



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Michael Lynch, Ohio Department of Job and Family Services

FROM: Michael Bender, Business Advocate

DATE: September 20, 2022

RE: **CSI Review – PCPA requirements for completing the semiannual administrative review & PCPA family case plan for children in custody or under court-ordered protective supervision (OAC 5101:2-38-04 and 5101:2-38-07)**

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Department as provided for in ORC 107.54.

Analysis

This rule package consists of two amended rules proposed by the Ohio Department of Job and Family Services (ODJFS). This rule package was submitted to the CSI Office on September 7, 2022, and the public comment period was held open through September 14, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on September 7, 2022.

Ohio Administrative Code (OAC) 5101:2-38-04 requires each private child placing agency (PCPA) that must prepare a family case plan for a child to complete a JFS 01416 "Semiannual Administrative Review for Private Child Placing Agencies" (SAR) for such plan. The PCPA must complete the SAR no later than every 180 days after the date the original court complaint was filed, the date of placement, the date of court ordered protective supervision, or the date of the parent, guardian, or custodian's signature on the family case plan for in-home supportive services only, whichever is first. The rule is amended to update typography and require a PCPA, when it completes the SAR, to review and update the concurrent plan objective and the activities being completed to support it.

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OAC 5101:2-38-07 requires a PCPA to develop and complete a family case plan if services are provided to a child in the child's home or in a substitute care setting. The PCPA must file this family care plan no later than thirty days after either the PCPA files a complaint alleging the child is an abused, neglected, or dependent child, the PCPA has court ordered temporary or permanent custody of the child, the court orders the PCPA to provide protective supervision for a child living in the child's own home, the court orders the PCPA to place a child aged sixteen or older in a planned permanent living arrangement, or the PCPA has not placed the child for adoption within six months after the JFS 01666 "Permanent Surrender of Child" is executed without juvenile court approval for a child in the custody of the PCPA who was less than six months old when the permanent surrender was executed. The rule is amended to remove a provision requiring the PCPA to develop a supplemental plan for locating a permanent family placement for a child concurrently with reasonable efforts to preserve and reunify families. A provision is added to the rule requiring the PCPA to document the permanency plan and concurrent plan in the family case plan effective on or after January 1, 2023, when the primary permanency plan is reunification.

During early stakeholder outreach, ODJFS discussed the proposed rule revisions with the Public Children Services Association of Ohio, the Fatherhood Commission, Kinnect, Title IV-E Juvenile Courts, and public children services agencies. Additionally, the rules went through a two-week public clearance process. ODJFS received input from stakeholders on the structure and clarity of the rule body as well as considerations for concurrent planning to be recorded in the case record. The rules were subsequently revised by ODJFS to incorporate the requirements to record the concurrent plan objective and summary of activities and services in the family case plan. ODJFS did not receive any comments from the public clearance process. No comments were received during the CSI public comment period.

The business community impacted by the rules includes PCPA's. The adverse impacts created by the rules include the time spent documenting and sharing information as well as completing forms such as the family case plan and the SAR. According to ODJFS, the time spent on such activities would vary based on the family and could range from one hour to several hours. ODJFS, citing Salary Expert, notes that the average wage for a child welfare caseworker in the state of Ohio is \$29.00 per hour. ODJFS states that the adverse impacts to business are justified to monitor and review family cases.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that ODJFS should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.