

**Cuyahoga County
Department of Health and Human Services
Division of Children and Family Services
Policy Statement**

Policy Chapter: Substitute Care
Policy Number: 6.03.05
Policy Name: Falsification of Adoptive Application/Homestudy

Original Effective Date: 03/15/2007
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PURPOSE: To outline administrative procedures when there is probable cause to believe that falsification of an adoptive application or homestudy has knowingly occurred.

SCOPE: This policy pertains to adoptive applicants and approved agency adoptive resource families. This policy also pertains to all Adoption and Resource Management staff within the Resources and Placement Department.

POLICY

- I. CCDCFS makes every effort to ensure that children who must be removed from their homes are cared for in a safe, stable, and nurturing family setting by caregivers who can meet their individual needs.
- II. CCDCFS conducts the adoptive family application and home study process in accordance with Ohio Administrative Code rules as set forth in Chapter 5101:2-48, 5101:2-33-11 and 5101:2-33-13 governing adoption services.

PROCEDURES

I. ADMINISTRATIVE FALSIFICATION

- A. The assigned CCDCFS assessor reports in writing a person who knowingly makes a false statement on an application or homestudy document during the homestudy process to the Senior Supervisor and/or Deputy Director for the Resources and Placement Department within three (3) days of the assessor's determination of possible falsification.
- B. The written statement includes, but is not limited to:
 1. The original application completed by the applicant, or written documentation of the false statement provided by the applicant or adoptive parent.

2. Documentation verifying the information reported on the application or in the homestudy by the applicant is knowingly false.
- C. The Senior Supervisor or Deputy Director reviews the documentation and makes a determination as to whether it is probable that falsification has occurred. Within ten (10) days of the determination of falsification, the assessor notifies the applicant in writing that the information submitted to the agency has been determined to be knowingly false.
- D. The notice includes procedures for an agency review. In addition, the notice includes all of the following information:
1. Date the notice was mailed.
 2. A copy of the documentation alleged to be knowingly falsified, as well as a written explanation of the falsification.
 3. A statement indicating that all cases in which it is determined by the agency the applicant made knowingly false statements will be referred to the county prosecutor office in the county the applicant(s) reside.
 4. A statement indicating the homestudy process has been discontinued because the agency has probable cause to believe the information provided by the applicant on the JFS 01691, "Application for the Placement of a Child" or during the homestudy process is knowingly false.
 5. If the homestudy process has already been completed, then the agency shall include the following statement:
 - a. The agency will not present the family at a matching conference, pursuant to rule 5101:2-48-16 of the Administrative Code if it is determined a false statement or document was knowingly provided.
 - b. The agency will not release a homestudy for sharing or transferring, pursuant to rule 5101:2-48-19 of the Administrative Code if it is determined a false statement or document was knowingly provided.
 - c. A homestudy will not be filed with the court for finalization purposes pursuant to section 3107.031 of the Revised Code if it is determined a false statement or document was knowingly provided.
 6. A statement that the adoptive applicant or adoptive parent has the right to respond to the allegation of falsification.
 7. A statement indicating that if the applicant(s) fails to respond within the ten (10) day period the applicant(s) application is considered withdrawn, and the action of refusing to respond to allegations of knowingly making false statement(s) has resulted in the applicant(s) termination of the homestudy process by voluntary withdrawal.
- E. The notification letter is mailed to the applicant by certified mail. In addition, the notification letter may be delivered to the address of the applicant(s) or given to the applicant(s) directly.

- F. If the applicant responds within ten (10) days of the date of receipt of the written notice alleging falsification, the Deputy Director for Resources and Placement and/or designee is responsible for reviewing information received from the adoptive applicant within twenty-one (21) days of receipt of the applicant(s) response.
- G. The review includes but is not limited to:
 - 1. A face-to-face meeting with the adoptive applicant, and all relevant witnesses, if available.
 - 2. Issuance of a final investigatory report to the adoptive applicant(s) that is the subject of the investigation. The report includes the allegations, relevant background information deemed appropriate by the agency, the results of the investigation and recommendation of whether or not the agency found probable cause to indicate the applicant(s) made knowingly false statements on the application for child placement or during the homestudy process.
- H. The final investigative report shall be completed and mailed to the adoptive applicant no later than thirty (30) days after the receipt of the adoptive applicant's or adoptive family's response to the allegation.
 - 1. If unanticipated circumstances require additional time to complete the review or to issue the final report, CCDCFS notifies the adoptive applicant that is the subject of the investigation of the need for additional time. The extension is no longer than fourteen (14) days after CCDCFS notifies the applicant(s) of the need for additional time to complete the investigatory report.
 - 2. The extension shall be documented in the adoptive family's record.
- I. Upon completion of the final investigation report:
 - 1. If determined there has been **no** falsification made by the applicant(s), CCDCFS resumes the homestudy process if the applicant(s) choose to proceed. The homestudy is completed within one hundred eighty (180) days from re-commencement.
 - 2. CCDCFS refers all cases to the county prosecutor in which there is probable cause to believe that falsification of an adoptive application or homestudy has been committed under section 2921.13 of the Revised Code.
 - 3. If the adoptive applicant was still in the homestudy process, the agency shall close the adoption homestudy as if the applicant has voluntarily withdrawn from the homestudy process.

4. If the adoptive homestudy was approved prior to the investigation of falsification, then the following limitations are in place:
 - a. The adoption homestudy shall not be presented at any matching conference, pursuant to rule 5101:2-48-16 of the Administrative Code.
 - b. The adoption homestudy shall not be released to another agency for sharing or transferring purposes, pursuant to rule 5101:2-48-19 of the Administrative Code.
 - c. The adoption homestudy shall not be filed with the court for finalization purposes pursuant to section 3107.031 of the Revised Code.

- J. The adoptive family case record includes all documentation which supports the agency's action in determining the results and recommendation of the internal investigation.

II. ADMINISTRATIVE FALSIFICATION PROCEDURES WHEN AN ADOPTIVE CHILD IS PLACED

- A. When an adoptive child is placed in an adoptive parent(s) home and the adoptive parent(s) or other household member(s) knowingly made a false statement that results in the assessor's reassessment of an approved or updated homestudy, the prospective adoptive parent(s) or other household member(s) may be guilty of the offense of falsification under section 2921.13 of the Revised Code. The assessor will report incidents of falsification in accordance to the procedures of this policy procedure of this policy.
- B. CCDCFS determines within twenty-four (24) hours of completing the agency's internal review or investigation, if there is probable cause related to the adoptive child's safety and well-being to remove the child from the adoptive parent(s) home pending the results of an Intake investigation.
- C. CCDCFS upon an internal investigation refers all cases to the county prosecutor in which there is probable cause to believe that falsification of an adoptive application or homestudy has been committed under section 2921.13 of the Revised Code.

SEE ALSO:

Ohio Administrative Code Section 5101:2-33-13