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Hearing Date: 8/11/2022

Today's Date: 8/12/2022

Agency: Ohio Department of Job and Family Services

Rule Number(s): 5101:2-33-70

If no comments at the hearing, please check the box. ☐

List organizations or individuals giving or submitting testimony before, during or after the public hearing and indicate the rule number(s) in question.

1. Mark Mecum, The Ohio Children's Alliance

2. Jill Kingston, Brigid's Path

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Hearing Summary Report

Consolidated Summary of Comments Received

Please review all comments received and complete a consolidated summary paragraph of the comments and indicate the rule number(s).

Mark Mecum with the Ohio Children's Alliance offered oral testimony on rule 5101:2-33-70, regarding guidelines and requirements in accessing and maintaining the child welfare centralized case management system, SACWIS. Mr. Mecum testified that any new regulatory requirements should be absolutely necessary as they pose costs to current providers in the child welfare space and would take staff time and resources away from serving those in their care. Mr. Mecum expressed concern that county private child welfare agencies currently collect and enter data into systems that are required by county level PCSAs and that the proposed rule requiring entry of the same data into SACWIS would create duplicative work for those entities and would create a situation in which a private entity would enter and keep child welfare information into three systems; locally mandated private third party, locally mandated county system, and statewide SACWIS.

Mr. Mecum continued by noting that the state has committed to reducing red tape through the Children Services Transformation recommendations and that requiring agencies to enter in data in multiple systems runs counter to that effort. Mr. Mecum advocated as a remedy to the issue posed in the rule that ODJFS amend the rule to prohibit county PCSAs from requiring private agencies to enter information into a county-maintained system of record. Additionally, language in H(4) of the rule should be further clarified in order to avoid agency confusion and the requirement that SACWIS be updated each business day is onerous and would exacerbate staffing issues. Failure to adopt these changes and implementation of the rule as it is currently drafted would cause staffing issues for private providers and may cause accreditation issues with the private provider national affiliations.

Ms. Jill Kingston with Brigid's Path offered written testimony only on the rule. In her testimony, Ms. Kingston expressed concern with two possible unintended consequences of proposed changes to the rule. Specifically, she noted that with the requirement that certain information be entered into the RTIS system, which is synchronized with the SACWIS system, the existence of this information that could be viewed at a later date by child welfare workers may adversely impact the future child protective services case of mothers who have used their services and also may serve as a deterrent for mothers to use the provider's services for that reason. Secondly, Ms. Kingston noted that there may be confusion on the part of county caseworkers in any possible future child protective case involving a mother who has historically utilized the provider's services. Namely, the caseworker in a future scenario may interpret the interact with Brigid's Path as a prior placement for the child/infant, when in fact Brigid's Path offers services to newborns who remain in the custody of their birth family.

In order to rectify these concerns, Ms. Kingston proposed adding language to the rule mandating that information entered into RTIS/SACWIS may not be used by a PCSA or county court "that would be detrimental to the biological family." Also, language was requested to be added in the rule stating that services provided by Brigid's Path and information entered as a result shall not be interpreted by a county PCSA as a placement.

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Incorporated Comments into Rule(s)

Indicate how comments received during the hearing process were incorporated into the rule(s). If no comments were incorporated, explain why not.

Comments offered during the public hearing did not affect a change in the rule language.

Residential Treatment Information System (RTIS) information recorded for direct placements for children in congregate care, in the unique case of Brigid's Path and their provider type, does not convert into the Statewide Automated Child Welfare Information System (SACWIS). Information entered RTIS does not transmit into SACWIS, SACWIS information, such as placement information or person information transmits to RTIS. Only when a child is in the custody of a public children services agency (PCSA) or IV-E court and their placement record into a congregate care facility is entered into SACWIS does it create a RTIS child record. At this point information between the two systems is fully shared. Specifically, in relation to a direct placement discharge plan, ODJFS is currently pursuing a technical IT solution to eliminate any RTIS discharge plan information being seen in an agency case plan. As this specific concern is presenting as an operational issue ODJFS is working to address presently and not an issue with policy, the requested changes by Brigid's Path were not incorporated into the rule.

Paragraph, 5101:2-33-70(H)(5) was added to clarify the type of visits that need to be documented within Ohio Statewide Automated Child Welfare Information System (SACWIS) as a result of prior stakeholder comments earlier in the rule making process. This paragraph lists specific Ohio Administrative Code chapters that identify visits that may be completed by private agency staff that have agreed to complete these visits for a public children services agency. The proposed Ohio SACWIS rule and changes do provide an overall guideline about what should be entered into an activity log. The content of the activity log would depend on the activities and/or services that have been provided by the professional. The Ohio SACWIS Access rule addresses the requirement for activity logs to be entered into Ohio SACWIS; however, the rule does not provide specifics on the content of activity logs. A separate rule, OAC 5101:2-42-65 "Caseworker Visits and Contacts with Children in Substitute Care" governs what information should be entered into the activity log.

As required by Ohio Revised Code Section 5101.13, Ohio SACWIS is the system of record of activity for public children services cases in Ohio. As such, all information about the children and families that are served should be present in Ohio SACWIS. Private agencies who contract with public agencies to provide child welfare case management services may be asked to enter data into a county system, at the county's discretion. This requirement is not a state requirement nor is it a requirement in the Administrative Code. Rather, it is a requirement between the county public children services agency and a contracted private vendor who they have entered into an agreement for services. This relationship is generally not governed by the proposed rule or through the Administrative Code.

The paragraph which states, "The PCSA, PCPA, PNA, LPE or court is to enter and update information in Ohio SACWIS and/or RTIS pursuant to this rule each workday or as information becomes available," is not a new requirement. This requirement is a present requirement and was previously in the proposed rule as paragraph (I). It was a requirement in the rule previously for PCSAs, who at the time were the primary Ohio SACWIS users. Many entities have been granted access to Ohio SACWIS and therefore the expectation and responsibility applies to all entities that have access to Ohio SACWIS and/or RTIS. PCPAs and PNAs, many that provide contracted support services to PCSAs are being asked to adhere to the same standard to which the PCSAs who are mandated

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to provide child welfare services are being held.