

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES
DATE: November 15, 2005
TIME: 10:00 a.m.
LOCATION: Lobby Hearing Room, Rhodes State Office Tower
30 East Broad St., Columbus, Ohio 43215

Pursuant to sections 2151.333, 2151.353, 2151.3518, 2151.412, 2151.416, 2151.421, 5101.02, 5103.03, 5153.16, and 5153.17 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 of the rules as identified below and of a public hearing thereon.

Rule 5101:2-1-01.1 entitled Definition of terms for the implementation of the "Comprehensive Assessment and Planning Model – Interim Solution" and statewide automated child welfare database, contains the definitions of terms used for children services programming that are set forth in chapters 5101:2-36, 5101:2-37, and 5101:2-38 of the Administrative Code and in rules 5101:2-33-20, 5101:2-33-21, 5101:2-33-22, 5101:2-33-23, 5101:2-33-28, 5101:2-33-99, 5101:2-39-01, 5101:2-39-03, and 5101:2-40-02 of the Administrative Code.

Rule 5101:2-33-20, entitled PCSA grievance review hearing policies, requires that the public children services agencies (PCSAs) establish a practice to receive and process grievances from the population served and sets forth the procedures for PCSAs to conduct the grievance review hearings. This rule will be replacing 5101:2-33-04 for PCSAs that are implementing the Comprehensive Assessment and Planning Model - Interim Solution. It is substantially the same as the rule it is replacing. A new paragraph (E) requires the PCSAs to update the statewide automated child welfare database.

Rule 5101:2-33-21, entitled Confidentiality and dissemination of information relating to child abuse or neglect, sets forth the criteria and procedures for public children services agencies (PCSA) to release and provide information regarding substantiated cases of abuse and neglect to identified persons. This rule will be replacing rule 5101:2-34-38 for PCSAs that are implementing the Comprehensive Assessment and Planning Model - Interim Solution. It is substantially the same as the rule it is replacing. Additional persons and entities have been identified for the purpose of instructing the PCSA to whom the PCSA may release information. More specificity has also been added to clarify the type of information a public children services agency may not release.

Rule 5101:2-33-22, entitled Access/confidentiality of information contained in the statewide automated child welfare database, sets forth the criteria and procedures for public children services agencies (PCSAs) and children services agencies (CSAs) to request and receive information regarding a report of child abuse or neglect housed within the statewide automated child welfare database. This rule will be replacing rule 5101:2-34-31.1 for PCSAs that are implementing the Comprehensive Assessment and Planning Model - Interim Solution. Changes include replacing the Central registry with the statewide automated child welfare database, allowing PCSAs to now access the statewide automated child welfare database, and making them responsible for providing children services agencies with the information prescribed in this rule. Also, all employees of the public children services agencies are now required to sign a confidentiality form in order to access and release information from statewide automated child welfare database, procedures and guidelines are established regarding research projects and data analysis utilizing information housed within the statewide automated child welfare database, and instruction for individuals to request information from the central registry when they are the subject of a report of alleged child abuse and/or neglect has been removed.

Rule 5101:2-33-23, entitled Case records for children services, sets forth the requirements for public children services agencies to prepare and maintain permanent case records and identifies the required information to be documented in the case record. This rule will be replacing 5101:2-39-02 for PCSAs that are implementing the Comprehensive Assessment and Planning Model Interim Solution. It is substantially the same as the rule it is replacing.

Rule 5101:2-33-28, entitled Joint planning and sharing information among the PCSA and CDJFS, sets forth the procedures for public children services agencies (PCSA) to share information and plan services with county departments of job and family services. This rule will be replacing rule 5101:2-39-51 for PCSAs that are implementing the Comprehensive Assessment and Planning Model - Interim Solution. It is substantially the same as the rule it is replacing. Language incorporating the use of the Comprehensive Assessment Planning Model- I.S. tools has been included in this rule.

Rule 5101:2-33-99, entitled Implementation of the Comprehensive Assessment and Planning Model – Interim Solution, sets forth requirements for the implementation of the Comprehensive Assessment and Planning Model - Interim Solution (CAPMIS) by public children services agencies (PCSA). CAPMIS is a new model for risk assessment and case planning for PCSAs.

