

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-36-12

Rule Type: Amendment

Rule Title/Tagline: PCSA requirement for cross-referring reports of child abuse and/or neglect.

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?** Yes
 - A. **What is the rule's five year review date?** 6/3/2022
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 - Representatives Plummer and Manchester
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 2151.421, 5153.166
5. **What statute(s) does the rule implement or amplify?** 2151.421, 5153.166, 2151.4210
6. **What are the reasons for proposing the rule?**

Revisions to Section 2151.421 of the Ohio Revised Code mandated ODJFS to adopt rules to require PCSAs to cross-refer reports of child abuse to the appropriate law enforcement agency and to establish circumstances under which the PCSA is to cross-refer reports of child neglect to the appropriate law enforcement agency. Revisions to Section 2151.4210 of the Ohio Revised Code mandated ODJFS to adopt rules to require

PCSAs to cross-refer reports of child abuse and/or neglect to the appropriate military authority when the parent, guardian, or custodian is active in the armed forces.

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

This rule sets forth requirements for PCSAs to cross-refer reports of child abuse and/or neglect. Language was added to reflect the statutory requirement for PCSAs to cross-refer screened-in reports of child abuse to the appropriate law enforcement authority. Language was also added to detail which screened-in reports of child neglect must be cross-referred to law enforcement. These revisions were made to increase communication with law enforcement on cases necessitating a safety plan while promoting PCSA discretion around additional communication with law enforcement. Statutory requirements to determine if the custodial parent, non-custodial parent, guardian, or custodian of a child is in the armed forces, notify the appropriate military authority if applicable, and to disclose specified confidential information to the appropriate military authority were added. Wording was also updated to include contacting licensing and supervising authorities for qualified residential treatment programs as applicable.

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).

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

Paragraph (C) has been removed because there is not an MOU in place with the armed services as of the date of this filing which would allow for the sharing of confidential information. There have been meetings with our armed services counterparts who are responsible for drafting the MOU and discussions are ongoing.

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.

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Not applicable.

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

No new costs.

- 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? No**

- 17. Does this rule have an adverse impact on business? No**

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

- 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? No

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? 1

(B) At minimum, the The public children services agency (PCSA) shall make a cross referral to law enforcement:

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