

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: November 21, 2017
TIME: 10:00 AM
LOCATION: Room 3110B, Rhodes State Office Tower
30 East Broad Street, Columbus, OH 43215

Pursuant to sections 5103.03, 5103.15, 5101.141, and 5153.166 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 adoption 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. This rule is being amended to reflect updated definitions provided by the Bureau of Indian Affairs (BIA) and to provide definitions to terms that had not previously been defined.

OAC 5101:2-53-02, "General provisions of the Indian Child Welfare Act (ICWA)," provides information regarding when ICWA requirements apply to child custody proceedings and when they do not apply. This is a new rule.

OAC 5101:2-53-03, "Determination of Indian status, tribal eligibility and membership," describes provisions for determining a child's status as an "Indian child". This rule is being amended to reflect updated language included in the new federal regulations governing ICWA.

OAC 5101:2-53-04, "Indian Child Welfare Act (ICWA) notice requirements," outlines requirements for notifying an Indian child's parents or Indian custodian, the Indian child's Tribe, and the BIA regarding a child custody proceeding involving the Indian child. This is a new rule.

OAC 5101:2-53-05, "Voluntary agreement for temporary custody of Indian child," describes the responsibilities of a public children services agency (PCPA) or a private child placing agency (PCPA) when executing an agreement for temporary custody of an Indian child. This rule is being amended to reflect updated language included in the new federal regulations governing ICWA.

OAC 5101:2-53-06, "Emergency removal and involuntary custody of Indian children," describes the responsibilities of PCSAs and PCPAs when an Indian child is in the agency's custody. This rule is being amended to reflect updated language included in the new federal regulations governing ICWA. Additionally, language regarding notification to the parents or Indian custodian, the Indian child's Tribe, and the BIA was removed and placed into new OAC rule 5101:2-53-04.

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OAC 5101:2-53-07, "Permanent surrender or parental consent to adoptive placement of Indian children," describes the responsibilities of PCSAs and PCPAs when an Indian child has been permanently surrendered for adoption by the parent or the Indian custodian. This rule is being amended to reflect updated language included in the new federal regulations governing ICWA.

OAC 5101:2-53-08, "Placement preference of Indian children," describes the requirements of PCSAs and PCPAs for adhering to placement preferences when selecting a placement setting for an Indian child. This rule is being amended to reflect updated language included in the new federal regulations governing ICWA. The requirement for an agency to complete the JFS 01646 "Report of Indian Child Placement" (rev. 11/2007) is being removed and the form will be obsolete.

OAC 5101:2-53-09, "Procedures for the transfer of Indian children to a tribal court, a tribal Title IV-E agency or an Indian tribe with a Title IV-E agreement," identifies requirements for transferring child custody proceedings to a Tribal court, a Tribal Title IV-E agency, or an Indian Tribe with a Title IV-E agreement. Language was added to this rule to identify requirements when a parent, an Indian custodian, or an Indian child's Tribe requests the transfer of a child custody proceeding to Tribal court. This rule is being amended.

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

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