education	40-60 hours biannually (<i>R.C. 5103.032</i>)	15 hours annually (<i>465 Ind. Admin. Code 2-1.5-22(b)</i>)	Six hours annually for foster caregivers under the supervision of a child-placing agency (<i>922 Ky. Admin. Regs. 1:310, Section 5(c)</i>) 30 hours in the first two years and ten hours in	Six hours annually (<i>Mich. Admin. Code R. 400.12312(2)(c) and 400.9416</i>)	Six hours annually (<i>55 Pa. Code 3700.65</i>)	12 hours annually, 15 hours in first year certified (<i>W. Va. Code Ann. R. 78-2-20(20.1)</i>)

Foster Caregiver						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<p>subsequent years for foster caregivers under the supervision of the Cabinet (922 Ky. Admin. Regs. 1:495, Section 3)</p> <p>1.5 hours on pediatric abusive head trauma every five years for foster caregivers who receive a child under five years old (Ky. Rev. Stat. Ann. 199.464)</p>			
Initial licensure fee	May be required to pay criminal records check fee (O.A.C. 5101:2-5-09.1(F))	Required to pay criminal records check fee (Ind. Code. Ann. 31-27-4-5(j))	N/A	May be required to pay criminal records check fee (Mich. Comp. Laws Ann. 722.115h(5))	N/A	N/A
License duration	Two years (R.C. 5103.032)	Four years (Ind. Code. Ann. 31-27-4-16)	Reevaluation every three years for foster caregivers under the supervision of a child-placing	Two years (Mich. Comp. Laws 722.118(1))	Annual reevaluation (55 Pa. Code 3700.69)	Three years (W. Va. Code Ann. 49-2-107(b))

Foster Caregiver						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<i>agency (922 Ky. Admin. Regs. 1:310, Section 15)</i> Annual reevaluation for foster caregivers under the supervision of the Cabinet (922 Ky. Admin. Regs. 1:350, Section 12)			
Renewal fee	N/A	N/A	N/A	N/A	N/A	N/A