

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5101:2-36-01

**Rule Type:** Amendment

**Rule Title/Tagline:** Intake and screening procedures for child abuse, neglect, dependency and family in need of services reports; and information and/or referral intakes.

**Agency Name:** Department of Job and Family Services

**Division:** Division of Social Services

**Address:** 30 E Broad Street Columbus OH 43215

**Contact:** Michael Lynch **Phone:** 614-466-4605

**Email:** Michael.Lynch@jfs.ohio.gov

#### I. Rule Summary

1. **Is this a five year rule review?** Yes
  - A. **What is the rule's five year review date?** 5/31/2024
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 2151.421, 5153.166
5. **What statute(s) does the rule implement or amplify?** 2151.421, 2151.3518, 5153.16
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
  - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

Five Year Rule Review
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

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 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.

9. **Does the rule incorporate material by reference? Yes**
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code. This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(d).

This rule also incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(a).

This rule incorporates one or more references to a form or a digital application into which data is entered. This question is not applicable to any incorporation by reference to forms or digital data applications because such reference is exempt from compliance with RC 121.75 to 121.74 pursuant to RC 121.75 (B) (4).

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## II. **Fiscal Analysis**

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

Not Applicable

13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

No new costs.

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable

### III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? No

18. Does this rule have an adverse impact on business? No

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No

C. Does this rule require specific expenditures or the report of information as a condition of compliance? No

D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

### IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

**19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes**

**A. How many new regulatory restrictions do you propose adding to this rule? 0**

**B. How many existing regulatory restrictions do you propose removing from this rule? 19**

5101:2-36-01 (A) A public children services agency (PCSA) shall attempt to obtain, at a minimum, the following information from a referent/reporter making a referral regarding child safety, risk of child maltreatment or need for services in order to determine an intake category and arrive at a screening decision.

5101:2-36-01 (B) The PCSA shall not delay making the screening decision while waiting for the written information from the referent/reporter.

5101:2-36-01 (C) All information reported to a PCSA alleging known or suspected child abuse, neglect, or dependency, or indicating a family is in need of PCSA services shall be recorded in the statewide automated child welfare information system (SACWIS) as an intake in accordance with the following:

5101:2-36-01(C) (1) Referral information received shall be recorded in SACWIS no later than the next working day from the date of the receipt of the referral information.

5101:2-36-01(C) (2) The original date and time the referral information is received by the PCSA shall be reflected in SACWIS including the actual date and time of the screening decision.

5101:2-36-01 (D) If a PCSA receives a referral alleging abuse or neglect of a child located in Ohio and the child's parent, guardian or custodian resides in another state, the PCSA shall:

5101:2-36-01 (D) (2) If the referral is not accepted by the CSA where the child's parent, guardian or custodian resides, the PCSA shall categorize and complete a screening decision in accordance with this rule.

5101:2-36-01 (E) If a PCSA receives a referral alleging an incident of child abuse or neglect that occurred in Ohio, the child is located outside of Ohio, and the child's parent, guardian or custodian resides in another state, the PCSA shall:

5101:2-36-01 (F) The PCSA is to shall categorize the information received into one of the following intake categories:

5101:2-36-01 (G) When a PCSA receives referral information pursuant to paragraphs (F)(1)(a)(i) and (F)(1)(a)(ii) of this rule, the PCSA shall attempt to gather the following regarding the plan of safe care, which is defined in rule 5101:2-1-01 of the Administrative Code:

5101:2-36-01(H) The PCSA will shall not screen out any referral of a substance affected infant if:

5101:2-36-01 (I) The PCSA shall complete the screening decision and determine the immediacy of need for any agency response to ensure child safety within twenty-four hours from receipt of the information and following the categorization of the referral information in accordance with paragraphs (F)(1), (F)(2), and (F)(3) of this rule based on the information received from the referent/reporter and the child protective services records regarding the principals of the report.

5101:2-36-01 (J) If the PCSA screens out a referral of abuse or neglect and a principal of the report is a person responsible for the child's care in an out-of-home care setting pursuant to rule 5101:2-1-01 of the Administrative Code, the PCSA shall notify licensing and supervising authorities, as appropriate, no later than four working days from the date of the screening decision to share information.

5101:2-36-01 (K) PCSAs shall assign reports screened in and categorized pursuant to paragraph (F)(1) of this rule to one of the following pathways:

5101:2-36-01 (L) The PCSA shall assign the following types of reports of child abuse and/or neglect to the traditional response pathway:

5101:2-36-01 (M) All referral information categorized as information and/or referral pursuant to paragraph (F)(4) of this rule shall be screened out.

5101:2-36-01 (M) The PCSA shall identify which of the following activities was completed by the PCSA.

5101:2-36-01(O) The date and time the subsequent report was received along with the reporter information shall be recorded.

5101:2-36-01 (P) Additional child abuse and/or neglect allegations screened in after the first four working days of the acceptance of the previous child abuse and/or neglect report or after completion of the assessment of safety shall be recorded as a subsequent child abuse and/or neglect report and are subject to the requirements contained in rules 5101:2-36-03, 5101:2-36-04, and 5101:2-36-05 of the Administrative Code.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable