

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-36-20

Rule Type: Amendment

Rule Title/Tagline: Public children services agencies assessment requirements for child abuse and neglect reports in alternative response.

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?** 5153.166, 2151.429
5. **What statute(s) does the rule implement or amplify?** 2151.429, 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 5101:2-36-20 entitled Public children services agencies assessment requirements for child abuse and neglect reports in alternative response outlines the requirements when conducting an assessment/investigation in the alternative response pathway. Rule was restructured to streamline language and rule references throughout for further clarification and consistency. System references were updated to Ohio's comprehensive child welfare information system (CCWIS), which aligns 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. Language was added to notify mandated reporters and law enforcement of information related to screening per statutory requirements. Face-to-face contact timeframes were updated to align throughout the rules. A five-day attempts suspension was added 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. Contact with an infant or non-verbal child can now 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) were changed from two to five days. 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 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? 34

5101:2-36-20 (A) The PCSA shall initiate the screened in child abuse and neglect report assigned to the alternative response pathway in accordance with the following:

5101:2-36-20 (B) The PCSA shall advise the parent, guardian, or custodian of the information contained in the report at the time of the initial contact. The initial contact between the PCSA and the parent, guardian, or custodian includes face-to-face or telephone contact, whichever occurs first, if information is gathered as part of the assessment process.

5101:2-36-20 (C) The PCSA shall document in the case record the date, time, and with whom the assessment was initiated.

5101:2-36-20 (C) For all reports initiated by the mailing of a letter, the date the letter is mailed shall be documented in the case record.

5101:2-36-20 (D) The PCSA shall complete and document 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.

5101:2-36-20 (D) (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 an abuse or neglect report.

5101:2-36-20 (D) (2) If the PCSA's attempt to complete face-to-face contact pursuant to paragraph (D)(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.

5101:2-36-20 (E) If the initial attempted face-to-face contacts with the child subject of the report and caretaker, as specified in paragraphs (A) and (D) of this rule are unsuccessful, the PCSA shall at a minimum continue making attempts of face-to-face contact at least every five working days until the child subject of the report and caretaker are seen or until the PCSA is required to complete a case decision pursuant to paragraph (S) or (T) of this rule.

5101:2-36-20 (F) The PCSA shall not contact a child subject of the report or his or her siblings without parental consent, unless one of the following exigent circumstances exists:

5101:2-36-20 (G) If a child is contacted without parental consent, then the same day, the PCSA shall attempt a face-to-face contact or complete telephone contact with the child's parent, guardian, or custodian to inform them that contact with his or her child occurred and provide the specific facts necessitating the child be contacted without parental consent.

5101:2-36-20 (H) The specific facts necessitating contact with the child be completed without parental consent shall be documented in the case record.

5101:2-36-20 (I) If the attempt to contact the child's custodian pursuant to paragraph (G) of this rule is unsuccessful, the PCSA shall continue to attempt to complete face-to-face contact with the child's parent, guardian or custodian once every five working days until contact is made with the child's parent, guardian, or custodian, or until the PCSA is required to make a case decision pursuant to paragraph (S) or (T) of this rule.

5101:2-36-20 (J) The PCSA shall complete and document face-to-face contacts with each child residing within the home of the child(ren) who were the subject of the report.

5101:2-36-20 (K) The PCSA shall complete and document face-to-face contacts with all adults residing within the home of the child(ren) who were the subject of the report.

5101:2-36-20 (L) If the attempted face-to-face contacts with the family, as specified in paragraphs (J) and (K) of this rule are unsuccessful, the PCSA shall continue making attempts of face-to-face contact at least every five working days, at a minimum, until the child is seen or until the PCSA is required to complete a case decision pursuant to paragraph (S) of this rule.

5101:2-36-20 (M) The PCSA shall convert a case from the alternative response pathway to the traditional response pathway if any of the following occur:

5101:2-36-20 (N) The PCSA shall record a pathway switch in SACWIS no later than the next working day from the date of the event triggering the conversion of a case from the alternative response pathway to the traditional response pathway.

5101:2-36-20 (O) The PCSA shall notify the principals of the report of the pathway change either verbally or in writing within three working days upon the conversion of a case from the alternative response pathway to the traditional response pathway if the pathway switch is not the result of a subsequent report received and assigned to the traditional response pathway. The notification(s) shall be documented in the case record.

5101:2-36-20 (P) If 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.

5101:2-36-20 (Q) The PCSA shall conduct and document face-to face or telephone contact with any person identified as a possible source of information during the assessment to obtain relevant information regarding the safety of and risk to the child.

5101:2-36-20 (Q) The PCSA shall exercise discretion in the selection of collateral sources to protect the family's right to privacy.

5101:2-36-20 (R) If two or more PCSAs are involved in an assessment, the lead county shall be determined by the following criteria:

5101:2-36-20 (S) 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 01419, and/or JFS 01423 within the time frames outlined in this rule.

5101:2-36-20 (S) All PCSAs involved shall document the request in the case record.

5101:2-36-20 (T) The PCSA shall have an interpreter present for all interviews when the PCSA has determined that a principal of the report has a language or any other impairment that causes a barrier in communication, including but not limited to a principal of the report who is deaf or hearing impaired, limited English proficiency or is developmentally delayed.

5101:2-36-20 (U) For all reports involving an infant identified as affected by legal or illegal substance abuse or withdrawal symptoms resulting from prenatal or postnatal substance exposure pursuant to rule 5101:2-1-01 of the Administrative Code the PCSA shall:

5101:2-36-20 (V) The PCSA shall make a case decision by completing the JFS 01419 pursuant to rule 5101:2-37-03 of the Administrative Code no later than forty-five days from the date the PCSA screened in the referral as a report.

5101:2-36-20 (V) (1) The PCSA shall make a case decision by completing the JFS 01419 pursuant to rule 5101:2-37-03 of the Administrative Code no later than forty-five days from the date the PCSA screened in the referral as a report.

5101:2-36-20 (V) (2) The JFS 01419 shall be entered in SACWIS within three working days from the date of the case decision.

5101:2-36-20 (W) If the child abuse and/or neglect report involves a family member receiving services after the completion of the JFS 01419, the PCSA shall make the final case decision by completing the JFS 01423 pursuant to rule 5101:2-37-03 of the Administrative Code.

5101:2-36-20 (X) If the case decision is to transfer the case for ongoing PCSA services, and the case will continue to be assigned to the alternative response pathway, the agency shall provide ongoing services to the family pursuant to rule 5101:2-38-20 of the Administrative Code.

5101:2-36-20 (Y) Within two working days of completion of the assessment, the PCSA shall do all of the following:

5101:2-36-20 (Y) (3) Notify all participants involved in the plan of safe care of the final case decision. The final decision includes whether the case will be transferred for ongoing PCSA services, closed and referral made to community services, or closed. The following plan of safe care participants shall be notified:

5101:2-36-20 (Z) Documentation of the alternative response assessment, including any materials obtained during the assessment, shall be maintained 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