

**PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES**

DATE: November 13, 2013
TIME: 10:00 AM
LOCATION: Room 1865, Rhodes State Office Tower
30 East Broad Street, Columbus, Ohio 43215

Pursuant to sections 2151.412, 2151.421, 5103.03, 5153.16 and Chapter 119. of the Revised Code, the director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider the amendment and rescission of the rules as identified below and of a public hearing thereon.

OAC 5101:2-53-01 Definitions related to the Indian Child Welfare Act provides definitions of terms used in rules implementing the Indian Child Welfare Act. Changes were made to update and correct federal statute cites.

OAC 5101:2-53-02 Administrative responsibilities and record keeping for children affected by the Indian Child Welfare Act identifies administrative responsibilities of public children services agencies (PCSA) and private child placing agencies (PCPA) that are specific to the Indian Child Welfare Act (ICWA). This rule is being rescinded as some language formerly included in this rule is duplicative of other rules. Remaining content of this rule has been merged into rule 5101:2-53-08.

OAC 5101:2-53-03 Determination of Indian status, tribal eligibility and membership describes provisions for determining a child's Indian heritage and providing notice to the tribe or the Bureau of Indian Affairs. Language from rule 5101:2-53-04 has been merged into this rule. This rule has been reorganized to provide clarity. Corrections were made to the addresses for the Bureau of Indian Affairs and the regional office of the Bureau of Indian Affairs. Additionally, some language has been removed from this rule as it is duplicative of other rules.

OAC 5101:2-53-04 Emergency removal of the Indian child describes the responsibilities of the PCSAs when an Indian child is in immediate harm and an emergency removal is required. This rule is being rescinded as some language formerly included in this rule is duplicative of other rules. Remaining content of this rule has been merged into rule 5101:2-53-03 and 5101:2-53-06.

OAC 5101:2-53-05 Voluntary placement for temporary custody of Indian child describes the responsibilities of the PCSAs and PCPAs when a temporary agreement for temporary custody of an Indian child has been requested by a parent or custodian. This rule has been reorganized to provide clarity.

OAC 5101:2-53-06 Emergency removal and involuntary custody of Indian children describes the responsibilities of the PCSAs and PCPAs when an Indian child is in the agency's custody. Language from rule 5101:2-53-04 has been merged into this rule and the title of the rule has been changed to reflect the addition of this language. This rule has been reorganized to provide clarity. Additionally, some language has been removed as it is duplicative of other rules.

OAC 5101:2-53-08 Placement preference of Indian children describes the requirements of the PCSAs and PCPAs when an Indian child is removed from home and the requirements to place the child in accordance with the ICWA placement preference. Language from rule 5101:2-52-02 has been merged into this rule. Additionally, language has been added to clarify placement priorities.

A copy of the proposed rule(s) is available, without charge, to any person affected by the rule(s) at the address listed below. The rule(s) is also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rule(s) will be held at the date, time, and location listed at the top of this notice. Either written or oral testimony will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony. Requests for a copy of the proposed rule(s) or comments on the rule(s) should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal and Acquisition Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at rules@jfs.ohio.gov