

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES
DATE: December, 23, 2013
TIME: 10:00 AM
LOCATION: Rhodes State Office Tower, Room 3110B,
30 East Broad St., Columbus, Ohio 43215

Pursuant to sections, 2151.421, 5153.16 and Chapter 119. of the Ohio Amended 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.

OAC 5101:2-36-01, "Intake and screening procedures for child abuse, neglect, dependency and family in need of services reports; and information and/or referral intakes," outlines the PCSA response to gathering information from a referent. Screening requirements that were previously addressed in other rules have been collapsed into this rule for ease of use by PCSA staff and to provide clarity for the reader. The involvement of out-of-state Children Services Agency (CSA) has been addressed. The criteria for traditional pathway assignment have been amended to synchronize with the Ohio Amended Code.

OAC 5101:2-36-03, "PCSA requirements for intra-familial child abuse and/or neglect assessment/investigations," outlines the requirements for a PCSA when conducting intra-familial child abuse and/or neglect assessments/investigations. Criteria in determining when to conduct an intra-familial assessment/investigation have been amended. Amendments have been made regarding interviewing children absent parental consent and the criteria for notifying a parent have been clarified. Time frames for completion of the assessment/investigation, the assessment tools, and disposition have been extended to forty-five (45) days. Criteria establishing the lead agency have been amended. Requirements addressing the completion of the safety assessment have been condensed and streamlined. Grammatical changes, restructuring the order of paragraphs, and amendments to requirements for consistent understanding have occurred throughout the rule.

OAC 5101:2-36-04, "PCSA requirements for conducting a specialized assessment/investigation," outlines the requirements for a PCSA when conducting a specialized assessment/investigation of child abuse and/or neglect. Qualifying criteria for a specialized assessment/investigation of abuse and neglect have been clarified and incorporated into this rule. Amendments have been made regarding interviewing children absent parental consent and the criteria for notifying a parent have been clarified. Time frames for completion of the assessment/investigation, the assessment tools, and disposition have been extended to forty-five (45) days. Criteria establishing the lead agency have been amended. The required activities in completing a specialized assessment/investigation have been amended. Notification requirements to out-of-home administrators and licensing authorities have been clarified. Rule references have been corrected within this rule. Grammatical changes, restructuring the order of paragraphs, and amendments to requirements for consistent understanding have occurred throughout the rule.

OAC 5101:2-36-05, "PCSA requirements for conducting stranger danger investigations," outlines the requirements for a PCSA when conducting stranger danger investigations of child abuse. Qualifying criteria for a stranger danger investigation of abuse have been clarified and incorporated into this rule. Amendments have been made regarding interviewing children absent parental consent and the criteria for notifying a parent have been clarified. Time frames for completion of the assessment/investigation, the assessment tools, and disposition have been extended to forty-five (45) days. Criteria establishing the lead agency have been amended. Requirements addressing the completion of the safety assessment have been condensed and streamlined. Grammatical changes, restructuring the order of paragraphs, and amendments to requirements for consistent understanding have occurred throughout the rule.

OAC 5101:2-36-06, "PCSA requirements for a deserted child assessment/investigation," outlines the requirements for a PCSA when conducting a deserted child assessment/investigation. The sequencing of several paragraphs has been altered. Time frames for completion of the assessment/investigation have been extended to forty-five (45) days. Grammatical changes, restructuring the order of paragraphs, and amendments to requirements for consistent understanding have occurred throughout the rule.

OAC 5101:2-36-07, "PCSA requirement for conducting an assessment/investigation of the alleged withholding of medically indicated treatment from a disabled infant with life-threatening conditions," outlines the requirements for a PCSA when conducting an assessment/investigation of the alleged withholding of medically indicated treatment from a disabled infant with life-threatening conditions. Time frames for completion of the assessment/investigation and report disposition have been extended to forty-five (45) days. Grammatical changes, restructuring the order of paragraphs, and amendments to requirements for consistent understanding have occurred throughout the rule.

OAC 5101:2-36-08, "PCSA requirements for involving a third party in the assessment/investigation of a child abuse or neglect report," addresses when a PCSA shall involve a third party in the assessment/investigation of child abuse or neglect. Criteria identifying conflicts of interest have been clarified and incorporated into this rule. Additional procedures have been clarified regarding who may serve as a third party, third party involvement, third party notifications, and leading assessment/investigations. Grammatical changes, restructuring the order of paragraphs, and amendments to requirements for consistent understanding have occurred throughout the rule.

OAC 5101:2-36-09, "Requirements for dependent child assessments," outlines the requirements for a PCSA when conducting dependent child assessments. Amendments have been made regarding interviewing children absent parental consent and the criteria for notifying a parent have been clarified. Time frames for completion of the assessment and the assessment tools have been extended to forty-five (45) days. Criteria establishing the lead agency have been amended. Requirements addressing the completion of the safety assessment have been condensed and streamlined. Grammatical changes, restructuring the order of paragraphs, and amendments to requirements for consistent understanding have occurred throughout the rule.

OAC 5101:2-36-10, "PCSA requirements for responding to family in need of services reports," outlines the requirements for a PCSA when responding to family in need of services reports. Ohio Administrative Code chapter references have been updated.

