

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

Agency Name

Division of Social Services

Division

Michael Lynch

Contact

**OFC- 4200 E. 5th Ave., 2nd fl. J6-02 P.O. Box
183204 Columbus OH 43218-3204**

Agency Mailing Address (Plus Zip)

614-466-4605

Phone

614-752-8298

Fax

Michael.Lynch@jfs.ohio.gov

Email

5101:2-38-04

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

**PCPA requirements for completing the semiannual
administrative review.****RULE SUMMARY**1. Is the rule being filed for five year review (FYR)? **No**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: **2151.416, 2151.412**5. Statute(s) the rule, as filed, amplifies or implements: **2151.416, 2151.412**

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

This is a new rule for private child placing agencies (PCPA) only, of which the contents were previously outlined jointly with public children services agency requirements for completing the semiannual administrative review (SAR) contained in OAC 5101:2-38-10. Additional information includes updated policies requiring PCPAs to complete and submit the SAR and to implement the federal mandates of Public Law 113-183 "Preventing Sex Trafficking and Strengthening Families Act" in regards to the administration of the child protective services program.

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 requirements that apply to private child placing agencies (PCPA) for completing the semiannual administrative review (SAR). Additional information for PCPAs includes:

Expanding the list of individuals invited to the SAR per Federal requirement.

Identifying parties to the SAR.

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 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 inner-web at <http://innerapp.odjfs.state.oh.us/forms/inner.asp> or on the internet at <http://www.odjfs.state.oh.us/forms/inter.asp> in accordance with ORC 121.75(E).

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).

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:

Not Applicable.

12. Five Year Review (FYR) Date:

(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? **Yes**

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? **Yes**

Private child placing agencies (PCPA) are certified by ODJFS to accept temporary, legal, and permanent custody of children and to place children for foster care or adoption.

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? **Yes**

Failure to comply with rule may result in denial or revocation of certification.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

Private child placing agencies (PCPAs) must prepare and maintain a case plan; complete the JFS 01416; file court requests; amend case plans; develop a visitation plan; and maintain written notice of any case plan changes.

Ohio Department of Job and Family Services

SEMIANNUAL ADMINISTRATIVE REVIEW FOR PRIVATE CHILD PLACING AGENCIES**Section 1: Identifying Information**

Case Name	Agency Case Number	Last SAR Date	Today's Review Date
Parent(s) Name	Agency Name	Review Period	
Court Name	Court ID No.	From	To

The SAR shall be conducted no later than every one hundred eighty days from whichever of the following activities occurs first:

- ☐ Date the original PCPA court complaint was filed. _____
☐ Date of placement. _____
☐ Date of court ordered protective supervision. _____
☐ Date of parent, guardian, or custodian's signature on the case plan _____ for in-home supportive services only.

Names of children in family: list children from oldest to youngest.

Child's Name	Child's Permanency Goal	Agency Legal Status Code	Date of Most Recent Placement	Check if under ICWA	Tribal Affiliation (if applicable)	Type of Placement Code	Child's Date of Birth
				<input type="checkbox"/>			
				<input type="checkbox"/>			
				<input type="checkbox"/>			
				<input type="checkbox"/>			
				<input type="checkbox"/>			
				<input type="checkbox"/>			

Permanency Goals

Maintain in own home; prevent removal
 Return the child(ren) to parent/guardian/custodian (Reunification)
 Place the child(ren) in a planned, permanent living arrangement, excluding adoption (PPLA)

Independent Living
Adoption

Type of Placement Codes

Own Home	OH	Independent Living	IL	Certified Group Home	GH
Certified/Approved Relative	CAR	Adoptive Placement	AH	Absent Without Leave	AWOL
Certified/Approved Non-relative	ANR	Licensed Medical/Educational Facility	MEF	Licensed Maternity Home	MH
Certified Foster Home	FH	Certified Emergency Shelter Care Facility	ESC	Detention Facility	DET
		Certified Children's Residential Center	CRC		

