

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-42-65

Rule Type: Amendment

Rule Title/Tagline: Caseworker visits and contacts with children in substitute care.

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? 11/21/2023
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? 5103.03, 5153.166
5. What statute(s) does the rule implement or amplify? 5103.03, 5153.16
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?

This rule is being amended for the five year rule review and rule writing authority to amend, rescind or create new rules to provide guidance to licensed providers.
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule provides guidance to agencies regarding caseworker visits and contacts with the child and the substitute caregiver(s). Language requiring weekly contact with caregivers for children placed in special, exceptional, or intensive needs placements is being removed.

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 questions 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)(b).

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

This will have no expected impact on current or future budgets.

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

It is required for any private child placing agency to be licensed and follow the requirements set forth by this rule in order to conduct business.

- 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

If the agency were to fail to comply with the requirements set forth in rule the action against the agency would be license forfeiture resulting in closure of business.

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

Expenditures related to the agency complying with the requirements of the rule to proceed with a revocation or denial of a foster care certificate.

- 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? 19

5101:2-42-65 (A) The public children services agency (PCSA) or private child placing agency (PCPA) that holds custody of a child shall comply with the provisions set forth in this rule regarding caseworker visits and contacts with the child and the substitute caregivers to ensure the child's safety and well-being, and to assess whether the placement and services continue to meet the child's needs in accordance with the case plan.

5101:2-42-65 (B) Visits and contacts shall be conducted by a caseworker within the PCSA or PCPA that has full responsibility for case planning and case management of the child's case.

5101:2-42-65 (B)(1) If the caseworker responsible for the child's case is unable to complete the visit, the caseworker completing the visit shall document in the child's case the reason someone other than the assigned caseworker visited the child.

5101:2-42-65 (B)(2) The caseworker assigned to the child's case shall complete the majority of the required monthly visits.

5101:2-42-65 (C)(2)(d) At least one of the monthly visits shall occur within the treatment or medically fragile foster home.

5101:2-42-65 (C)(2)(f) At least one of the monthly visits shall be conducted by a caseworker within the PCSA or PCPA that has full responsibility for case planning and case management of the child's case.

5101:2-42-65 (C)(3)(b) Visits shall be conducted by a caseworker within the PCSA or PCPA that has full responsibility for case planning and case management of the child's case.

5101:2-42-65 (C)(3)(b)(i) If the caseworker responsible for the child's case is unable to complete the visit, the caseworker completing the visit shall document in the child's case the reason someone other than the assigned caseworker visited the child.

5101:2-42-65 (C)(3)(b)(ii) The caseworker assigned to the child's case shall complete the majority of the required monthly visits.

5101:2-42-65 (C)(3)(c) The caseworker within the residential facility or SUD residential facility, performing casework duties, shall not conduct visits on behalf of the PCSA or PCPA.

5101:2-42-65 (C)(4)(b) Visits shall be conducted by a caseworker within the PCSA or PCPA that has full responsibility for case planning and case management of the child's case.

5101:2-42-65 (C)(4)(b)(i) If the caseworker responsible for the child's case is unable to complete the visit, the caseworker completing the visit shall document in the child's case the reason someone other than the assigned caseworker visited the child.

5101:2-42-65 (C)(4)(b)(ii) The caseworker assigned to the child's case shall complete the majority of the required monthly visits.

5101:2-42-65 (D) Contacts and visits for children in the custody of a PCSA or PCPA shall be documented in the child's case record as outlined in rules 5101:2-33-23 and 5101:2-33-70 of the Administrative Code and address the following:

5101:2-42-65 (D)(1) In assessing the child's safety and well-being, the caseworker shall consider the following through observation and information obtained during the contact or visit:

5101:2-42-65 (D)(1)(a) The caseworker shall also document evidence that the caregiver is following the reasonable and prudent parent standard in allowing the child regular opportunities to participate in age or developmentally appropriate activities.

5101:2-42-65 (E) For a child who is placed through the "Interstate Compact for the Placement of Children" into a substitute care setting outside of Ohio, the agency shall follow the directives in Chapter 5101:2-52 of the Administrative Code, and the regulations of the interstate compact, located at https://aphsa.org/AAICPC/AAICPC/ICPC_Regulations.aspx.

5101:2-42-65 (C) The minimum frequency of visits shall be as follows, with individual time for the child as appropriate to his or her ability to communicate:

5101:2-42-65 (C) (2)(b) removal of paragraph: One contact each week with the caregiver to monitor the child's progress.

- 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