

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

Agency Name

**Division of Social Services**

Division

**Mike Lynch**

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**5101:2-42-89**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Public children services agency and private child placing agency procedures when a child is receiving services or is in agency custody dies.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **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: **5103.03, 5153.166**

5. Statute(s) the rule, as filed, amplifies or implements: **5103.03, 5153.166**

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

This new rule is being proposed to replace existing rule 5101:2-42-89, which is being rescinded as a result of the five year rule review.

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 governs the provision of services required upon the death of a child in either the custody of the Public Children Services Agency (PCSA) or the Private Child Placing Agency (PCSA). Changes from the rescinded rule to the new rule include: outlining the procedures to be taken when the death of a child in temporary, planned permanent living arrangements or permanent custody occurs; adds language specifying a time frame of one hour for notifying law enforcement and parent or guardian; sets guideline for the completion of JFS form 01987 "child Fatality Report Face Sheet"; and adds that the reference to rule 5101:2-33-26 shall be followed if the death of a child is the result of suspected child abuse or neglect.

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 for is dated and is generally available to persons affected by this rule via the "Info Center" link on the ODJFS web site (<http://jfs.ohio.gov/>) in accordance with RC 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 RC 121.71 to 121.74 [irsiamt tp RC 121.76(A)(3)].

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:

On August 31, 2009 the rule is being refiled and it has changed in the following ways: paragraph C, added a colon after shall and removed also. The addition of sub categories (C)(1) which reads: Follow procedures set forth in its "Memorandum of Understanding" pursuant to rule 5101:2-33-26 of the Administrative Code regarding children with: Two sub categories were added, (C)(1)(a)states Suspected child abuse and neglect as determined by law enforcement, medical or PCSA personnel. (C)(1)(b)states Prior involvement with the PCSA or any member of the household including: sub category (C)(1)(b)(i) states Open in-home voluntary cases, (C)(1)(b) (ii) states Open court ordered protective supervision, (C)(1)(b) (iii) states Open intake assessments within twelve months of the fatality, (C)(1)(b)(iv) states A closed, inactive case within twelve months of the fatality. Lastly paragraph (C)(2) states Complete part 3 of the JFS 01987 and send electronically to the assigned ODJFS Regional Field Office.

12. 119.032 Rule Review 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

This proposed rule willnot impact the agency's projected budget during the current biennium.

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 are anticipated as all requirements were previously included in other rules and are not new.

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**