

Rule Summary and Fiscal Analysis (Part A)**Department of Job and Family Services**

Agency Name

Division of Social Services

Division

Michael Lynch

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5101:2-33-21

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

**Confidentiality and dissemination of information relating to
child abuse or neglect.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **2151.421, 5101.134**

5. Statute(s) the rule, as filed, amplifies or implements: **2151.421, 2151.423, 5101.13, 5101.132, 5101.133**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule has been amended to provide clarity to public children services agencies (PCSA) charged with the child protective services function. The rule revision is a product of the collaborative partnership between Ohio Department Job and Family Services and county Public Children Services Agencies. The presenting rule revisions were developed through the Monitoring/SACWIS/Administration Rule

Review Team and approved by the Partners for Ohio's Families (PFOF) Rule Advisory Board.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; if the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule outlines the confidential nature of child abuse and neglect reports and specifies when release of such information is required or permissible. The rule has been streamlined to improve the flow of the information and remove redundancies within the rule and across the chapter 33 rules. This rule has been revised to address the release of all confidential child welfare information within one rule. Rule 5101:2-33-22, which previously addressed some confidentiality issues, will be rescinded as a result of this modification. Rule 5101:2-33-24 will also be rescinded, as the requirements for the release of information for the purpose of a background check has been added to this rule.

Language has also been included to identify all report types contained in rule 5101:2-36-01 as confidential child welfare information; address the release of information pertaining to notification of the case decision to open or close a case within the alternative response pathway; include a recent federal interpretation regarding the requirements to release information to the public regarding the findings or information about a case of child abuse or neglect that resulted in a fatality or near fatality; and address the dissemination of child welfare information for the purposes of research.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code. This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.76(A)(3). This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the ORC because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.76(A)(1).

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide

an explanation of why filing the text or other material electronically was infeasible:

Not Applicable.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. 119.032 Rule Review Date: **2/6/2014**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0.0

This proposed rule will not change the agency's projected budget during the current biennium.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not Applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

No new costs are anticipated.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **No**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **No**

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**