

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: 5/18/09

TIME: 10:00 AM

**LOCATION: Multi-purpose Room, 1st floor, Rhodes State Office Tower
30 East Broad St., Columbus, Ohio 43215**

Pursuant to sections, 2151.421, 2151.3518, 5153.16 and Chapter 119. of the Ohio Revised 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 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** is proposed for amendment in order to clarify child abuse, child neglect, child dependency, and family in need of services assessment/investigation policy. This rule outlines the public children services agency (PCSA) response to gathering information from a referent. This rule includes the PCSA responsibilities in recording referral information, categorizing referral information, and completing a screening decision with referral information in the statewide automated child welfare information system (SACWIS). The four hour requirement to complete a screening decision by a PCSA has been amended to twenty-four hours. Additionally screening requirements that were previously addressed in other rules have been collapsed into this rule for ease of use by PCSA staff and clarity for the reader.

OAC rule 5101:2-36-03 entitled **PCSA requirements for intra-familial child abuse and/or neglect assessment/investigations** is being proposed for amendment in order to clarify child abuse and neglect assessment/investigation policy. This rule outlines the PCSA requirements for responding to accepted reports of intra-familial child abuse and neglect. Qualifying criteria for an intra-familial assessment/investigation of abuse and neglect have been clarified and incorporated into this rule. Additional procedures have been clarified regarding: third party involvement and leading assessment/investigations. Screening requirements that were previously addressed within this rule have been removed. Lastly, sequencing of several paragraphs have been altered and punctuation and grammatical changes have been made in this rule.

OAC rule 5101:2-36-04 entitled **PCSA requirements for conducting a specialized assessment/investigation** is being proposed for amendment in order to clarify child abuse and child neglect assessment/investigation policy. This rule sets forth the PCSA requirements for conducting a specialized assessment/investigation. Qualifying criteria for a specialized assessment/investigation of abuse and neglect have been clarified and incorporated into this rule. Additional procedures have been clarified regarding third party involvement and leading assessment/investigations. Screening requirements that were previously addressed within this rule have been removed. Lastly, sequencing of several paragraphs have been altered and punctuation and grammatical changes have been made in this rule.

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OAC rule 5101:2-36-05 entitled **PCSA requirements for conducting stranger danger investigations** is being proposed for amendment in order to clarify child abuse and neglect investigation policy. This rule sets forth the PCSA requirements for conducting a stranger danger investigation. Qualifying criteria for a stranger danger investigation of abuse have been clarified and incorporated into this rule. Additional procedures have been clarified regarding third party involvement and leading investigations. The required dispositional notifications have been incorporated. Lastly, sequencing of several paragraphs have been altered and punctuation and grammatical changes have been made in this rule.

OAC rule 5101:2-36-06 entitled **PCSA requirements for a deserted child assessment/investigation** is being proposed for amendment to implement section 1 of Senate Bill 304 and to clarify child abuse, child neglect, child dependency, and family in need of services assessment/investigation policy. This rule sets forth the PCSA requirements for conducting a deserted child assessment/investigation. This rule has been amended to incorporate changes in policy resulting from the adoption of Senate Bill 304 which increased the time frame to desert an infant to less than thirty-one days old. Qualifying criteria for a deserted child have been redefined and incorporated into this rule. Additional procedures have been clarified. Screening requirements that were previously addressed within this rule have been removed. Lastly, sequencing of several paragraphs have been altered and punctuation and grammatical changes have been made in this 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** is being proposed for amendment in order to clarify child abuse and neglect assessment/investigation policy. This rule sets forth the PCSA requirements for conducting an assessment/investigation regarding the medical neglect of a disabled infant with life-threatening conditions. The title has been amended. Procedures and activities have been clarified regarding: assessment/investigation activities, third party involvement, and the gathering of medical documentation and information. The required dispositional notifications have been incorporated. Lastly, sequencing of several paragraphs have been altered and punctuation and grammatical changes have been made in 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** is being proposed for amendment in order to clarify child abuse, child neglect, child dependency, and family in need of services assessment/investigation policy. This rule addresses when a PCSA shall involve a third party in the assessment/investigation of child abuse or neglect. The title has been amended. 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. The sequencing of several paragraphs have been altered and punctuation and grammatical changes have been made in this rule.

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OAC rule 5101:2-36-09 entitled **Requirements for dependent child assessments/investigations** is being proposed for amendment in order to clarify child dependency assessment policy. This rule sets forth the PCSA requirements for conducting a dependent child assessment. Qualifying criteria for a dependent child assessment have been condensed and incorporated into this rule. Additional procedures have been specified and and synchronized with other assessment/investigation rules for consistency. Screening requirements that were previously addressed within this rule have been removed. Lastly, sequencing of several paragraphs have been altered and punctuation and grammatical changes have been made in this rule.

OAC rule 5101:2-36-10 entitled **PCSA requirements for responding to family in need of services reports and information** is being proposed for amendment in order to clarify child abuse, child neglect, and family in need of services assessment/investigation policy. This rule sets forth the PCSA requirements for responding to family in need of services reports. The title has been amended. This rule has been amended to include Interstate Compact for Placement of Children (ICPC) as a family in need of services subcategory. Language has been amended for clarity. Screening requirements that were previously addressed within this rule have been removed. Information and Referral intakes have been removed. The sequencing of several paragraphs have been altered and punctuation and grammatical changes have been made in this rule.

OAC rule 5101:2-36-11 entitled **Justification to extend time frames for completion or waive completion of assessment/investigation activities** is being proposed for amendment in order to clarify child abuse, child neglect, child dependency, and family in need of services assessment/investigation policy. This rule outlines the process to extend the timeframe to complete assessment/investigation activities and outlines which assessment/investigation activities may be waived. This rule has been amended to condense and clarify requirements for the public children services agency (PCSA). Qualifying criteria for completing justifications to extend or waive assessment/investigation activities have been clarified and incorporated into this rule.

OAC 5101:2-36-12 entitled **PCSA requirement for cross-referring reports of child abuse and/or neglect** is being proposed for amendment in order to clarify child abuse and neglect assessment/investigation policy. This rule 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. Language was clarified to provide guidance to PCSAs. A requirement to refer child abuse and neglect information to the superintendent of public instruction when a person who holds a license issued by the state board of education is alleged to have abused or neglected a child and the abuse or neglect is related to the person's duties and responsibilities under the license pursuant to section 5153.176 of the Revised Code has been included.

OAC rule 5101:2-36-13 entitled **Intrastate and interstate referral procedures for children's protective services** is being proposed for amendment in order to clarify child

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abuse and neglect assessment/investigation policy. This rule addresses when a PCSA shall make intrastate and interstate referrals and the procedures the PCSA is to follow. This rule has been amended to clarify requirements for the PCSA. Language and requirements have been revised to incorporate SACWIS information for intrastate referrals.

OAC rule 5101:2-36-14 entitled **Protective service alert** is being proposed for amendment in order to clarify child abuse and neglect assessment/investigation policy. This rule addresses when a PCSA shall issue a protective service alert (PSA). This rule has been amended to clarify criteria for a PCSA to issue a PSA. Language and requirements have been revised to incorporate statewide automated child welfare information system (SACWIS) information.

A copy of the proposed rules are 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 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.

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