

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: Wednesday, February 6, 2008
TIME: 10:00 a.m.
LOCATION: Room 3110B, Rhodes State Office Tower
30 East Broad Street, Columbus, Ohio 43215

Pursuant to sections 2151.31, 2151.413, 5103.03, 5103.15, 5153.16 and 119.03 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 amendment, rescission and adoption of the rules as identified below and of a public hearing thereon.

OAC 5101:2-42-06 entitled Agreement for temporary custody of child sets forth the requirements of a temporary custody agreement between the PCSAs and PCPAs and a parent. This rule has been amended to correct revisions referenced regarding the JFS 01645 form.

OAC 5101:2-42-07 entitled Extension of agreement for temporary custody of child sets forth the requirements of a temporary custody agreement between the PCSAs and PCPAs and a parent upon the request of an extension. This rule has been amended to correct revisions referencing the JFS 01645 form and other grammatical changes were made.

OAC 5101:2-42-08 entitled Acceptance of temporary custody by agreement and court-approved extensions sets forth the requirements of a temporary custody agreement between the PCSAs and PCPAs and a parent upon the request of a secondary extension. This rule has been amended to correct revisions referencing the JFS 01645 form and correct formatting. A section of the rule has been reworded for clarity and minor grammatical changes were made.

OAC 5101:2-42-48 entitled Agency administrative responsibilities for children affected by the Indian Child Welfare Act has been rescinded.

OAC 5101:2-42-49 entitled Definitions related to the Indian Child Welfare Act will be rescinded.

OAC 5101:2-42-52 entitled Verification of tribal membership will be rescinded.

OAC 5101:2-42-53 entitled Involuntary custody requirements will be rescinded.

OAC 5101:2-42-54 entitled Permanent surrender or parental consent to adoptive placement of Indian children will be rescinded.

OAC 5101:2-42-55 entitled Acceptance of agreement for temporary custody of Indian child will be rescinded.

OAC 5101:2-42-56 entitled Placement preference related to Indian children will be rescinded..

OAC 5101:2-42-57 entitled Emergency removal and placement of the Indian child will be rescinded.

OAC 5101:2-42-58 entitled Recordkeeping and reporting requirements regarding Indian children will be rescinded.

OAC 5101:2-42-60 entitled Placement services for infants of incarcerated mothers sets forth the requirements for PCSAs responsibilities related to conducting home assessments and arranging for services for infants born to women incarcerated in correctional facilities. This rule will replace the OAC 5101:2-42-60 and 5101:2-42-61.

OAC 5101:2-42-61 entitled Urgent placement services to infants of incarcerated mothers will be rescinded.

OAC 5101:2-42-66.2 entitled Documentation of comprehensive health care for children in placement sets forth requirements for the PCSAs and PCPAs to maintain in the case record a record of physical health examinations and other assessments and treatments. This rule has been amended to correct revisions referenced regarding the JFS 01443 form and correct formatting. Incorporated by references regarding the protection rules referencing CAPMIS.

OAC 5101:2-42-68 entitled Necessity for continued substitute care placement: court reviews and hearing requirements sets forth requirements for the PCSAs and PCPAs regarding continued substitute care placements and the frequency of assessing the continuation of placement. This rule has been amended to revise the frequency of assessment and correct formatting.

OAC 5101:2-42-87 entitled Termination of substitute care and custody sets forth the requirements for the PCSAs and PCPAs in terminating substitute care and custody. This rule will replace the OAC 5101:2-42-87 and 5101:2-42-94.

OAC 5101:2-42-88 entitled Requirements for substitute care placement disruptions sets forth the requirements that PCSAs and PCPAs shall document when there is a disruption of a child in substitute care. This rule was amended to incorporate by reference protection rules referencing CAPMIS.

OAC 5101:2-42-89 entitled Death of a child in custody sets forth the requirements of PCSAs and PCPAs to have written policies and procedures to be taken when a child in custody dies. No changes were made to this rule.

OAC 5101:2-42-92 entitled Visitation for child in temporary custody sets forth the requirements of the PCSAs and PCPAs to arrange regular and frequent opportunities for children in temporary custody visitation with their parents or guardians. This rule has

been amended to incorporate by reference the protection rules and the JFS forms referencing CAPMIS.

OAC 5101:2-42-94 entitled Termination of custody of a child will be rescinded.

OAC 5101:2-53-01 entitled Definitions related to the Indian Child Welfare Act has been created to define terms used in the administration of ICWA. This rule will replace OAC 5101:2-42-49.

OAC 5101:2-53-02 entitled Administration responsibilities and record keeping for children affected by the Indian Child Welfare Act sets forth the requirements and the responsibilities of the PCSAs and PCPAs in maintaining records of Indian children in care. The title of the rule was changed to better reflect the content of the rule. This rule will replace OAC 5101:2-42-48 and 5101:2-42-58.

OAC 5101:2-53-03 entitled Determination of Indian status, tribal eligibility and membership sets forth the responsibilities of the PCSAs and PCPAs in determining a child's Indian status. The title of the rule was changed to better reflect the content of the rule. This rule will replace OAC 5101:2-42-52.

OAC 5101:2-53-04 entitled Emergency removal of the Indian child sets forth the responsibilities of the PCSAs when an Indian child is in immediate harm and an emergency removal is required. This rule will replace OAC 5101:2-42-57.

OAC 5101:2-53-05 entitled Voluntary placement for temporary custody of Indian child sets forth 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. The title of the rule was changed to better reflect the content of the rule. This rule will replace OAC 5101:2-42-55.

OAC 5101:2-53-06 entitled Involuntary custody of Indian children sets forth the responsibilities of the PCSAs and PCPAs when an Indian child is in the agency's custody. The title of the rule was changed to better reflect the content of the rule. This rule will replace OAC 5101:2-42-53.

OAC 5101:2-53-07 entitled Permanent surrender or parental consent to adoptive placement of Indian children sets forth the responsibilities of the PCSAs and PCPAs when an Indian child has been permanently surrendered for adoption by the parent or custodian. The title of the rule was changed to better reflect the content of the rule. This rule will replace OAC 5101:2-42-54.

OAC 5101:2-53-08 entitled Placement preference of Indian children sets forth 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. The title of the rule was changed to better reflect the content of the rule. This rule will replace OAC 5101:2-42-56.

A copy of the proposed rules are available, without charge, to any person affected by the rules at the address listed below. The rules are also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rules will be held at date, time, and location listed at the top of this letter. 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 rules or comments on the rules 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 rules@odjfs.state.oh.us.