Agency Legal Status Codes

Temporary Custody	TC	Court Ordered Protective Supervision	PSUP	Permanent Surrender	PS
Permanent Custody	PC	Agreement for Temporary Custody	ATC	Other (specify):	
No Custody	NC	Planned Permanent Living Arrangement	PPLA		

Section 2: Case Progress Review

A. Safety and Appropriateness of Current Placement

Describe how each child's current placement, whether or not in own home or out-of-home placement (including relative placement, regardless of custody status), provides for the child's specific safety needs and is appropriately meeting the child's basic and special needs.

B. Services Review

Attach the services review section of the Case Review completed for this review and the previous ninety day review to the SAR, prior to continuing.

☐ Services Review section of the Case Review is attached and has been reviewed.

Case Plan Concern #

Start Date of Services:	
1. Identify all services provided to address this concern.	
2. Discuss the impact toward addressing safety, risk, permanency, and/or child well-being issues in detail. When applicable, include any existing barriers to services.	
Progress Toward Addressing Concerns: <input type="checkbox"/> Significant Progress <input type="checkbox"/> Some Progress <input type="checkbox"/> Insufficient Progress	Service(s) Recommendation(s): <input type="checkbox"/> Continue _____ <input type="checkbox"/> Modify _____ <input type="checkbox"/> Terminate _____

Case Plan Concern #

Start Date of Services:
1. Identify all services provided to address this concern.
2. Discuss the impact toward addressing safety, risk, permanency, and/or child well-being issues in detail. When applicable, include any existing barriers to services.

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Progress Toward Addressing Concerns: <input type="checkbox"/> Significant Progress <input type="checkbox"/> Some Progress <input type="checkbox"/> Insufficient Progress	Service(s) Recommendation(s): <input type="checkbox"/> Continue _____ <input type="checkbox"/> Modify _____ <input type="checkbox"/> Terminate _____
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C. Summary of Services

Case plan services utilized during review period.

#	Supportive Services	Code Number	Participants	Part. Code
1				
2				
3				
4				
5				
6				
7				
8				
9				

SUPPORTIVE SERVICES CODES

01	Counseling	12	Case Management
02	Diagnostic	13	Protective Day Care
03	Emergency Shelter	14	Parent Education
04	Information and Referral	15	Crisis Nursery
05	Therapeutic	16	Day Treatment
06	Crisis Services	17	Volunteer
07	Emergency Caretaker	18	Adoption
08	Employment and Training	19	Substitute Care
09	Environmental Management	20	Community Education
10	Homemaker or Home Health Aide	21	Unmarried Parent
11	Parent Aide		

PARTICIPANT CODES

50	Individual Services
51	Family Services
52	Caregiver Services

Section 3: Placement Moves/Legal Status Changes

A. Placement Moves

_____ Number of placement moves during review period (agency custody).

CHILD'S NAME	FROM	TO	DATE

_____ Number of placement moves during review period (non-agency custody).

CHILD'S NAME	FROM	TO	DATE

B. Legal Status Changes

_____ Number of legal status changes during review period.

CHILD'S NAME	FROM	TO	DATE

Section 4: Permanency Goal Status

A. Describe the agency's recommendation regarding the child's custody arrangement for the next one hundred eighty days.

Description

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B. Provide a summary of the intensive ongoing efforts to secure a placement with a fit and willing relative or kin. Include efforts that utilize search technology (e.g., social media) to find biological family members for the child.

Description

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C. Indicate the estimated date each child may be returned home, protective supervision may be terminated, permanent placement may be made, or case may be closed. When an amendment to the current permanency goal is needed, indicate the recommended permanency goal and the estimated date by which this goal should be achieved. Any permanency goal change requires an amendment to the case plan.

