

**PUBLIC HEARING NOTICE  
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES**

**DATE:** June 27, 2017  
**TIME:** 10am  
**LOCATION:** Rhodes State Office Tower, Room 1865,  
30 East Broad St., Columbus, Ohio 43215

Pursuant to sections 2151.421, 2151.429, 2151.3518, 5153.16, 5153.166 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."**

This rule provides the intake and screening procedures for child abuse, neglect, dependency and family in need of services reports. This rule includes the Public Children Services Agency (PCSA) responsibilities in recording referral information, categorizing referral information, completing a screening decision with referral information in the statewide automated child welfare information system (SACWIS), and assigning a report to a pathway.

Certain changes to this rule are a direct result of the federal language requirements of Public Law 114-198- The Comprehensive Addiction and Recovery Act (CARA) of 2016; and the Child Abuse and Prevention and Treatment Act (CAPTA), reauthorized in 2010. These federal requirements have resulted in changes to the screening process and required criteria which needs to be gathered for the plan of safe care, located in paragraph (G), in order to make an informed screening decision for infants and children and families impacted by the legal and illegal use of substances.

**OAC 5101:2-36-03, "PCSA requirements for intra-familial child abuse and/or neglect assessment/investigations."**

This rule outlines Public Children Services Agency (PCSA) requirement for intra-familial child abuse and/or neglect assessment investigations. Timelines, expectations of the PCSAs for contact with children and families, assessment of safety and risk guidelines, interview requirements and the responsibilities of documenting assessments into the automated child welfare information system (SACWIS) are addressed in this rule.

Certain changes to this rule are a direct result of the federal language requirements of Public Law 114-198 - The Comprehensive Addiction and Recovery Act (CARA) of 2016; and the Child Abuse and Prevention and Treatment Act (CAPTA), reauthorized in 2010. These federal requirements have resulted in changes to the screening process and required criteria which needs

to be gathered for the plan of safe care, located in paragraph (G), in order to make an informed screening decision for infants and children and families impacted by the legal and illegal use of substances.

**OAC 5101:2-36-04, "PCSA requirements for conducting a specialized assessment/investigation."**

This rule sets forth the Public Child Services Agency (PSCA) requirements for conducting a specialized assessment/investigation of abuse or neglect. Contact and interview requirements for child, family, parent/guardians, and alleged perpetrators are outlined for the assessment process regarding the safety and risk to the child.

Clarification language was added regarding interviewing a child who does not have sufficient verbal skills or if interviewing would be detrimental to the child.

The term "entity" has been changed to "organization" as defined in 2151.011 of the Ohio Revised Code.

Certain changes to this rule are a direct result of the federal language requirements of Public Law 114-198 - The Comprehensive Addiction and Recovery Act (CARA) of 2016; and the Child Abuse and Prevention and Treatment Act (CAPTA), reauthorized in 2010. These federal requirements have resulted in changes to the screening process and required criteria which needs to be gathered for the plan of safe care in order to make an informed screening decision for infants and children and families impacted by the legal and illegal use of substances.

**OAC 5101:2-36-05, "PCSA requirements for conducting stranger danger investigations."**

This rule sets forth the Public Children Services Agency (PCSA) requirements for conducting stranger danger investigations.

Minor, grammatical changes have been made to the rule.

**OAC 5101:2-36-06, "PCSA requirements for a deserted child assessment/investigation."**

This rule contains the Public Children Services Agency (PCSA) requirements for a deserted child assessment/investigation and details the criteria needed to complete this type of assessment/investigation, what information will be documented in the statewide automated child welfare information system (SACWIS), contact requirements, custody obligations, and linkages/referrals to community resources.

Certain changes to this rule are a direct result of the federal language requirements of Public Law 114-198 - The Comprehensive Addiction and Recovery Act (CARA) of 2016; and the Child Abuse and Prevention and Treatment Act (CAPTA), reauthorized in 2010. These federal requirements have resulted in changes to the assessment/investigation process and required

criteria which needs to be gathered for the plan of safe care in order to make an informed screening decision for infants and children and families impacted by the legal and illegal use of substances.

Paragraph lettering was corrected.

**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."**

Two minor grammatical changes were made to the rule.

