

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-33-70

Rule Type: Amendment

Rule Title/Tagline: Statewide automated child welfare information system (SACWIS) access.

Agency Name: Department of Job and Family Services

Division: Division of Social Services

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I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?** 4/12/2026
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 4 - 134 - Phil Plummer and Susan Manchester
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 5101.134
5. **What statute(s) does the rule implement or amplify?** 5101.13, 5101.131, 5101.132, 5101.133, 5101.899
6. **What are the reasons for proposing the rule?**

Requirements for the Residential Treatment Information System (RTIS) of the Ohio statewide automated child welfare information system (SACWIS) are being added to conform with current provider requirements in OAC 5101:2-9-42.

As a result of public children services agencies implementing a peer mentor or partner program (Ohio Sobriety Treatment and Reducing Trauma) provisions to this rule are being added to allow PCSAs to give peer mentors access to Ohio SACWIS.

Section 5101.899 of the Revised Code states that youth and family ombudsman's office must be granted access to all records necessary to perform its duties. This rule is being amended to allow for the access referenced in ORC 5101.899.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

OAC 5101:2-33-70 entitled Statewide Automated Child Welfare Information System (SACWIS) Access provides guidance to agencies on how to obtain access to Ohio SACWIS and details what information is to be entered into SACWIS. Additionally, the rule states who may be granted access to Ohio SACWIS, and the responsibility of those with access to maintain confidentiality of the information within Ohio SACWIS. Requirements were added for data entry into the residential treatment information system (RTIS) within Ohio SACWIS. Peer mentor programs or Ohio START staff were also given permission to access Ohio SACWIS for the purpose of program implementation. The rule also prohibits employees or contractors from entering or viewing data when a conflict of interest exists. The rule also allows for a corrective action plan to be put in place if it is found that there has been a violation of the rule and the JFS 07078 "Code of Responsibility." Furthermore, language allowing the Ombudsman's office to be granted access to Ohio SACWIS was added per HB 4. The new title is Ohio Statewide Automated Child Welfare Information System (SACWIS) Access.

8. Does the rule incorporate material by reference? Yes

9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.

This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(a).

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 RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(d).

This rule incorporates one or more references to a form or a digital application into which data is entered. This question is not applicable to any incorporation by reference to forms or digital data applications because such reference is exempt from compliance with RC 121.75 to 121.74 pursuant to RC 121.75(B)(4).

This rule incorporates one or more dated references to the U.S. Code. This question is not applicable to any dated incorporation by reference to the U.S. Code because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(A)(2)(a).

This rule incorporates one or more dated references to a federal act or acts. This question is not applicable to any dated incorporation by reference to a federal act because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(A)(2)(c).

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0

Not Applicable

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

A provider governed by the regulations of 5101:2-33-70 would possibly incur costs while obtaining access to the Ohio SACWIS system. The time a staff member spends on activities such as entering activity logs, completing assessments, and entering information in Ohio SACWIS can vary from provider to provider. Use of Ohio SACWIS varies based on the business needs of the agency.

If a corrective action plan is required as a result of a violation of the user agreement or the JFS 07078 "Code of Responsibility," the agency may incur cost for training and educating staff on the requirements of the user agreement.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable

III. Common Sense Initiative (CSI) Questions

16. **Was this rule filed with the Common Sense Initiative Office? Yes**
17. **Does this rule have an adverse impact on business? Yes**

- A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

This rule requires agencies to request permission to access the Ohio Statewide Automated Child Welfare Information System (SACWIS).

- 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? Yes**

Ohio SACWIS users must complete form JFS 7078 "Code of Responsibility" that address a user's responsibilities and expectations for Ohio SACWIS use. This rule allows for a corrective action plan to be put in place should a violation of the JFS 7078 or misuse of Ohio SACWIS be found.

- C. **Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

Agencies are to report breaches of confidentiality or unauthorized use of Ohio SACWIS.

- D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? Yes**

The rule change requires all public and private agencies to enter activities such as activity logs, assessments, and other pertinent information related to providing case work services to children and families into Ohio SACWIS.

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

A. How many new regulatory restrictions do you propose adding to this rule? 0

B. How many existing regulatory restrictions do you propose removing from this rule? 3

(E) The public children services agencies (PCSA) shall monitor access and use of SACWIS to prevent and identify unauthorized use of SACWIS.

(I) The PCSA shall enter and update information in SACWIS each work day or as information becomes available, pursuant to paragraphs (G) and (H) of this rule.

(H) Private child placing agencies (PCPAs) and private non-custodial agencies (PNAs) that have access to Ohio SACWIS shall enter the following information into Ohio SACWIS. The PCPA and PNA granting any PCPA or PNA personnel access to Ohio SACWIS shall follow the same process as a PCSA in paragraphs (A) to (F)(E) of this rule.

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.