

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) 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) For cases with an active concurrent plan the PCPA will review and update the following during the SAR:
- (1) The concurrent plan objective.
 - (2) The activities being completed to support the concurrent plan objective.
- ~~(F)~~ (F) The PCPA is to approve the SAR within five working days from the date of submission.
- ~~(G)~~ (G) 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 (QRTP) pursuant to rule 5101:2-42-12 of the Administrative Code.

~~(G)~~(H) The PCPA does not have to include any individual listed in paragraph ~~(F)~~(G) 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)~~(I) 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)~~(J) 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)~~(K) 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.

~~(K)~~(L) A court hearing may take the place of a SAR with the individuals listed in paragraph ~~(J)~~(K) 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 ~~(M)~~(N) of this rule.

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

~~(L)~~(M) For in-home supportive services cases, the PCPA shall provide a copy of the SAR to all parties outlined in paragraph ~~(F)~~(G)(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.

~~(M)~~(N) 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 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 ~~(F)~~(G)(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 ~~(F)~~(G)(2)(a) of this rule shall have seven days after the date the written or electronic notice is sent to object to recommended changes in the family case plan as a result of the SAR and request a hearing of the recommended change.

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

Effective: 1/1/2023

Five Year Review (FYR) Dates: 10/15/2026

CERTIFIED ELECTRONICALLY

Certification

11/29/2022

Date

Promulgated Under: 119.03

Statutory Authority: 2151.416

Rule Amplifies: 2151.412, 2151.416

Prior Effective Dates: 01/14/1983, 11/01/1985 (Emer.), 01/31/1986,
01/01/1989, 01/01/1990, 01/01/1991, 07/01/1992,
06/01/1997, 03/18/1999 (Emer.), 06/17/1999,
04/01/2001, 12/01/2001, 03/01/2006, 10/01/2009,
12/31/2010, 12/01/2012, 05/30/2014, 08/01/2016,
10/15/2021