

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

Agency Name

**Division of Social Services**

Division

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**5101:2-36-04**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**PCSA requirements for conducting a specialized assessment/  
investigation.****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: **5153.166, 5153.16, 2151.421**
5. Statute(s) the rule, as filed, amplifies or implements: **2151.3518, 5153.16, 2151.421**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

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 sets forth the Public Children Services Agency (PSCA) requirements for conducting a specialized assessment/investigation of abuse or neglect. Contact and interview requirements for child, family, parent/guardians, and alleged perpetrators are outlined for the assessment process regarding the safety and risk to the child.

Clarification language was added regarding interviewing a child who does not have sufficient verbal skills or if interviewing would be detrimental to the child.

The term "entity" has been changed to "organization" as defined in 2151.011 of the Ohio Revised Code.

Minor grammatical changes were made to this rule.

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 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. 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).

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 "Info Center" link on the ODJFS web site (<http://jfs.ohio.gov/>) in accordance with ORC 121.75(E).

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:

2/9/18--- This rule is being refiled to move it to the March 5, 2018 JCARR agenda. There is no change to the content of the rule.

1/19/18

No changes are being made to the body of the rule. This rule is being refiled in order to schedule, and post to the Register of Ohio, a second public hearing notice.

1/12/18

There were no changes made to this rule. The rule is being refiled to stay on the same timeframe as the rest of the rules in this package.

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.

0.00

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:

No new costs.

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**