Child's Name	Does the child's current permanency goal need modified?	When No, what is the estimated date to achieve the permanency goal?	When Yes, what will be the recommended permanency goal?	What is the estimated date for the amended permanency goal to be achieved?
	<input type="checkbox"/> Yes <input type="checkbox"/> No			
	<input type="checkbox"/> Yes <input type="checkbox"/> No			
	<input type="checkbox"/> Yes <input type="checkbox"/> No			

Will the case plan be amended as a result of this review?

☐ Yes

☐ No

Section 5: Case Review Update

A. The Case Review is complete. The summarized case progress is below.

B. Need for Substitute Care, Protective Supervision, or In-Home Supportive Services.

The out-of-home placement, protective supervision, and/or in-home supportive services must continue or be terminated due to the following reasons:

C. Provide any additional comments or recommendations not covered in the above information.

Section 6: Child Well-Being Assessment

A. Education and Physical Health Issues

- ☐ The "Child's Education and Health Information" Form was updated, reviewed and discussed for each child on this form.
- ☐ A copy of the "Child's Education and Health Information" Form was provided to the parent(s) and substitute caregiver.
- ☐ N/A - Child in In-Home Supportive Services or Protective Supervision.

B. Independent Living Services

For children 14 years of age or older Independent Living Service provisions are required to be a part of the case plan.

☐ N/A - Child(ren) in In-Home Supportive Services or Protective Supervision and/or is under the age of 14.

Child's Name	Date(s) Life Skills Assessment	Discuss Independent Living Readiness Status

A review of the credit report for children in care age 14 years or older is required annually as part of the case review process.

Child's Name	Credit Report Agency	Date Credit Report Requested	Date Credit Report Provided to the Child	Date Inconsistencies reported to OAG or N/A for no inconsistencies

Section 7: Permanency Planning

A. Explain the agency's recommendation regarding the termination of parental rights for any child who has been in the temporary custody of an agency for twelve (12) or more of the past twenty-two (22) consecutive months. When the agency is not recommending termination of parental rights, state the compelling reasons and what the permanency plan will be for the child(ren).

☐ N/A - Child(ren) has not been in temporary custody for twelve (12) or more of the past twenty- two (22) consecutive months or is in In-Home Supportive Services or Protective Supervision.

Explanation

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B. Is a supplemental plan for the family needed at this time?

☐ YES

☐ NO

Description

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C. Describe the agency's progress toward implementing an existing supplemental plan, including whether or not any amendments are needed.

☐ N/A - A supplemental plan has not been developed.

Description

D. Explain the agency's progress in meeting the needs of the child who is in a planned permanent living arrangement. Include a description of the child's relationship with his/her family, if any; and any visitation this child may be having with his/her family, extended family, kin and/or friends. Include efforts agency has taken to ensure child's caregiver is following the "Reasonable and Prudent Parent Standard" and the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities.

☐ N/A – Child (ren) is not in a planned permanent living arrangement.

Explanation

E. Describe the agency's recommendation regarding: (1) maintaining the child in a planned permanent living arrangement; or (2) proceeding to file a motion with the court to obtain permanent custody of the child. When the decision is for the child to remain in a planned permanent living arrangement, document the reason for not reunifying with family or proceeding with the termination of parental rights.

☐ N/A – Child (ren) is not in a planned permanent living arrangement.

Description

F. Describe the agency's efforts to locate an adoptive placement for a child who is in the permanent custody of the agency. Include information on child-specific recruitment activities and the results of those activities.

☐ Child Study Inventory has been reviewed and updated. Date of update: _____

☐ N/A - Child(ren) is not in Permanent Custody.

Description

Section 8: Participant Notification

SAR Participant Name	Relationship to Child(ren)	Date Notified by US Mail

Section 9: Participant Signatures

Identify all participants in this Semiannual Administrative Review.

Signatures of SAR Participants	Relationship to Child(ren)
	Caseworker
	Person not responsible for Case Management or Service Delivery
	Other Panel Member