

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES
DATE: March 12, 2014
TIME: 10 A.M.
LOCATION: Rhodes State Office Tower Room 3110B
30 East Broad St., Columbus, Ohio 43215

Pursuant to sections 2151.412, 2151.416, 2151.421, 5103.03 and 5153.16 and Chapter 119. of the Ohio Revised Code, the director of the Ohio Department of Job and Family Services (ODJFS) gives notice of the department's intent to consider the amendment and rescission of the Ohio Administrative Code (OAC) rules as identified below and of a public hearing thereon. All of the rules have been revised through the Partnership for Ohio's Families (PFOF) Rule Review initiative. The rules are a product of the collaborative partnership between ODJFS, public children services agencies (PCSA) and child welfare partners. The presenting rule amendments were developed through the Monitoring, Administration, SACWIS and Documentation Rule Review Team and approved by the PFOF Rule Review Coordination Board.

OAC rule **5101:2-33-20** entitled **PCSA complaint review and report disposition appeal policy** outlines the public children services agency (PCSA) requirement to develop and implement written policies for receiving, reviewing and resolving complaints concerning the provision of services and report disposition appeals by alleged perpetrators. Language has been added for clarity and to correct grammar. Paragraphs have been combined for clarity and to improve flow of the rule.

OAC rule **5101:2-33-21** entitled **Confidentiality and dissemination of information relating to child abuse or neglect** outlines the confidential nature of child abuse and neglect reports and specifies when release of such information is required or permissible. The rule has been streamlined to improve the flow of the information and remove redundancies within the rule and across the chapter 5101:2-33 rules. This rule has been amended to address the release of all confidential child welfare information within one rule. Rule 5101:2-33-22, which previously addressed some confidentiality issues, will be rescinded as a result of this modification. Rule 5101:2-33-24 will also be rescinded, as the requirements for the release of information for the purpose of a background check have been added to this rule.

Language has also been included to identify all report types contained in rule 5101:2-36-01 as confidential child welfare information; address the release of information pertaining to notification of the case decision to open or close a case within the alternative response pathway; include a recent federal interpretation regarding the requirements to release information to the public regarding the findings or information about a case of child abuse or neglect that resulted in a fatality or near fatality; and address the dissemination of child welfare information for the purposes of research.

OAC rule **5101:2-33-23** entitled **Case records for children services** sets forth the PCSA requirements for recording and maintaining child welfare case record information. The rule has been streamlined to improve the flow of the information and remove redundancies within the rule and across other program rules. Documentation requirements have been incorporated within the rules that outline the PCSA requirements and captured in this rule by referencing each chapter of rules. Requirements that are not specifically addressed within other rules have been maintained within the case record rule to avoid duplicating a requirement in multiple rules.

OAC rule **5101:2-33-26** entitled **The county child abuse and neglect memorandum of understanding** (MOU) requires that PCSAs develop a document that sets forth the normal operating procedures to be employed by all concerned officials in the execution of their respective responsibilities in conducting child abuse and neglect investigations/assessments. The rule has been amended to include language to clarify that if an individual required to sign the MOU has changed, the MOU must be amended and new signatures obtained. Language has also been included to clarify alleged victims of human trafficking are alleged victims of child abuse and neglect and should be addressed within the standards and procedures outlining the PCSA and law enforcement activities for conducting joint assessment/investigations. Language was amended to reflect the change of the timeframe to conduct an assessment/investigation from 45 days to 60 days.

OAC rule **5101:2-33-28** entitled **Joint planning and sharing of information among the PCSA and CDJFS** sets forth the PCSA requirements regarding joint planning and sharing of information with the county departments of job and family services (CDJFS) to coordinate services to children and families. The rule was amended to include language previously captured within the case record rule to require PCSAs to request a copy of the Ohio works first (OWF) self-sufficiency contract from the CDJFS if joint planning or sharing of child welfare information occurs between the PCSA and CDJFS. Rule language was also amended to reflect the current legislative service commission standard.

OAC rule **5101:2-33-05** entitled **Family and children services information system (FACSIS)** reporting requirements outlines the PCSA, PCPA and PNA requirement to enter applicable children services information required by federal or state statute and/or Administrative Code into the family and children services information system. This rule is being rescinded as the FACSIS system is now obsolete.

OAC rule **5101:2-33-22** entitled **Access/confidentiality of child abuse and neglect information contained in the uniform statewide automated child welfare information system** outlines the confidentiality of information contained in SACWIS and access to such information by a children services agency, a person conducting research, and others authorized to request a search regarding a subject of a report of child abuse and neglect. This rule is being rescinded as the requirements were duplicative of information contained within rules 5101:2-33-21 and 5101:2-33-70 of the Administrative Code.

OAC rule **5101:2-33-24** entitled **Access to child abuse and neglect reports for background checks** outlines the PCSA requirements for utilizing child abuse and neglect report dispositions for the purposes of a background check for child care certification, foster care licensure and an adoption home study. This rule is being rescinded as the requirements are now contained within rule 5101:2-33-21 of the Administrative Code, which addresses the release of all confidential child welfare information.

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.