

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: December 7, 2009
TIME: 10:00a.m
LOCATION: Room 3110B, Rhodes State Office Tower
30 East Broad Street, Columbus, Ohio 43215

Pursuant to sections 119.03, 5101.141, 3107.031, 5153.16, and 5153.166 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 of the rules as identified below and of a public hearing thereon. The Ohio Administrative Code (OAC) rules governing the Multiethnic Placement Act (MEPA) have been amended as a result of the five year rule review process.

OAC 5101:2-33-03 Procedure for complaints of alleged discriminatory acts, policies or practices in the foster care or adoption process that involve race, color or national origin outlines the procedure for complaints against any PCSA, PCPA or PNA regarding discrimination in foster care or adoption services that involve race, color or national origin (RCNO). The rule has been amended to update the revision date of a form referenced in the rule.

OAC 5101:2-33-11 entitled Multiethnic Placement Act (MEPA) agency administration requirements sets forth the administrative requirements for PCSAs, PCPAs, and PNAs regarding certain administrative requirements for compliance with MEPA. The rule has been amended for reformatting purposes in order to provide clarity regarding the role of the MEPA monitor and enforcement requirements whenever an agency employee or contractor engages in discriminatory acts, policies, or practices involving RCNO. The rule has been amended to update the revised dates of forms and paragraph references in the rule. Finally, the rule has been amended to clarify when agencies are to submit the JFS 1420 "Multiethnic Placement Act Corrective Action and Resolution Plan Data Collection Requirements."

OAC 5101:2-42-18.1 entitled Non-discrimination requirements for foster care placements outlines the policy on non-discrimination in the foster care placement process. The rule has been amended to clarify that the agency provide a copy of rules 5101:2-42-18.1, 5101:2-48-13, and 5101:2-48-16, and other required documentation to the licensed professional before an assessment is to take place.

OAC 5101:2-48-13 entitled Non-discrimination requirements for adoptive placements outlines the policy on non-discrimination in the adoptive placement process. The rule has been amended to clarify prohibited acts as it applies to the adoption process. The rule was also amended to clarify that the agency provide a copy of rules 5101:2-42-18.1, 5101:2-48-13, and 5101:2-48-16, as well as other required documentation to the licensed professional before an assessment is to take place. The rule was amended to clarify that the PCSA or PCPA submit a copy of the JFS 01608 "Licensed Professional Statement" and JFS 01688 "Individualized Child Assessment," if applicable, to ODJFS within ten days after receiving the signed copy of the JFS 01608 from the licensed professional. Finally, the rule was amended to clarify that the PCSA or PCPA submit the JFS 01689 "Documentation of the Placement-Making Decision" to ODJFS within ten days of the matching conference if the PCSA or PCPA determined that RCNO should be a factor considered in the child's placement.

OAC 5101:2-48-16 entitled Adoption pre-placement and placement procedures outlines the pre-adoptive staffing and matching process. The rule has been amended to clarify that if the permanent custody order is under appeal, the agency may hold a pre-adoptive staffing prior to the issuance of the final decision. The rule was also amended to clarify that subsequent matching conferences are not required when signatures of the adoptive parent(s) and applicable agencies have been completed on the JFS 01654, "Adoptive Placement Agreement." The rule was amended to clarify that all PCSAs, PCPAs, and PNAs are to complete the JFS 1609 "Family Permanency Planning Data Summary," for all families presented at the matching conference, regardless if they "are" or "are not" on the SACWIS system.

A copy of the proposed rule is available, without charge, to any person affected by the rule at the address listed below. The rule is also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rule will be held at the 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 rule or comments on the rule 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.