

**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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**5101:2-36-01**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Intake and screening procedures for child abuse, neglect, dependency and family in need of services reports; and information and/or referral intakes.****RULE SUMMARY**1. Is the rule being filed for five year review (FYR)? **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, 2151.3518, 5153.166**5. Statute(s) the rule, as filed, amplifies or implements: **2151.421, 2151.3518, 5153.16**

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

To incorporate federal statutory changes under Public Law 114-198-The Comprehensive Addiction and Recover Act (CARA) of 2016; and the Child Abuse and Treatment Act (CAPTA) relating to the administration of the child protective services program and as a result of the Five Year Review.

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 provides the intake and screening procedures for child abuse, neglect, dependency and family in need of services reports. This rule includes the Public

Children Services Agency (PCSA) responsibilities in recording referral information, categorizing referral information, completing a screening decision with referral information in the statewide automated child welfare information system (SACWIS), and assigning a report to a pathway.

Certain changes to this rule are a direct result of the federal language requirements of Public Law 114-198- The Comprehensive Addiction and Recovery Act (CARA) of 2016; and the Child Abuse and Prevention and Treatment Act (CAPTA), reauthorized in 2010. These federal requirements have resulted in changes to the screening process and required criteria which needs to be gathered for the plan of safe care, located in paragraph (G), in order to make an informed screening decision for infants and children and families impacted by the legal and illegal use of substances.

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 (OAC). 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)

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:

In the previous filing, additional language was added to paragraph (I). This rule package is being re-filed as the additional language has been removed. Paragraph(I) has been left in its original format.

The additional language which was added, and now removed was the following:  
"In addition to the information received from the referent the PCSA may review any available public record. The review of any non-public record shall occur only with written consent for the release of information signed by the individual subject of the records."

In addition, updates were made to the answers to RSFA Question 6 pertaining to the reasons for filing; and to RSFA Question 15 pertaining to the summary of estimated costs of compliance.

12. Five Year Review (FYR) Date: **5/24/2017** and **10/01/2022**

(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

No impact on current budget.

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:

As a result of the passing of the Comprehensive Addiction and Recovery Act (CARA) of 2016, criteria for addressing infants exposed to illegal and legal substance abuse have been introduced to public children services agencies. It is not possible to estimate the cost of compliance to county public children services agencies. Under Ohio's state-supervised, county-administered structure, each county public children services agency has the responsibility and authority to determine which referrals are accepted for assessment/investigation (i.e., screening). ODJFS anticipates the majority of the cases impacted by new federal CARA requirements are already likely being referred to PCSAs, as they involve infants born exposed to substance abuse or experiencing withdrawal symptoms. PCSAs are very likely already making screening determinations on these cases. Whether there is an increased amount of time and resources needed to serve these cases is directly connected to local screening practices in accordance with state screening guidelines and each public children services agency's current screening practices regarding infants exposed to illegal or legal substance abuse.

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**