

5101:2-33-20

PCSA complaint review and report disposition appeal policy.

- (A) The public children services agency (PCSA) shall develop and implement written policies for receiving, reviewing and resolving both of the following:
- (1) Complaints concerning the provision of services from parents, custodians, legal guardians, foster caregivers, kinship caretakers, applicants or providers of approved adult-supervised living arrangements, and children.
 - (2) Report disposition appeals by alleged perpetrators who disagree with the PCSA report disposition of a report of child abuse or neglect.
- (B) The complaint review and report disposition appeal policies shall, at a minimum, identify all of the following information:
- (1) Operational procedures for conducting both complaint reviews and report disposition appeal hearings including the PCSA's method of review and response to complaint reviews and report disposition appeals.
 - (2) The office or individual(s) involved in conducting complaint reviews and report disposition appeal hearings.
 - (3) Reasonable time frames for both of the following:
 - (a) Allowing the parties identified in paragraph (A) of this rule to request a complaint review or report disposition appeal.
 - (b) Conducting the review or hearing and issuing a finding.
 - (4) The method by which the PCSA will provide and communicate the policies related to complaint reviews and report disposition appeals to individuals who are hearing or visually impaired or who have limited English proficiency.
- (C) Upon request, the PCSA shall provide written copies of the PCSA's complaint review and report disposition appeal policies to an individual within three working days from the date of the request.
- (D) The PCSA personnel conducting complaint reviews and hearings regarding report disposition appeals cannot be involved in the case, including the assessment/investigation of the incident or the approval of the report disposition.
- (E) The PCSA personnel conducting complaint reviews shall document in the case record the complaint, the complaint review process and the findings of the complaint review.

- (F) The PCSA hearing personnel shall facilitate the report disposition appeal hearing and consider the totality of the information including the assessment/investigation information contained in the case record which led to the report disposition as well as any information presented by the PCSA and the appellant.
- (G) The PCSA hearing personnel shall change the report disposition if any of the following circumstances occur:
 - (1) The report disposition was made in error.
 - (2) The appellant did not engage in conduct constituting child abuse or neglect as defined in sections 2151.03 and 2151.031 of the Revised Code.
 - (3) The report disposition is not supported by the totality of the information presented by the appellant or the PCSA or contained in the case record.
- (H) The decision of the PCSA regarding the report disposition appeals shall be final and the decisions are not subject to state hearing review under section 5101.35 of the Revised Code.
- (I) When an appeal of a PCSA report disposition of a report of child abuse or neglect is heard, the PCSA shall do all of the following:
 - (1) Document the report disposition appeal hearing process and findings in the case record.
 - (2) Update the statewide automated child welfare information system ~~according to procedures contained in rule 5101:2-33-05 of the Administrative Code~~ and notify the principals of the report in writing as to the revised report disposition if a report disposition appeal hearing results in the revision of the disposition.
 - (3) Maintain all documents submitted or reviewed during the report disposition appeal hearing in the case record.

Effective:

Five Year Review (FYR) Dates: 5/12/2020

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 119.03, 119.032, 5153.166
Rule Amplifies: 5153.16
Prior Effective Dates: 07/16/1981, 01/17/1983, 09/28/1987, 03/17/1994,
12/15/1995 (Emer.), 03/31/1997, 06/30/1997 (Emer.),
09/29/1997, 12/30/1997, 05/01/2001, 02/01/2003,
03/01/2006, 10/01/2009, 07/01/2014