

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

Agency Name

Division of Social Services

Division

Michael Lynch

Contact

**OFC- 4200 E. 5th Ave., 2nd fl. J6-02 P.O. Box
183204 Columbus OH 43218-3204**

Agency Mailing Address (Plus Zip)

614-466-4605

Phone

614-752-8298

Fax

Michael.Lynch@jfs.ohio.gov

Email

5101:2-33-70

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

**Statewide automated child welfare information system
(SACWIS) access.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

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: **5101.134**

5. Statute(s) the rule, as filed, amplifies or implements: **5101.13, 5101.131, 5101.132, 5101.133**

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

This rule was previously an internal management rule. The rule is being introduced as a new rule utilizing the same rule number to incorporate the statutory authority of Chapter 119.03 of the Ohio Revised Code. The rule language was developed as a product of the collaborative partnership between the Ohio Department of Job and Family Services and County Public Children Services Agencies. The presenting

rule language was developed through the Monitoring/SACWIS/Administration Rule Review Team and approved by the Partners for Ohio's Families Rule Advisory Board.

Additionally, the rule replaces rescinded 5101:2-33-05 entitled "Family and Children Services Information System (FACSIS) Reporting Requirements" as the statewide automated child welfare information system (SACWIS) replaced the FACSIS system.

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 sets forth the requirements for staff to access, utilize and be trained on the confidential information contained within the statewide automated child welfare information system (SACWIS). Language has been included to address the information contained in SACWIS as child welfare information as a result of the expansion of access to private child placing agencies (PCPA), private non-custodial agencies (PNA) and a juvenile court that is a sub grantee with ODJFS for the purposes of Title IV-E financial reimbursement. Language has been included to address SACWIS access for prosecuting attorneys and interns. Language was incorporated regarding the entry of case notes and dictation, which was previously contained in the case record rule.

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 RC 121.71 to 121.74 pursuant to RC 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 Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.76(A)(1).

This rule incorporates one or more dated references to an ODJFS form or forms. Each cited ODJFS form is dated and is generally available to persons affected by this rule via the "InfoCenter" link on the ODJFS web site (<http://jfs.ohio.gov/>) in accordance with RC 121.75(E).

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).

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(C).

This rule incorporates one or more dated references to the Federal Register. This question is not applicable to any dated incorporation by reference to the Federal Register because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(D).

This rule incorporates one or more dated references to the Code of Federal Regulations (CFR). This question is not applicable to any dated incorporation by reference to the CFR because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(D).

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:

(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.

0.00

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:

There are approximately 90 Private Child Placing Agencies that currently have limited SACWIS access. Expanded access will enable these agencies to directly enter visitation and licensing data. There are approximately 44 IV-E courts in the state of Ohio.

Costs for complying with the rule include short term expenses related to the cost of training employees on the functionality of the SACWIS required to complete data entry. Currently court and private agency staff are entering data manually on paper and/or in independent systems. Courts will realize cost benefits as they are able to directly enter and process payment reimbursement daily rather than sending paper documents to be processed monthly on their behalf. In addition, the court can directly correct and identify an error in real time rather than waiting for the local child welfare agency to notify them of the error and process manual forms/information to eventually correct the information.

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? **Yes**

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? **Yes**

Paragraphs F and J of this rule speak to employee penalties for unauthorized access to or use of data in SACWIS. The penalties range from the criminal penalty within section 5101.99 of the Revised Code and the requirement for agencies to have internal policies addressing employee penalties for unauthorized access to or use of data in SACWIS, up to and including dismissal from employment.

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

The statewide child welfare information system (SACWIS) includes mandated information related to child abuse/neglect/dependency reports/services, child protection and foster care services, adoption services, provider and homestudy/licensing information, Medicaid and Title IV-E eligibility and disbursement data to meet the 90 functional requirements identified by the US Department of Health and Human Services, Administration for Children and Families, Children's Bureau Division. The rule implements the federal requirement to ensure IV-E sub recipient agencies and Private Child Placement Agencies enter mandated child welfare information electronically as new system functionality is implemented and new development is approved and funded by the US Department of Health and Human Services, Administration for Children and Families (ACF). The rule ensures critical child welfare information relating to the safety, wellbeing, eligibility and permanency of children in custody is available and entered directly into the state's electronic system.