Rule 5101:2-36-01, entitled Intake and screening procedures for child abuse, neglect, dependency and family in need of services; and information and/or referral intakes, sets forth the requirements for public children services agencies for intake and screening child abuse, neglect, dependency, and family in need of services reports and information and/or referral intakes. It contains the requirements for categorizing information received, screening information criteria, and requirements of recording screened out information. This rule will be replacing rule 5101:2-34-06 for PCSAs that are implementing the Comprehensive Assessment and Planning Model - Interim Solution.

Rule 5101:2-36-03, entitled PCSA requirements for intra-familial child abuse and/or neglect assessment/investigations, sets forth the procedures for conducting an intra-familial child abuse and/or neglect assessment/investigation. This rule will be replacing rule 5101:2-34-32 for PCSAs that are implementing the Comprehensive Assessment and Planning Model - Interim Solution. In addition to the requirements contained in the rule being replaced, this rule contains new requirements related to the interview of the alleged child victim without parental consent. Also, this rule specifies when the agency may request the assistance of law enforcement. Language incorporating the use of the Comprehensive Assessment and Planning Model - Interim Solution tools has been incorporated throughout this rule.

Rule 5101:2-36-04, entitled PCSA requirements for conducting a specialized assessment/investigation, sets forth the procedures for public children services agencies (PCSAs) for conducting assessment/investigations in an out of home care setting or when a person responsible for the child's care in out of home care is named as the alleged perpetrator. This rule will be replacing a part of rules 5101:2-34-32 and 5101:2-34-34 for PCSAs that are implementing the Comprehensive Assessment and Planning Model - Interim Solution. There are significant changes to this rule. Language incorporating the use of the Comprehensive Assessment Planning Model- I.S. tools has been incorporated throughout this rule. Paragraph (S) is new and incorporates utilizing the Comprehensive Assessment Planning Model- I.S. Specialized Assessment/Investigation tool to meet the criteria established. Public children services agencies are required to conduct a specialized assessment/investigation within thirty to forty-five days of the screening decision.

Rule 5101:2-36-05, entitled PCSA requirements for conducting stranger danger investigations, sets forth the requirements for public children services agencies (PCSAs) to conduct an investigation when an alleged criminal act of assault or sexual activity against a child has occurred when the perpetrator is a stranger. This rule will be replacing rule 5101:2-34-36 for PCSAs that are implementing the Comprehensive Assessment and Planning Model Interim Solution. It is substantially the same as the rule it is replacing; however, it includes changes to the assessment tool.

Rule 5101:2-36-06, entitled PCSA requirements for a deserted child investigation, sets forth the procedures for public children services agencies (PCSAs) for conducting an investigation on a deserted child. This rule will be replacing rule 5101:2-34-32.1 for PCSAs that are implementing the Comprehensive Assessment and Planning Model - Interim Solution. It is substantially the same as the rule it is replacing. Changes to this rule include revisions to rule references and new assessment tools.

Rule 5101:2-36-07, entitled Procedures for intervening in cases involving alleged withholding of medically indicated treatment from disabled infants with life-threatening conditions, sets forth the procedures for public children services agencies (PCSAs) to be in compliance with the Child Abuse Prevention and Treatment Act. This rule will be replacing rule 5101:2-35-77 for PCSAs that are implementing the Comprehensive Assessment and Planning Model - Interim Solution. It is substantially the same as the rule it is replacing. The significant change is the title of the rule and the authority of the public children services agencies to pursue any legal remedies necessary to prevent withholding of medically indicated treatment to disabled infants with life threatening conditions as identified in paragraph (D)(3) of this rule.

Rule 5101:2-36-08, entitled PCSA requirements for conducting a third party assessment/investigation, sets forth the procedures for children services agencies conducting investigations when there is a conflict of interest for the PCSA. This rule will be replacing a part of rule 5101:2-34-34 for PCSAs that are implementing the Comprehensive Assessment and Planning Model Interim Solution. It is substantially the same as the rule it is replacing.

Rule 5101:2-36-09, entitled Requirements for dependent child assessment/investigations, establishes the procedures for conducting assessment/investigations on dependent children.

Rule 5101:2-36-10, entitled PCSA requirements for responding to family in need of services reports and information and/or referral intakes, sets forth the requirements and procedures for responding to family in need of services reports and information and/or referral intakes.

