

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-36-09

Rule Type: Amendment

Rule Title/Tagline: Requirements for dependent child assessments.

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?** 5153.166
5. **What statute(s) does the rule implement or amplify?** 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 5101:2-36-09 entitled PCSA requirements for dependent child assessments outlines the requirements for conducting dependency assessments.

The following outlines the changes made to the rule:

- 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.
- 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.
- 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 was changed from forty-five to sixty days.
- Allow 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.
- Timeframes to notify alleged perpetrators, parents/guardians/custodians, and alleged child victim(s)/child subject of report(s) was 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.

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? 35

(A) A public children services agency (PCSA) shall conduct a dependency assessment in response to a dependency report if any of the following conditions apply to a child subject of the report absent allegations of abuse or neglect:

(C) The PCSA shall initiate the screened in dependency report in accordance with the following:

(D) The PCSA shall document in the case record the date, time, and with whom the assessment was initiated.

(E) The PCSA shall complete the JFS 01401 "Comprehensive Assessment Planning Model - I.S., Safety Assessment" (rev. 2/2006) pursuant to rule 5101:2-37-01 of the Administrative Code..

(E) (1) The PCSA shall attempt face-to-face contact with the child subject of the report and a parent, guardian, custodian, or caregiver within the first four working days from the date the report was screened in as a dependent report.

(E) (2) If the PCSA's attempt to complete face-to-face contact pursuant to paragraph (E)(1) of this rule is unsuccessful, the PCSA shall attempt at least one additional face-to-face contact within the first four working days from the date that the referral was screened in as a report.

(F) If the attempted face-to-face contacts with the child subject of the report as specified in paragraphs (C) and (E) of this rule are unsuccessful, the PCSA shall, at a minimum, continue making attempts for face-to-face contact at least every five working days until the child is seen or until the PCSA is required to complete a final case decision pursuant to paragraph (S) or (T) of this rule.

(G) The PCSA shall not interview the child subject of the report or his or her siblings without parental consent, unless one of the following exigent circumstances exists:

(I) If a child is interviewed without parental consent, then the same day, the PCSA shall attempt a face-to-face contact or complete a telephone contact with the child's parent, guardian, or custodian to inform them that an interview of their child occurred.

(I) If unsuccessful, an attempt to complete face-to-face contact shall occur once every five working days until contact is made with the child's parent, guardian, or custodian or the time frame for completion of the assessment expires.

(J) The specific facts necessitating the assessment interviews of a child be conducted without parental consent must be documented in the case record.

K) The PCSA shall conduct and document face-to-face interviews with each child residing within the home of the child subject of the report. If possible, each child should be interviewed separate and apart from the caretaker. The purpose of the interviews is to:

(M) The PCSA shall conduct and document face-to-face interviews with the child's parent, guardian, or custodian and all adults residing in the home of the child in order to:

(N) At the time of the initial contact with the adult subject(s) of the report, the PCSA shall advise the adult subject(s) of the report of the specific concerns. The initial contact between the caseworker assessing a dependent child report and the adult subject(s) of the report of the report includes, whichever occurs first, face-to-face or telephone contact with the person if information is gathered as part of the assessment process.

(O) The PCSA shall conduct and document face-to-face interviews or telephone interviews with anyone identified as possible sources of information during the assessment to obtain relevant information regarding the safety and risk to the child.

(O) The PCSA shall exercise discretion in the selection of collateral sources to protect the family's right to privacy.

(P) The PCSA shall take any other actions necessary to assess safety and risk to the child. These actions may include, but are not limited to:

(Q) At any time the PCSA determines a child to be in immediate danger of serious harm, the PCSA shall follow procedures outlined in rule 5101:2-37-02 of the Administrative Code.

(R) If the PCSA determines supportive services are necessary, the supportive services shall be made available to the child, his or her parent, guardian, or custodian during all of the following pursuant to procedures established in rule 5101:2-40-02 of the Administrative Code:

(S) The PCSA shall arrive at a final case decision by completing the JFS 01400 "Comprehensive Assessment Planning Model - I.S., Family Assessment" (rev. 7/2006) no later than forty-five days from the date the report was screened in. The PCSA may extend the time frame by a maximum of fifteen days if information needed to determine the final case decision cannot be obtained within forty-five days and the reasons are documented in the case record pursuant to rule 5101:2-36-11 of the Administrative Code.

(T) If the dependency report involves a principal of the report who is currently receiving ongoing protective services from the PCSA, the PCSA shall complete the final case decision by completing the JFS 01402 "Comprehensive Assessment Planning Model - I.S., Ongoing Case Assessment/ Investigation" (rev. 7/2006).

(T) (1) The JFS 01402 shall be completed no later than forty-five days from the date the report was screened in.

(U) The PCSA shall not waive the completion of the final case decision.

(V) The PCSA shall request assistance from the county prosecutor, the PCSA's legal counsel, or the court if refused access to the child or any records required to conduct the assessment.

(W) The PCSA shall have an interpreter present for all interviews if the PCSA has determined that a member of the case has any impairment that creates a barrier to communication, including but not limited to a principal of the report who is deaf or hearing impaired, limited English proficiency or is developmentally delayed.

(X) Within two working days of completion of the assessment, the PCSA shall do all of the following:

(Y) If two or more Ohio PCSAs are involved in an assessment, the lead county shall be determined by the following criteria:

(Z) If a report of dependency involves a child who is living in a shelter for victims of domestic violence or a homeless shelter, the PCSA that received the report shall do one of the following:

(Z) (1) Determine if the child was brought to the shelter pursuant to an agreement with a shelter in another county. If a determination is made that there was an agreement in place, the PCSA from the county from which the child was brought shall lead the assessment and provide the required supportive services or petition the court for custody of the child, if necessary.

(Z) (2) Lead the assessment if a determination was made that the child was not brought to the shelter under an agreement with a shelter in another county. If two or more PCSAs are involved, all PCSAs shall be responsible for following procedures outlined in this rule.

(AA) If requested by the lead PCSA, either verbally or in writing, the non-lead PCSA located in a non-contiguous county shall conduct interviews of any principals of the report and collateral sources presently located within its jurisdiction to provide the lead agency with the information necessary to complete the JFS 01401, JFS 01402, and the JFS 01400 within the time frames outlined in this rule.

(AA) All PCSAs involved shall document the request in the case record.

(BB) The assessment documentation and any materials obtained as a result of the assessment shall be maintained in the case record.

(BB) If any information gathering activity cannot be completed, justification and written approval of the director or the designee shall be filed in the case record in accordance with rule 5101:2-36-11 of the Administrative Code.

(J) The specific facts necessitating the assessment interviews of a child be conducted without parental consent must be documented in the case record.

- 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