

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

DATE: February 5, 2018

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 Administrative 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.

This is a 2nd public hearing for these rules. The rules were refiled on 1/12/18 with only rule 5101:2-36-01 being updated. The rules are being refiled a 2nd time to allow for a 2nd public hearing. No changes were made to the body of the rules since the last refile on 1/12/18.

Chapter 5101:2-36

OAC rule **5101:2-36-01** entitled **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. This rule includes the 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. The addition of “legal substance abuse” has been added into this rule as previously only “illegal substance abuse or withdrawal symptoms resulting from prenatal” were referenced. Substance abuse exposure has been referenced as the definition has been added to 5101:2-1-01. Specific guidelines have been added regarding how a PCSA shall gather information regarding a plan of safe care, as referenced in CARA, at the time a referral is called into the agency. PCSA’s are instructed to gather this information in order to determine if the substance exposed infants plan of safe care is sufficient to meet the needs of both the infant and their caregivers. These additions satisfy the Comprehensive Addiction and Recovery Act of 2016 (CARA). Paragraph (I) of this rule was updated with the 1/12/18 refile.

OAC rule **5101:2-36-03** entitled **PCSA requirements for intra-familial child abuse and/or neglect assessment/investigations** outlines the PCSA requirements for responding to accepted reports of intra-familial child abuse and neglect. Clarification has been added for PCSA’s regarding not needing to interview a child if certain documentation is in the case record. Criteria has been added to reflect the requirements needed for infants identified as affected by legal or illegal substance abuse at the time a report is received as defined by the Comprehensive Addiction and Recovery Act of 2016 (CARA). The requirements of a plan of safe care have been added which shall be gathered at the time a report is received by a PCSA. Referrals of all infants born and identified as affected by both legal or illegal substance abuse, withdrawal symptoms or fetal alcohol spectrum disorder must all be referred to Help Me Grow, not just infants identified as affected by illegal substance abuse as previously required. All participants involved in the plan of safe care will need to be notified of final case decision has been added as a requirement. Restructuring the order of the paragraphs have occurred throughout the rule.

OAC rule **5101:2-36-04** entitled **PCSA requirements for conducting a specialized assessment/investigation** sets forth the PCSA requirements for conducting a specialized assessment/investigation of abuse or neglect. The word “setting” has been added to “out-of-home care” for clarification purposes. Institution has been changed to “organization” as it is defined in 2151.011 of the Administrative Code throughout this rule. Wording has been changed to provide clarification of the needed documentation for when a child is not needed to be interviewed. The addition of “legal substance abuse” has been added into this rule as previously only “illegal substance abuse or withdrawal symptoms resulting from prenatal” were referenced. Criteria has been added to reflect the requirements needed for infants identified as affected by legal or illegal substance abuse at the time a report is received as defined by the Comprehensive Addiction and Recovery Act of 2016 (CARA). The requirements of a plan of safe care have been added which shall be gathered at the time a report is received by a PCSA. All participants involved in the plan of safe care will need to be notified of final case decision has been added as a requirement. Restructuring the order of paragraphs have occurred throughout the rule.

OAC rule **5101:2-36-05** entitled **PCSA requirements for conducting stranger danger investigations** sets forth the PCSA requirements for conducting a stranger danger investigation. Minor grammatical changes were made to this rule.

OAC rule **5101:2-36-06** entitled **PCSA requirements for a deserted child assessment/investigation** sets forth the PCSA requirements for conducting a deserted child assessment/investigation. Requirements have been added to reflect the Comprehensive Addiction and Recovery Act of 2016 (CARA) when screening a report of child abuse and/or neglect in for an assessment/investigation when an infant is identified as affected by legal or illegal substance abuse as defined in 5101:2-1-01. Restructuring the order of paragraphs and amendments to requirements for consistent understanding have occurred throughout the rule.

OAC rule **5101:2-36-07** entitled **PCSA requirement for conducting an assessment/investigation of the alleged withholding of medically indicated treatment from a disabled infant with life-threatening conditions** sets forth the PCSA requirements for conducting an assessment/investigation regarding the medical neglect of a disabled infant with life-threatening conditions. Minor grammatical changes were made to this rule.

OAC rule **5101:2-36-08** entitled **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. Wording has been modified to reflect a type B family day care home should be referenced as a “child” care home. These organizations are licensed by “Ohio” department of job and family services (ODJFS), previously rule stated they were licensed by a “county” department of job and family services.

OAC rule **5101:2-36-09** entitled **Requirements for dependent child assessments** sets forth the PCSA requirements for conducting a dependent child assessment. An amendment was made to refer any child zero to three years of age to “Help Me Grow” if a developmental delay is suspected. Previously infants born identified as being affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure were only referenced in this rule as being referred to “Help Me Grow”.

OAC rule **5101:2-36-10** entitled **PCSA requirements for responding to family in need of services reports** sets forth the PCSA requirements for responding to family in need of services reports. Minor grammatical changes were made to this rule.

OAC rule **5101:2-36-11** entitled **Justification to extend time frames for completion or waive completion of assessment/investigation activities** outlines the process to extend the timeframe to complete assessment/investigation activities and outlines which assessment/investigation activities may be waived. Minor grammatical changes were made to this rule.

OAC **5101:2-36-12** entitled **PCSA requirement for cross-referring reports of child abuse and/or neglect** outlines the requirements of the PCSA to refer reports of child abuse and/or neglect to entities with a need for such information to carry out their respective duties. For clarification purposes, a grammatical change has been made to reflect “foster care” licensing versus “children services.”

OAC **5101:2-36-13** entitled **Intrastate and interstate referral procedures for children's protective services** addresses when a PCSA shall make intrastate and interstate referrals and the procedures the PCSA is to follow. Minor grammatical changes were made to this rule.

OAC rule **5101:2-36-14** entitled **Protective service alert** addresses when a PCSA shall issue a protective service alert (PSA). Minor grammatical changes were made to this rule.

OAC rule **5101:2-36-20** entitled **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. Reference to alternative response implementation and approval for PCSA's to utilize this pathway have been deleted from rule as all counties have been approved to utilize alternative response pathway. Requirements have been added to reflect the Comprehensive Addiction and Recovery Act (CARA) of 2016 when screening a report of child abuse and/or neglect in for an assessment/investigation when an infant is identified as affected by legal or illegal substance abuse as defined in 5101:2-1-01. Referrals of all infants born and identified as affected by both legal or illegal substance abuse, withdrawal symptoms or fetal alcohol spectrum disorder must all be referred to Help Me Grow, not just infants identified as affected by illegal substance abuse as previously required. All participants involved in the plan of safe care will need to be notified of final case decision has been added as a requirement. Restructuring the order of the paragraphs 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.