Rule 5101:2-36-11, entitled Justification to extend time frames for completion or waive completion of assessment/investigative activities, establishes the criteria for extending time frames or waiving certain activities for public children services agencies (PCSAs) when they are conducting assessment/investigations. This rule will be replacing part of rule 5101:2-34-32 for PCSAs that are implementing the Comprehensive Assessment and Planning Model - Interim Solution. The new rule gives more specificity regarding the assessment and investigative activities that can be waived and the timeframes that can be extended.

Rule 5101:2-36-12, entitled PCSA requirements for cross-referring reports of child abuse and neglect, sets forth the requirements for public children services agencies (PCSAs) to refer child abuse and neglect reports to law enforcement, licensing and supervisory authorities and children's advocacy centers. This rule will be replacing rule 5101:2-34-35 for PCSAs that are implementing the Comprehensive Assessment and Planning Model - Interim Solution. It is substantially the same as the rule it is replacing. A requirement that referrals of reports of child abuse to children's advocacy centers be made by PCSAs that have a memorandum of understanding with a children's advocacy center has been added.

Rule 5101:2-36-13, entitled Intrastate and interstate referral procedures for children's protective services, sets forth the requirements for public children services agencies to notify and receive notification if a child who is residing in another state or is from another state, and residing in Ohio, is in need of protective or support services. This rule will be replacing rule 5101:2-35-62 for PCSAs that are implementing the Comprehensive Assessment and Planning Model - Interim Solution. It is substantially the same as the rule it is replacing. Requirements for submittal of reports to ODJFS and tracking by ODJFS staff has been eliminated.

Rule 5101:2-36-14, entitled Protective services alerts, sets forth the requirements for public children services agencies (PCSAs) to notify other counties and states of their suspicion that a family has moved outside of the county or state and their whereabouts are unknown. This rule will be replacing rule 5101:2-35-67 for PCSAs that are implementing the Comprehensive Assessment and Planning Model. It is substantially the same as rule it is replacing. Changes in practice and procedure necessary to implement the Comprehensive Assessment and Planning Model - Interim Solution and statewide automated child welfare database are reflected in this rule.

Rule 5101:2-37-01, entitled PCSA requirements for completing the safety assessment, establishes the requirement that the public children services agency complete a safety assessment for all reports of child abuse, neglect, and/or dependency screened in for assessment/investigation and Stranger Danger Investigations.

Rule 5101:2-37-02, entitled PCSA requirements for safety planning, establishes the requirements for public children services agencies to complete a safety plan for families whose children are in danger of serious harm. This rule will be replacing rule 5101:2-34-37 for PCSAs that are implementing the Comprehensive Assessment and Planning Model - Interim Solution. It is substantially the same as the rule it is replacing. Language incorporating the use of the Comprehensive Assessment and Planning Model - Interim Solution tools has been incorporated throughout this rule. Other new requirements include parental authorization of the safety plan and monitoring the safety plan.

Rule 5101:2-37-03, entitled PCSA requirements for completing the family assessment, This rule establishes the requirements that public children services agencies (PCSAs) complete a family assessment for a family when a report of child abuse, neglect, or dependency is screened in for assessment/investigation or when a family will receive ongoing agency services. This rule will be replacing 5101:2-34-33 for public children services agencies (PCSA) that are implementing the Comprehensive Assessment and Planning Model - Interim Solution (CAPMIS). Language incorporating the use of CAPMIS tool has been incorporated throughout this rule.

Rule 5101:2-37-04, entitled PCSA requirements for completing the reunification assessment, establishes the requirements for the public children services agency to complete a reunification assessment for families and children where reunification is being considered.

Rule 5101:2-38-01, entitled Requirements for PCSA case plan for in-home supportive services without court order, establishes the requirements for the public children services agency to complete a case plan for a family when providing supportive services for voluntary cases. This rule will be replacing rule 5101:2-39-08 for PCSAs that are implementing the Comprehensive Assessment and Planning Model - Interim Solution. Language incorporating the use of the Comprehensive Assessment Planning Model- I.S. tools has been incorporated throughout this rule. Paragraph (B) is new and incorporates utilizing the Comprehensive Assessment Planning Model- I.S. Family Assessment to develop a case plan for families in cases that meet the criteria established. Paragraph (F) is new and provides limitation that only one case plan can be developed per case unless directed otherwise by an order of the court. Paragraph (N) requires that a case review be completed for the case plan once every ninety days.

