

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5101:2-40-02

**Rule Type:** Rescission

**Rule Title/Tagline:** Supportive services for prevention of placement, reunification and life skills.

**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? 1/5/2024
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 2151.412, 2151.421, 5153.166
5. What statute(s) does the rule implement or amplify? 2151.412, 5153.16, 2151.421
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
  - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

Five-year rule review.
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule sets forth the requirements that apply to a private child placing agency (PCPA) and a public children services agency (PCSA) when supportive services are provided or arranged to children and families or caretakers. Restructuring and streamlining the requirements occurred through the rule. Revisions were made to remove language contained throughout resulting from a consent decree in August 1986. The conditions of the consent judgment were met, and the order was terminated in May 1998. Additionally, the Ohio Department of Job and Family Services (ODJFS) issued the Family, Children and Adult Services Procedure Letter No. 409 (PCSA Workforce Strategies) identifying supported workforce strategies to allow flexibility in child protection casework practice requirements. One of the workforce strategies identified removed the letter of assurance requirement contained in this rule.

9. Does the rule incorporate material by reference? Yes
10. 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 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).

This rule incorporates one or more references to a form or a digital application into which data is entered. This question is not applicable to any incorporation by reference to forms or digital data applications because such reference is exempt from compliance with RC 121.75 to 121.74 pursuant to RC 121.75(B)(4).

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

*Not Applicable*

## II. Fiscal Analysis

12. 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.

\$0.00

Not applicable.

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

No new costs.

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

- 16. 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**

- 17. Was this rule filed with the Common Sense Initiative Office? Yes**

- 18. Does this rule have an adverse impact on business? Yes**

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

The private child placing agency (PCPA) must be licensed under current law. Licensure is dependent, in part, on complying with the standards in this rule.

- 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 the rule's provisions may result in forfeiture of an agency license.

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

The adverse impact includes specific expenditures and the report of information. The adverse impacts of the requirements set forth in the rule include the time required to obtain, document, and share information as well as time spent completing forms (e.g., referral forms, family case plans, etc.). Whether the PCPA is arranging or providing services to a family, documentation, referrals, and status updates and reports are required.

- 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 Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

19. 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? 27

5101:2-40-02 (B) Supportive services shall be made available by the public children services agency to the child, his or her parent, guardian, or custodian through one or more of the following:

5101:2-40-02 (C) Supportive services shall be based upon the PCSA's assessment of safety and risk to the child

5101:2-40-02 (C) and shall be available during all of the following:

5101:2-40-02 (D) Supportive services shall be available when if one or more of the following exists:

5101:2-40-02 (E) If one or more of the conditions listed in paragraph (D) of this rule exist, the service plan shall be prepared in accordance with rule 5101:2-38-01, 5101:2-38-05, 5101:2-40-05, or 5101:2-38-20 of the Administrative Code.

5101:2-40-02 (F) The PCSA shall establish procedures for referring a child who is the subject of a report and is not at risk of imminent harm, to a community organization or voluntary preventive services.

5101:2-40-02 (H) If the PCSA determines an emergency exists and supportive services are necessary, the PCSA shall immediately, but no later than the next business day after making this determination, make available any appropriate mandated services listed in paragraph (G) of this rule by providing or arranging the services in order to:

5101:2-40-02 (I) The PCSA shall make available such mandated services listed in paragraph (G) of this rule by providing or arranging the services, no later than fourteen days from the earliest date of either of the following:

5101:2-40-02 (J) The PCSA shall no later than thirty days from the date the case plan is signed by the parent, guardian, or custodian or the court journalizes the case plan, if applicable, make available the mandatory services listed in this paragraph:

5101:2-40-02 (K) If there are barriers to the provision or arrangement of needed services, the PCSA caseworker shall identify them and have the immediate supervisor or the director review the information.

5101:2-40-02 (L) The results of the supervisory review shall be documented in the case record showing the services needed, and the barriers causing the PCSA's inability to provide them directly, or arrange for their provision.

5101:2-40-02 (M) The PCSA shall make available a minimum of three of the following supportive services within the county:

5101:2-40-02 (O) Each PCSA participating in the regionalization of supportive services shall identify regionalized services, and the other counties involved in the regionalization of services.

5101:2-40-02 (P) If the PCSA identifies, through completion of an assessment of safety, a child is in immediate danger of serious harm because the parent, guardian, or custodian of the child has a chemical dependency problem or a chemical dependency problem is the basis for a court's determination the child is an abused, neglected or dependent child, the agency shall:

5101:2-40-02 (R) At the conclusion of a diagnostic service, the PCSA shall request a written report from the service provider.

5101:2-40-02 (R) Reports involving treatment shall contain information indicating the progress the parent, guardian, or custodian and child have made to resolve areas identified in the provider's service or treatment plan.

5101:2-40-02 (R) Upon receipt of the report, it shall be maintained in the case record.

5101:2-40-02 (S) At a minimum of once every three months and at the conclusion of any services or treatment, the PCSA shall request written or verbal reports from all service providers.

5101:2-40-02 (S) Reports shall contain information indicating the progress the parent, guardian, or custodian and child have made to resolve areas identified in the provider's service or treatment plan.

5101:2-40-02 (S) Upon receipt of the report, it shall be maintained in the case record.

5101:2-40-02 (S) If the report is not written, the service provider's identity, the date of the verbal report, and the content of the verbal report shall be documented in the statewide automated child welfare information system (SACWIS).

5101:2-40-02 (T) The PCSA shall document the following in SACWIS:

5101:2-40-02 (V) Utilization of the funding sources outlined in paragraph (U) of this rule shall be governed by the respective guidelines of each funding source.

5101:2-40-02 (W) The director of the PCSA shall be responsible for submitting a letter to the appropriate Ohio department of job and family services (ODJFS) field office by January first of every year containing the following assurances:

5101:2-40-02 (X) At the same time the director submits the letter, he or she may submit a request to obtain ODJFS approval to waive the requirement for the provision of homemaker or home health aide and/or protective child care services listed in paragraph (G) of this rule. A waiver for either or both of these services may be granted on an annual basis.

5101:2-40-02 (X) In order for the waiver to be granted by ODJFS, the PCSA shall provide the following information in the request for a waiver:

5101:2-40-02 (X)(6) The PCSA shall also certify the service(s) are:

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable