

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

DATE: 7/2/2024
TIME: 10:00am
LOCATION: Teleconference and Room 7C, DCY
246 N. High St., Columbus, OH 43215

This meeting will be held by teleconference and in person. If you would like to submit oral testimony, please attend the meeting site location or call in at the date and time to 1-614-721-2972. Then enter the meeting I.D. # which is 427 162 471#. Written testimony may also be submitted electronically to rules@jfs.ohio.gov.

Pursuant to sections 2151.421, 2151.429, and 5153.166 and Chapter 119. of the Ohio Administrative Code, the Ohio Department of Job and Family Services gives notice of the department's intent to consider the adoption, amendment, or rescission of the rule or 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, family in need of services, and post-emancipation reports; and information and/or referral intakes is being proposed for amendment, due to five-year rule review. This rule outlines the process in obtaining referral information, categorizing referrals, and completing a screening decision. Post-Emancipation reports were separated from the Family in Need of Services category to reflect practice and Ohio's CCWIS functionality. Language was added that a PCSA may refer families with screened out referrals to agencies providing prevention services. The types of child abuse and/or neglect reports assigned to the traditional response pathway were condensed by removing criteria based on law enforcement decisions.

OAC rule 5101:2-36-02 entitled PCSA requirements for determining lead agency for assessments/investigations is being proposed as a new rule setting forth the requirements that apply to a public children services agency (PCSA) when determining the lead agency. References in determining lead agency contained in all other Chapter 5101:2-36 rules were removed.

OAC rule 5101:2-36-03 entitled PCSA requirements for intra-familial child abuse and/or neglect assessment/investigations is being proposed for amendment, due to five-year rule review. This rule outlines the requirements and process when conducting an assessment/investigation and the alleged perpetrator is a member of the family, known to the family/child, or involved in the regular care of the alleged child victim.

OAC rule 5101:2-36-04 entitled PCSA requirements for conducting a specialized assessment/investigation is being proposed for amendment, due to five-year rule review. This rule outlines the requirements and process when conducting an assessment/investigation and the alleged perpetrator is responsible for the alleged child victim's care in an out-of-home care

setting or has access to the alleged child victim through their employment, affiliation to an organization, or through placement in an out-of-home care setting.

OAC rule 5101:2-36-05 entitled PCSA requirements for conducting stranger danger investigations is being proposed for amendment, due to five-year rule review. This rule outlines the requirements and process when investigating in response to a criminal act against a child of assault or sexual activity and the alleged perpetrator is unknown to the alleged child victim and family prior to the incident.

OAC rule 5101:2-36-09 entitled PCSA requirements for dependent child assessments is being proposed for amendment, due to five-year rule review. This rule outlines the requirements for conducting dependency assessments.

OAC rule 5101:2-36-12 entitled PCSA requirements for child abuse and/or neglect cross-referrals is being proposed for amendment, due to five-year rule review. This rule outlines when a PCSA is to make a cross-referral to law enforcement, cross refer reports in accordance with the PCSA's memorandum of understanding (MOU), and when to contact licensing and supervising authorities. Revisions were made to clarify that the PCSA is to notify licensing and supervising authorities of relevant screened out and screened in concerns. Changes to law enforcement notification requirements were made by removing criteria based on law enforcement decisions and limiting neglect cross-referrals to reports when the PCSA implements a legally authorized out-of-home placement within seven calendar days of the screening decision.

OAC rule 5101:2-36-13 entitled Intrastate and interstate referral procedures for children's protective services is being proposed for rescission. All information related to determining the lead PCSA is the new OAC rule 5101:2-36-02.

OAC rule 5101:2-36-14 entitled Protective service alert is being proposed for amendment, due to five-year rule review. This rule outlines when a PCSA is to issue a protective service alert (PSA). Language was revised to clarify a PCSA is to assess/investigate concerns when receiving updated contact information for a family with an active PSA.

OAC rule 5101:2-36-20 entitled Public children services agencies assessment requirements for child abuse and neglect reports in alternative response is being proposed for amendment, due to five-year rule review. This rule outlines the requirements when conducting an assessment/investigation in the alternative response pathway.

The following outlines the additional revisions contained in each of the Chapter 5101:2-36 rules:

- Rules amended to remove regulatory restrictive words as described in SB 9 of the 134th General Assembly.
- Restructured rules to streamline language and rule references throughout for further clarification and consistency.
- Changed all system references to Ohio's Comprehensive Child Welfare Information System (CCWIS) to align with the federally recognized case management information system to support child welfare program needs. Ohio's CCWIS consists of several

automated systems approved by the Children's Bureau including the Ohio Statewide Automated Child Welfare Information System (SACWIS) and Taking Early Action Matters (TEAM) Ohio.

- Added language to notify mandated reporters and law enforcement of information related to screening per statutory requirements.
- Updated face-to-face contact timeframes to align throughout the rules.
- Allowed for contact with an infant or non-verbal child to be made virtually or by phone with direct medical staff when the child is hospitalized and not scheduled for discharge within 72 hours of the screening decision.
- Added five-day attempts suspension when the parent, guardian, or custodian is refusing contact and the PCSA files a complaint in juvenile court.
- Timeframes to complete the report disposition and arrive at a final case decision were changed from forty-five to sixty days.
- Timeframes to notify alleged perpetrators, parents/guardians/custodians, and alleged child victim(s)/child subject of report(s) of the case outcome were changed from two to five days.
- Clarified how alleged perpetrator notifications are to include the PCSA's appeal process.
- The assessment/investigation outcome notification to all involved parties on the Plan of Safe Care/ Family Care Plan is now limited to only those parties with a current release of information signed by the infant's parent, guardian, or custodian.

A copy of the proposed rule(s) is available, without charge, to any person affected by the rule(s) 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 rule(s) will be 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 rule(s) or comments on the rule(s) 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.