Rule 5101:2-38-02, entitled Protective services by PCSAs, sets forth the procedures for public children services agencies (PCSAs) for cases in which the court orders protective supervision. This rule will be replacing rule 5101:2-39-30 for PCSAs that are implementing the Comprehensive Assessment and Planning Model - Interim Solution. It is substantially the same as the rule it is replacing for the requirements for PCSAs. Language incorporating the use of the Comprehensive Assessment Planning Model- I.S. tools has been incorporated throughout this rule. The significant change is that private children placing agencies have been removed from this rule and will be addressed separately.

Rule 5101:2-38-05, entitled PCSA case plan for children in custody or under protective supervision, establishes the requirements for public children services agencies (PCSAs) to complete a case plan for a family in which the agency holds custody of a child or when the case plan is court ordered. This rule will be replacing rule 5101:2-39-081 for PCSAs that are implementing the Comprehensive Assessment and Planning Model - Interim Solution. It contains the requirements of the rule that it is replacing and adds a requirement that the PCSA notify the Indian tribe and extended relatives if a child qualifies under the Indian Child Welfare Act. A limitation that only one case plan can be developed per case unless directed otherwise by an order of the court has been established. Utilizing the Comprehensive Assessment Planning Model- I.S. Family Assessment in order to develop a case plan for a family for cases that meet the criteria established is required. Time frames for the public children services agencies to notify all parties and the court of a change to the case plan in emergency situations have been revised. Criteria regarding when public children services agencies may close a case that is court involved is identified. Procedures to be completed by the public children services agencies in order to close a case are established. The case plan amendment is required to be filed by the public children services agencies with the court. Language incorporating the use of the Comprehensive Assessment Planning Model- I.S. tools has been incorporated throughout this rule.

Rule 5101:2-38-08, entitled Child's education and health information, sets forth the procedures for public children services agencies for cases in which the court orders protective supervision. This rule will be replacing rule 5101:2-39-08.2 for PCSAs that are implementing the Comprehensive Assessment and Planning Model - Interim Solution. It is substantially the same as the rule it is replacing, however, the ability for public children services agencies to use a form other than the JFS 01443 has been removed.

Rule 5101:2-38-09, entitled PCSA requirements for completing the case review, This rule establishes the requirement for public children services agencies to complete a case review for each family who has a case plan and is receiving agency services.

Rule 5101:2-38-10, entitled Requirements for a semiannual administrative review, establishes the requirements for the public children services agency (PCSA) to complete a semiannual administrative review (SAR) of a child or family's case plan every six months. This rule will be replacing rule 5101:2-42-43 for public children services agencies (PCSA) that are implementing the Comprehensive Assessment and Planning Model - Interim Solution (CAPMIS). Language stating the use of the CAPMIS tools is incorporated throughout this rule. A new requirement of this rule is the discussion regarding permanency for families who are receiving in-home supportive services from the PCSA. Also, for families receiving in-home supportive services, the time frame for providing the family with a copy of the written SAR summary has been added.

Rule 5101:2-39-01, entitled Removal of a child from his own home, sets forth the requirements for public children services agencies when it is necessary to remove a child from his home. The rule includes requirements for involving juvenile court and law enforcement. This rule will be replacing rule 5101:2-39-12 for PCSAs that are implementing the Comprehensive Assessment and Planning Model Interim Solution. It is substantially the same as the rule it is replacing. The rule has been changed to update references to the Comprehensive Assessment and Planning Model Interim Solution.

Rule 5101:2-39-03, entitled Emergency removal of a child from an out-of-home care setting, sets forth the requirements for public children services agencies to follow when it becomes necessary to conduct an emergency removal of a child from an out-of-home care setting. This rule will be replacing rule 5101:2-39-12.1 for PCSAs that are implementing the Comprehensive Assessment and Planning Model Interim Solution. It is substantially the same as the rule it is replacing. The rule has been changed to update references to the Comprehensive Assessment and Planning Model Interim Solution.

Rule 5101:2-40-02, entitled Supportive services for prevention of placement, reunification, and life skills, This rule sets forth the requirements for public children services agencies to make services available to families that allow a child to remain safely in their home, return safely to their home or to transition from substitute care to independent living. The rule requires emergency services when necessary and services are based on an assessment of safety and risk to the child. This rule will be replacing rule 5101:2-39-06 and 5101:2-39-07 for PCSAs that are implementing the Comprehensive Assessment and Planning Model Interim Solution. It is substantially the same as the rules it is replacing. Form titles and cross references were updated.

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 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.