This rule sets forth the PCSA process of conducting an assessment/investigation of the alleged withholding of medically indicated treatment from a disabled infant with life-threatening conditions.

**OAC 5101:2-36-08, "PCSA requirements for involving a third party in the assessment/investigation of a child abuse or neglect report."**

This rule includes the Public Children Services Agency (PCSA) requirements for involving a third party in the assessment/investigation of a child abuse or neglect report due to conflicts of interest, assignment of the assessment/investigation and documentation into the statewide automated child welfare information system (SACWIS).

A language change was made within the rule to reflect that type B family "day" care homes are now referenced as "child" care homes.

County department of job and family services (CDJFS) has been changed to reflect Ohio department of job and family services (ODJFS).

**OAC 5101:2-36-09, "Requirements for dependent child assessments."**

This rule defines when a dependency assessment is required absent allegations of abuse or neglect; when law enforcement, prosecutors, legal counsel can be contacted for assistance; contact requirements for dependency assessment with family; child and parent/guardian jurisdictional issues; and the documentation requirements in the statewide automated child welfare information system (SACWIS).

In paragraph (X)(3) language was changed to, refer any "child zero to three years of age to "Help Me Grow" if a developmental delay is suspected."

**OAC 5101:2-36-10, "PCSA requirements for responding to family in need of services reports."**

The word "report" was stricken in (A)(1) - (A)(15) as (A) indicates each is a report.

This rule outlines the Public Children Services Agency (PCSA) requirements for responding to a family in need of services reports.

**OAC 5101:2-36-11, "Justification to extend time frames for completion or waive completion of assessment/investigation activities."**

Minor, grammatical changes have been made to the rule.

This rule establishes the parameters for extending time frames for completion or waiving completion of assessment/investigation activities.

**OAC 5101:2-36-12, "PCSA requirement for cross-referring reports of child abuse and/or neglect."**

Minor, grammatical edits have been made to the rule.

This rule outlines the Public Children Services Agency (PCSA) requirements for cross-referring reports of child abuse and/or neglect to law enforcement, Ohio department of developmental disabilities (ODDD), county board of developmental disabilities (DD), local board of alcohol, drug addiction, and mental health and the Ohio department of mental health (ODMH), Ohio department of youth services (ODYS), superintendent of the local schools or the Ohio department of education (ODE), and the Ohio department of job and family services.

**OAC 5101:2-36-13, "Intrastate and interstate referral procedures for children's protective services."**

Minor, grammatical changes have been made to the rule.

This rule sets forth intrastate and interstate referral procedures for children's protective services processes and procedures for referrals to other states and counties; information which needs to be provided for the referral; transfer expectations of the PCSA; and contact requirements and documentation requirements that require input into the statewide automated child welfare system (SACWIS).

**OAC 5101:2-36-14, "Protective service alert."**

Minor, grammatical changes have been made to the rule.

This rule provides the protective service alert requirements when the whereabouts of a child, parent, guardian or custodian are unknown and there is reason to believe the child remains at risk for abuse or neglect; for Public Children Services Agency (PCSA) and the documentation requirements within the statewide automated child welfare system (SACWIS).

**OAC 5101:2-36-20, "Public children services agencies assessment requirements for child abuse and neglect reports in alternative response."**

This rule includes the Public Children Services Agency (PCSA) requirements for assessments of abuse and neglect reports in alternative response which includes initiation response expectations, contact requirements, documentation into the statewide automated child welfare system (SACWIS), pathway assignment switch reasons, and notification processes of final case decisions.

Paragraph (A) which refers to training of alternative response and implementation, which has occurred in all 88 Ohio counties, has been stricken from rule.

Certain changes to this rule are a direct result of the federal language requirements of Public Law 114-198 - The Comprehensive Addiction and Recovery Act (CARA) of 2016; and the Child Abuse and Prevention and Treatment Act (CAPTA), reauthorized in 2010. These federal requirements have resulted in changes to the screening process and required criteria which needs to be gathered for the plan of safe care in order to make an informed screening decision for infants and children and families impacted by the legal and illegal use of substances.

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 and Acquisition Services, 30 East Broad Street, 31<sup>st</sup> Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at [rules@jfs.ohio.gov](mailto:rules@jfs.ohio.gov).