

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-36-06

Rule Type: Amendment

Rule Title/Tagline: PCSA requirements for a deserted child assessment/investigation.

Agency Name: Department of Job and Family Services

Division: Division of Social Services

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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, 5153.16, 5153.166
5. **What statute(s) does the rule implement or amplify?** 5153.16, 2151.3519, 2151.421
6. **What are the reasons for proposing the rule?**

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

OAC rule 5101:2-36-06 entitled PCSA requirements for a deserted child/safe haven assessment/investigation sets forth the requirements that a PCSA is to follow when conducting an assessment/investigation of a report of a deserted child/safe haven child.

This rule was updated to include the term safe haven child to the existing deserted child language and added "peace officer support employee" as an individual authorized to take possession of a deserted child.

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.

The timeframe to complete the report disposition and arrive at a final case decision was changed from forty-five to sixty days.

- 8. Does the rule incorporate material by reference? Yes**
- 9. 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 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).

- 10. 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

- 11. 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

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

No new costs.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
15. 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

16. Was this rule filed with the Common Sense Initiative Office? No
17. 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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. 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? 14

5101:2-36-06 (A) A public children services agency (PCSA) shall conduct a deserted child assessment/investigation if all of the following apply to the child subject of the report:

5101:2-36-06 (B) The PCSA shall is to nitiate the screend in deserted child/safe haven report by:

5101:2-36-06 (C) The PCSA shall contact the individual who originally took possession of the child and obtain:

5101:2-36-06 (D) The PCSA shall accept emergency temporary custody of the child subject of the report.

5101:2-36-06 (E) The PCSA shall arrange for the child subject of the report to be examined by a physician within one hour of face-to-face contact with the child subject of the report.

5101:2-36-06 (E) (1) The examination shall assess the health and well being of the child and indicators of maltreatment.

5101:2-36-06 (E)(2) If the child subject of the report is not left at a hospital, the PCSA shall transport, or arrange for transportation of the child to the nearest appropriate hospital emergency department.

5101:2-36-06 (F) The PCSA shall obtain the medical examination report from the physician.

5101:2-36-06 (G) The PCSA shall screen in a report of child abuse and/or neglect if any of the following occur during the assessment/investigation of a deserted child/safe haven child:

5101:2-36-06 (H) The PCSA shall place the child subject of the report in substitute care pursuant to rule 5101:2-42-04 of the Administrative Code and provide a copy of the medical examination report to the caregiver.

5101:2-36-06 (I) The PCSA shall contact the following agencies and determine if a child matching the description of the child subject of the report has been reported missing:

5101:2-36-06 (J) The PCSA shall complete activities to obtain a birth certificate and a social security card for the child subject of the report.

5101:2-36-06 (K) The PCSA shall complete the deserted child/safe haven assessment/investigation no later than sixty days from the date the referral was screened in as a report.

5101:2-36-06 (L) The assessment/investigation documentation and any materials obtained as a result of the assessment/investigation shall be maintained in Ohio's comprehensive child welfare information system (CCWIS).

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

N/A