

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-36-13

Rule Type: Rescission

Rule Title/Tagline: Intrastate and interstate referral procedures for children's protective services.

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
5. **What statute(s) does the rule implement or amplify?** 2151.421, 5153.166
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.**

The rule sets forth requirements that apply to public children services agencies (PCSAs) when referring a referral of alleged child abuse and/or neglect to another PCSA or an out-of-state children services agency. All 5101:2-36 rules were restructured and streamlined during this five-year rule review. Rules 5101:2-36-01, 5101:2-36-03, 5101:2-36-04, 5101:2-36-05, 5101:2-36-09, 5101:2-36-12, 5101:2-36-14, and 5101:2-36-20 also contained information related to determining the lead PCSA. All information related to determining the lead PCSA is now in OAC rule 5101:2-36-02.

- 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 incorporates one or more references to a form or a digital application in 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? 33

(A) A public children services agency (PCSA) shall complete an intrastate referral to another PCSA if the PCSA receives a report of alleged child abuse or neglect, and determines the child and his or her custodial parent, legal guardian, or legal custodian reside or have moved to another county before an assessment/investigation has been initiated.

(A)(1) If an emergency exists, the PCSA shall immediately telephone the appropriate PCSA and provide the referral information.

(A)(2) If no emergency exists, the PCSA shall provide the referral information by telephone within twenty-four hours.

(A)(3) The referral information provided to the PCSA shall include, but is not limited to, the following:

(A) (3) (a) The case identification number established within the statewide automated child welfare information system (SACWIS).

(A) (3) (b) The case reference person established within SACWIS.

(A) (3) (c) The intake identification number established within SACWIS, as applicable.

(A) (3) (d) Location, including the address, of the child and his or her custodial parent, legal guardian, or legal custodian.

(B) A PCSA shall complete an intrastate referral to another PCSA if the PCSA initiates an abuse or neglect report and determines the alleged child victim and his or her custodial parent, legal guardian, or legal custodian reside in another county.

(B) (1) If an emergency exists, the PCSA shall immediately telephone the appropriate PCSA to inform of the report and the information obtained as a result of the initiation or other contacts.

(B) (1) If no emergency exists, the PCSA shall telephone the appropriate PCSA within twenty-four hours.

(B) (2) The PCSA receiving the intrastate referral shall determine one of the following:

(B) (2) (a) A case transfer shall be accepted regarding the current report. The receiving PCSA becomes the lead agency and is responsible for the completion of the assessment/investigation activities including arriving at a report disposition and case decision.

(B) (2) (b) A case transfer shall not be accepted.

(B) (2) (b) The PCSA that initiated the report shall remain the lead agency and retain responsibility for the completion of the assessment/investigation, including completing requests for required non-lead interviews.

(C) A PCSA shall make an intrastate referral to another PCSA if the PCSA determines that protective services are needed but the child and his or her custodial parent, legal guardian, or legal custodian moves to another county before or during the provision of protective services and the child remains at risk of abuse or neglect.

(D) A PCSA shall make an interstate referral to a children's services agency (CSA) if the PCSA receives a report of alleged child abuse or neglect, and determines the child and his or her custodial parent, legal guardian, or legal custodian reside in or have moved to another state.

(D) The PCSA shall comply with the following procedures if making a referral to a CSA:

(D) (1) If an emergency exists, the PCSA shall immediately telephone the appropriate CSA with the referral information.

(D) (1) Within three working days of the date of the telephone referral, the PCSA shall follow-up with a written referral to the CSA.

(D) (2) If no emergency exists, the PCSA shall provide the referral information by telephone within twenty-four hours.

(D) (2) Within three working days of the date of the telephone referral, the PCSA shall follow-up the telephone referral with a written referral to the CSA.

(D) (3) The referral shall include, but is not limited to, the following:

(D) (3) (a) All available identifying information on the child, his or her parent, guardian, or custodian and other involved people, including names, dates of birth, ages, and social security numbers.

(D) (3) (b) The child, his or her parent, guardian, or custodian and other involved persons' relationships to each other.

(D) (3) (c) Location, including address of the child and his or her parent, guardian or custodian.

(D) (3) (d) Summary of the referring PCSA's involvement with the child, his or her parent, guardian, or custodian and the current case status.

(D) (3) (e) A copy of the completed JFS 01401 "Comprehensive Assessment Planning Model - I.S., Safety Assessment" (rev. 2/2006) and the JFS 01400 "Comprehensive Assessment Planning Model - I.S., Family Assessment" (rev. 7/2006), or JFS 01419 "Alternative Response Family Assessment" (rev. 7/2008) if applicable.

(D) (3) (f) The nature of the request for the provision of protective services.

(D) (3) (g) The referring PCSA contact person.

(D) (3) (h) The information the referring PCSA needs in response to the referral.

(D) (4) Confidential information regarding the child, his or her parent, guardian, or custodian may be released to the CSA pursuant to rule 5101:2-33-21 of the Administrative Code.

(D) (5) The PCSA shall cooperate with the CSA, and if necessary, lead the assessment/investigative efforts if the child is located within Ohio and the abuse or neglect is alleged to have occurred within Ohio.

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