

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

**DATE: November 3, 2005**

**TIME: 10am**

**LOCATION: Room 1865, Rhodes State Office Tower  
30 East Broad St., Columbus, Ohio 43215**

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

Rule 5101:2-33-26, entitled The county child abuse and neglect memorandum of understanding is being proposed because of Senate Bill 66 which includes Children's Advocacy Centers, if appropriate, as a required signature on the memorandum of understanding. The county humane society is being added as a signature on the memorandum to be in compliance with current statute.

Rule 5101:2-34-33, entitled PCSA requirements for conducting intra-familial child abuse and neglect family assessments is being proposed for amendment because of the five year review. This rule sets forth the requirements for the public children services agency to complete a risk assessment in response to allegations of child abuse or neglect. The rule outlines the risk elements to be assessed. The rule did not undergo substantive changes. However, the acronym PCSA was defined and language was added to reference the current form and revision date. Punctuation corrections were made.

Rule 5101:2-34-34, entitled PCSA requirements for conducting out of home care and third party investigations is being proposed for amendment because of the five year review. This rule sets forth the procedures for the public children services agency to follow when conducting an out-of-home care or a third party investigation in response to a child abuse and/or neglect report. No substantive changes were made. The acronyms ODJFS and PCSA were defined and punctuation corrections were made.

Rule 5101:2-34-35, entitled PCSA requirements for cross-referring reports of child abuse and neglect is being proposed for amendment because of the five year review. This rule outlines the requirements for the public children services agency to cross-refer reports of child abuse and neglect. New language was added in paragraph (C) to comply with the requirements of section 2151.426 of the Revised Code authorizing counties to establish advocacy centers to perform functions, activities, and provide services regarding certain types of abuse of a child.

Rule 5101:2-34-37, entitled PCSA requirements for completing the "Family Risk Assessment Model: Safety Plan for Children" is being proposed for amendment because of the five year review. This rule outlines the procedures for implementing a safety plan (JFS 01510). It provides guidance to the PCSA regarding when a safety plan should be

completed, what should be assessed to determine the degree of intervention, and who should sign the safety plan. It also includes involvement of families in safety planning, development of the least restrictive and disruptive safety strategies, and methods for monitoring the safety plan. Formatting changes were made to this rule as a result of the five year rule review.

5101:2-34-38, entitled Confidentiality and dissemination of information relating to child abuse or neglect is being proposed for amendment because of the five year review.

This rule establishes that each report and investigation of alleged child abuse or neglect is confidential and may be shared only when dissemination is authorized by this rule. The rule sets forth circumstances when confidential information can be released and outlines the requirements for the release of CA/N information. New language was added to comply with Senate Bill 66. The addition of child advocacy centers was added under the entities to which the PCSA can release confidential information. Additionally, the requirement that a PCSA release information to a CDJFS regarding providing information to the CDJFS regarding applicants seeking licensure or renewal as a type A family day-care home or certification or recertification as a type B family day care home. Lastly, the rule outlines what information cannot be release to the CDJFS.

5101:2:34-38.1, entitled Access/confidentiality of information contained in child abuse and neglect central registry is being proposed for amendment because of the five year review. The rule addresses the release of central registry information. The rule provides guidance to PCSAs as to when the release of confidential information is appropriate and allowable per the requirements outlined in the body of the rule. The rule outlines that any unauthorized dissemination of information contained in the registry is a misdemeanor of the fourth degree. Acronyms were defined and punctuation corrections were made. There were no substantive changes made to this rule.

5101:2-34-71, entitled The child abuse and neglect memorandum of understanding is being rescinded because of new statutory requirements under Senate Bill 66. This rule is being replaced by 5101:2-33-26.

5101:2-35-16, entitled Submittal of central registry reports on child abuse or neglect is being proposed for amendment because of the five year review. This rule outlines what information a PCSA shall submit to the central registry within twenty-four hours or the next working day from the date the report was received. The rule outlines what information is required to be submitted to the registry. It also requires PCSAs to modify information reported to the registry as a result of an appeal of a disposition. There were no substantive changes to this rule. The acronyms ODJFS and PCSA were defined and corrections to punctuation were made.

5101:2-35-19, entitled Expunction of identifying information is being proposed for amendment because of the five year review. The rule outlines the process and timeframes for expunging reports meeting the criteria listed in the rule. The rule defines the type of reports that will be expunged by ODJFS from the central registry so that all information which might serve to identify a principal of a child abuse and neglect report

will be removed from the central registry and will not later be recovered. The rule identifies that non-identifying data will be stored for purposes of statistical studies by ODJFS. ODJFS shall notify the appropriate PCSA on a routine basis of reports that have been expunged. There were no substantive changes to this rule. Acronyms were defined and punctuation corrections were made.

5101:2-35-62, entitled Interstate referral procedures for children's protective services is being proposed for amendment because of the five year review. This rule sets forth the requirements for the public children services agency to notify and receive notification that a child residing in another state, or from another state, and residing in Ohio is in need of protective or supportive services. Rule revisions include minor grammar changes.

5101:2-35-67, entitled Protective service alerts is being proposed for amendment because of the five year review. This rule sets forth the requirements for the public children services agency to notify other county public children services agency, and states, of the suspicion that a family has moved outside of the county or state and their whereabouts are unknown. Rule revisions include minor grammar changes.

5101:2-35-77, entitled Procedures for intervening in cases involving alleged withholding of appropriate nutrition, hydration, medication, or medically indicated treatment from disabled infants with life-threatening conditions is being proposed for amendment because of the five year review. This rule sets forth the requirements of the PCSAs to intervene in cases of withholding medically indicated treatment from disabled infants with life-threatening conditions. Paragraph (D)(3) has been added to allow PCSA to pursue any legal remedies necessary to prevent the withholding of medically indicated treatment from the disabled infant with life-threatening conditions.

5101:2-39-12.1, entitled Emergency removal of a child from an out-of-home care setting is being proposed for amendment because of the five year review. This rule sets forth the requirements for the public children services agency to follow when it becomes necessary to conduct an emergency removal of a child from an out-of-home care setting. Rule revisions include minor grammar changes.

A copy of the proposed rules 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 Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at [legal@odjfs.state.oh.us](mailto:legal@odjfs.state.oh.us).