OAC 5101:2-36-11, "Justification to extend time frames for completion or waive completion of assessment/investigation activities," outlines the requirements for a PCSA when extending time frame or waiving completion of assessment/investigation activities. The title has been amended to clarify the purpose of the rule. This rule has been amended to incorporate allowable extensions of assessment/investigative activities specific to Alternative Response and Traditional Response pathways. Criteria have been established addressing waiving a signature on a safety plan. Criteria have been established regarding waiving certain assessment/investigative activities if the report has been previously assessed or investigated. Grammatical changes, restructuring the order of paragraphs, and amendments to requirements for consistent understanding have occurred throughout the rule.

OAC 5101:2-36-12, "PCSA requirement for cross-referring reports of child abuse and/or neglect," outlines the requirements for a PCSA when cross-referring reports of child abuse and/or neglect. Grammatical changes, restructuring the order of paragraphs, and amendments to requirements for consistent understanding have occurred throughout the rule. The notification requirements of the superintendent of public instruction have been removed.

OAC 5101:2-36-13, "Intrastate and interstate referral procedures for children's protective services," outlines the requirements for a PCSA when completing an intrastate or interstate referral of child abuse or neglect. Intrastate referral requirements have been amended to address information to be shared and recorded in SACWIS. Criteria have been established addressing intrastate referral post initiation as well as post determination that protective services are necessary for a family. The required assessment tools for an intrastate referral have been amended to include Alternative Response Family Assessment. Requirements addressing interstate referrals from a PCSA to a CSA are clarified. Grammatical changes, restructuring the order of paragraphs, and amendments to requirements for consistent understanding have occurred throughout the rule.

OAC 5101:2-36-14, "Protective service alert," outlines the requirements for a PCSA when instituting or responding to a protective service alert. This rule has been amended to clarify criteria for a PCSA to issue a PSA. The expiration and extension of a PSA have been clarified. Language and requirements have been amended to incorporate SACWIS information. Grammatical changes, restructuring the order of paragraphs, and amendments to requirements for consistent understanding have occurred throughout the rule.

OAC 5101:2-36-20, "Public children services agencies assessment requirements for child abuse and neglect reports in alternative response," outlines the PCSA requirements for responding to accepted reports of intra-familial child abuse and neglect in the alternative response pathway. Amendments have been made regarding interviewing children absent parental consent and the criteria for notifying a parent have been clarified. Criteria establishing the lead agency have been amended. Requirements

addressing the completion of the safety assessment have been condensed and streamlined. Notification requirements at the completion of the assessment have been amended. Grammatical changes, restructuring the order of paragraphs, and amendments to requirements for consistent understanding have occurred throughout the rule.

OAC 5101:2-37-01, "PCSA requirements for completing the safety assessment," sets forth the PCSA requirements in assessing the safety of children when responding to abuse, neglect, and dependency reports. Alternative response terminology has been incorporated throughout the rule. Requirements addressing the completion of the safety assessment have been streamlined. Amendments have been made regarding assessing the safety of children absent parental consent and the criteria for notifying the parent have been included. Time frames to record the JFS 01401 in SACWIS have been developed. Requirements addressing the completion of the JFS 01401 for multiple reports have been included for clarity. Grammatical changes, restructuring the order of paragraphs, and amendments to requirements for consistent understanding have occurred throughout the rule.

OAC 5101:2-37-02, "PCSA requirements for completing the safety plan," sets forth the PCSA requirements in developing a safety plan for a child determined to be in immediate danger of serious harm. The requirements to implement a safety plan have been clarified. The requirements regarding obtaining signatures and monitoring a safety plan have been amended for clarity. Requirements addressing verbal authorizations, extension to obtain a signature, and waiving a signature have been included. Notification time frame requirement regarding the termination of a safety plan has been amended. Monitoring requirements have been clarified. Grammatical changes, restructuring the order of paragraphs, and consistency addressing the requirements and expectations have occurred throughout.

OAC 5101:2-37-03, "PCSA requirements for completing the family assessment," sets forth the PCSA requirements in assessing safety and risk of families when responding to intra-familial abuse, neglect, and dependency reports. Alternative response terminology and tools have been incorporated throughout the rule. Requirements addressing the completion of an assessment for families receiving ongoing protective services have been added. Requirements to complete assessments involving shared parenting have been included. The time frame requirement to complete the assessment has been amended to forty-five (45) days. Grammatical changes, restructuring the order of paragraphs, and amendments to requirements for consistent understanding have occurred throughout the rule.

OAC 5101:2-37-04, "PCSA requirements for completing the reunification assessment," sets forth the PCSA requirements in reassessing safety and risk of children who were determined to be in immediate danger of serious harm. Requirements were amended to clarify when a reunification assessment is required to be completed. The criteria that require the completion of a reunification assessment have been amended and listed. The time frame for completion of a reunification prior to a court hearing has been extended to sixty (60) days. Grammatical changes, restructuring the order of paragraphs, and amendments to requirements for consistent understanding have occurred throughout the rule.

A copy of the proposed rules is 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 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 rules or comments on the rules should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal 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.