

5101:2-38-04      **PCPA requirements for completing the semiannual administrative review.**

- (A) Each private child placing agency (PCPA) required to prepare a family case plan for a child pursuant to rules 5101:2-38-07 and 5101:2-38-03 of the Administrative Code shall complete the JFS 01416 "Semiannual Administrative Review for Private Child Placing Agencies" (SAR) (~~rev. 7/2016~~) for the family case plan.
- (B) The PCPA shall complete the SAR no later than every one hundred eighty days from whichever of the following activities occurs first:
- (1) Date the original court complaint was filed.
  - (2) Date of placement.
  - (3) Date of court ordered protective supervision.
  - (4) Date of parent, guardian, or custodian's signature on the family case plan for in-home supportive services only.
- (C) The PCPA shall continue to complete the SAR no later than every one hundred eighty days from the date established pursuant to paragraph (B) of this rule.
- (D) The PCPA shall complete the SAR no more than thirty days prior to the due date.
- (E) The PCPA is to approve the SAR within five working days from the date of submission.
- (F) The PCPA is to provide at least seven days notice prior to the SAR, a written or electronic invitation including the date, time, and place convenient to the family to all of the following:
- (1) For in-home supportive services cases, all parties to the family case plan as outlined in paragraph (D) of rule 5101:2-38-07 of the Administrative Code.
  - (2) For protective supervision and substitute care cases:
    - (a) All parties to the family case plan as outlined in paragraph (D) of rule 5101:2-38-07 of the Administrative Code.
    - (b) The substitute caregiver, as defined in rule 5101:2-01-01 of the Administrative Code.
    - (c) For substitute care cases in which the child is age fourteen and older, two individuals as outlined in paragraph (E)(1)(c) of rule 5101:2-38-07 of the Administrative Code.

- (d) The permanency team members for a child placed in an approved qualified residential treatment program (QRTTP) pursuant to rule 5101:2-42-12 of the Administrative Code.
- (G) The PCPA does not have to include any individual listed in paragraph (F) of this rule if any of the following apply:
- (1) Cannot be located after reasonable efforts to do so;
  - (2) Declines to participate in the SAR after being contacted; or
  - (3) Fails to appear for the scheduled review.
- (H) For a child adjudicated as a deserted child, pursuant to section 2151.3519 of the Revised Code an invitation and participation of the child and parent in the SAR is not required.
- (I) For in-home supportive services cases, a review panel of at least two people is to conduct the SAR. The review panel is to include but not limited to:
- (1) A caseworker with day-to-day responsibility for, or familiarity with, the management of the family case plan.
  - (2) A supervisor or designee.
- (J) For protective supervision and substitute care cases, a review panel of at least three people is to conduct the SAR. The review panel is to include but not limited to:
- (1) A caseworker with day-to-day responsibility for, or familiarity with, the management of the family case plan.
  - (2) A person, not responsible for the management of the family case plan or for the delivery of services to the child, the child's parent, guardian, custodian, pre-finalized adoptive parent, or substitute caregiver.
  - (3) A supervisor or designee.
- ~~(E)~~(K) A court hearing may take the place of a SAR with the individuals listed in paragraph (J) of this rule if all of the following requirements are met:
- (1) The hearing is held in time to comply with paragraph (B) of this rule.
  - (2) Notification is made to the parties to the family case plan as outlined in paragraph (D) of rule 5101:2-38-07 of the Administrative Code.

(3) During the hearing, the court addresses each of the issues stated in paragraph ~~(E)~~(M) of this rule.

(4) The court hearing documents each issue either on the JFS 01416 or by journal entry.

~~(F) For in-home supportive services cases, a review panel of at least two people shall conduct the SAR. The review panel shall include but not be limited to:~~

~~(1) A caseworker with day-to-day responsibility for, or familiarity with, the management of the case plan.~~

~~(2) A supervisor or designee.~~

~~(G) For protective supervision and substitute care cases, a review panel of at least three people shall conduct the SAR. The review panel shall include but not be limited to:~~

~~(1) A caseworker with day-to-day responsibility for, or familiarity with, the management of the case plan.~~

~~(2) A person, not responsible for the management of the case plan or for the delivery of services to the child, the child's parent, guardian, custodian, pre-finalized adoptive parent, or substitute caregiver.~~

~~(3) A supervisor or designee.~~

~~(H) No less than seven days prior to the SAR, the PCPA shall provide a written invitation including the date, time, and place to all of the following:~~

~~(1) For in-home supportive services cases, all parties to the case plan as outlined in paragraph (D) of rule 5101:2-38-07 of the Administrative Code.~~

~~(2) For protective supervision and substitute care cases:~~

~~(a) All parties to the case plan as outlined in paragraph (D) of rule 5101:2-38-07 of the Administrative Code.~~

~~(b) The substitute caregiver, as defined in rule 5101:2-01-01 of the Administrative Code.~~

~~(3) For substitute care cases in which the child is age fourteen and older, two individuals as outlined in paragraph (E)(1)(c) of rule 5101:2-38-07 of the Administrative Code.~~

~~(I)~~ The PCPA does not have to include any individual listed in paragraph (H) of this rule if any of the following apply:

~~(1)~~ Cannot be located after reasonable efforts to do so;

~~(2)~~ Declines to participate in the SAR after being contacted; or

~~(3)~~ Fails to appear for the scheduled review.

~~(J)~~ For a child adjudicated as a deserted child, pursuant to section 2151.3519 of the Revised Code an invitation and participation of the child and parent in the SAR is not required.

~~(K)~~ (L) For in-home supportive services cases, the PCPA shall provide a copy of the SAR to all parties outlined in paragraph ~~(HF)~~ (L)(1) of this rule no later than seven days after completion of the SAR. A copy of the JFS 01416 shall be maintained in the case record.

~~(L)~~ (M) For protective supervision and substitute care cases the PCPA shall:

(1) File with the court a copy of the SAR no later than seven days after completion of the SAR and shall include a copy of the ~~amended~~ updated family case plan as applicable.

(2) Provide a copy of the SAR to all parties to the family case plan in accordance with paragraph ~~(HF)~~ (M)(2)(a) of this rule, before the end of the next business day, after filing the SAR with the court.

(3) Indicate, in writing, the parties identified in paragraph ~~(HF)~~ (M)(2)(a) of this rule shall have seven days after the date the written or electronic notice is sent to object to ~~proposed~~ recommended changes in the family case plan as a result of the SAR and request a hearing of the ~~proposed~~ recommended change.

~~(M)~~ (N) The PCPA shall maintain a copy of the SAR and any resultant ~~amendments~~ updates to the family case plan in the case record.

Effective: 10/15/2021  
Five Year Review (FYR) Dates: 7/26/2021 and 10/15/2026

CERTIFIED ELECTRONICALLY

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Certification

10/05/2021

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Date

Promulgated Under: 119.03  
Statutory Authority: 2151.416, 2151.412  
Rule Amplifies: 2151.416, 2151.412  
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12/31/2010, 12/01/2012, 05/30/2014, 08/01/2016