

**MEMORANDUM**

TO: Michael Lynch, Ohio Department of Job and Family Services

FROM: Sydney King, Regulatory Policy Advocate

DATE: July 15, 2014

RE: **CSI Review – Statewide Automated Child Welfare Information System (OAC 5101:2-33-70)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of one amended rule¹ being proposed by the Ohio Department of Job and Family Services (ODJFS) pursuant to the five-year review requirement of ORC 119.032. The rule package was filed with the CSI Office on May 15, 2014 and the comment period for the rule closed on May 22, 2014. ODJFS provided a revised BIA on June 24, 2014.

The Statewide Automated Child Welfare Information System (SACWIS) is a comprehensive automated case management tool. SACWIS is federally-required and mandates the input of pertinent information from a child's official case record into a statewide database. ODJFS states that the system ensures critical information relating to "the safety, well-being, eligibility, and permanency of children in custody" is readily available.

According to the revised BIA, the rule package was reviewed during 2011 meetings between

¹ The rule is being amended by more than 50 percent; therefore, the Legislative Service Commission requires that the existing rule be rescinded and replaced by a new rule that has the same rule number.

ODJFS and the Midwest Child Welfare Implementation Center (MCWIC). These meetings constituted a series of groups working to establish a uniform criteria and procedure for rule review. The stakeholder groups were divided by subject matter and dedicated a significant amount of time to each rule package reviewed. The BIA states that ODJFS also partnered with the Private Agency Council, representing private child placing agencies (PCPAs), in the development and implementation of SACWIS for the private agencies. ODJFS also provided a clearance comment period to allow for additional input. One comment was received during the CSI public comment period. A public children services agency (PCSA) commented seeking consistency in language with another rule. ODJFS provided an explanation to the PCSA for not amending the rule.

ODJFS focuses on the impact to PCPAs because the PCSAs, as public entities, are not businesses. The rule provides a set of requirements PCPAs must follow in order to access the SACWIS system and input required information into the database. ODJFS states the adverse impacts are the employee trainings needed to understand the SACWIS system and the potential loss of revenue if information entered into the database is inaccurate or not entered timely. The revised BIA does not identify the penalties a PCPA may incur if the system is used for unauthorized access or confidential information is disclosed as adverse impacts. If the noncompliance occurs, the PCPA may incur administrative and criminal penalties. However, the revised BIA does provide a detailed description of the potential training costs to the business community.

In order to reduce the costs associated with the rule package, ODJFS will provide onsite technical assistance and trainings through a series of videos and webinar instruction sessions. Additionally, ODJFS will be working with PCPAs during the pilot implementation of the SACWIS system to assess areas for improvement. It is ODJFS's hope that moving from paper reporting to the SACWIS system will increase information accuracy and reduce the administrative time needed to properly complete documentation.

ODJFS states the rule is federally required but is also necessary to improve the accuracy of a child's official case record. According to the BIA, this will allow local caseworkers to make placement decisions with more accurate information and therefore, will benefit the health and safety of the children in custody.

After reviewing the proposed rule and the revised BIA, the CSI Office has determined that the rule package satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rules is justified.

Recommendation

For the reasons explained above this office does not have any recommendations regarding this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Department should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office