

# Ohio Administrative Code Chapters 38, 39 and 40 Rule Revisions Summary

## 5101:2-38-01 Requirements for PCSA case plan for in-home supportive services without court order.

Register of Ohio Website Link for 5101:2-38-01:

[http://www.registerofohio.state.oh.us/pdfs/5101/2/38/5101\\$2-38-01 PH FF A RU 20140519 0806.pdf](http://www.registerofohio.state.oh.us/pdfs/5101/2/38/5101$2-38-01 PH FF A RU 20140519 0806.pdf)

*Amendment*

*Impact*

This rule was re-organized for clarity. Most of the language that appears to be new was moved from another location within the rule.

<b>(D)</b>	Added "...age <u>and developmentally</u> appropriate..."	Language was added to clarify that age is not the sole criteria for determining a child's ability to participate in case plan development.
<b>(P)</b>	The revision date of the JFS 01412 "Comprehensive Assessment Planning Model – I.S., Semiannual Administrative Review" (rev. 1/2014) was updated.	At the request of the agencies, extra columns were added to the table to document attempts to obtain a credit report.
<b>(O)</b>	Language was changed from "...and complete..." to "...by completing..."	This is not a new requirement. The language revision clarifies that completion of the tool is intended to be part of the services review process and not completed just for documentation purposes.

## 5101:2-38-02 Protective supervision by PCSAs.

Register of Ohio Website Link for 5101:2-38-02:

[http://www.registerofohio.state.oh.us/pdfs/5101/2/38/5101\\$2-38-02 PH FF A RU 20140519 0806.pdf](http://www.registerofohio.state.oh.us/pdfs/5101/2/38/5101$2-38-02 PH FF A RU 20140519 0806.pdf)

*Amendment*

*Impact*

This rule was re-organized for clarity. There are no new requirements in this rule.

## 5101:2-38-03 Protective supervision by PCPAs.

Register of Ohio Website Link for 5101:2-38-03:

[http://www.registerofohio.state.oh.us/pdfs/5101/2/38/5101\\$2-38-03 PH FF N RU 20140519 0806.pdf](http://www.registerofohio.state.oh.us/pdfs/5101/2/38/5101$2-38-03 PH FF N RU 20140519 0806.pdf)

*Amendment*

*Impact*

This rule replaces 5101:2-39-30 which is being rescinded in order to move the requirements for "Protective supervision by PCPAs" to Chapter 38.

All references to public children services agencies (PCSA) were removed. Requirements for PCSAs are found in rule 5101:2-38-02 of the Administrative Code.

<b>(B)(3)</b>	The revision date of the JFS 01416 "Semiannual Administrative Review for Private Child Placing Agencies" (rev. 1/2014) was updated.	At the request of the agencies, extra columns were added to the table to document attempts to obtain a credit report.
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## 5101:2-38-05 PCSA case plan for children in custody or under protective supervision.

# Ohio Administrative Code Chapters 38, 39 and 40 Rule Revisions Summary

Register of Ohio Website Link for 5101:2-38-05:

[http://www.registerofohio.state.oh.us/pdfs/5101/2/38/5101\\$2-38-05 PH FF A RU 20140519 0806.pdf](http://www.registerofohio.state.oh.us/pdfs/5101/2/38/5101$2-38-05 PH FF A RU 20140519 0806.pdf)

Amendment	Impact
This rule was re-organized for better overall flow. Most of the language that appears to be new was moved from another location within the rule.	
<b>(E)(1)(d)</b> Added "...age <u>and developmentally</u> appropriate..."	Language was added to clarify that age is not the sole criteria for determining a child's ability to participate in case plan development.
<b>(E)(4)</b> Added "...or <u>pre-finalized adoptive parent</u> ..." as a party who must be invited to participate in the development, implementation, and review of the case plan.	Language was added to support that a pre-finalized adoptive parent is a substitute caregiver and is also fulfilling the parental role for a child in adoptive placement.
<b>(L)</b> " <u>The JFS 01410 shall include a written visitation plan for the parent, guardian, or custodian. The visitation plan shall provide for regular, ongoing visitation and interaction between the child placed in substitute care and the parent, guardian, or custodian pursuant to rule 5101:2-42-92 of the Administrative Code.</u> "	Previously, rule only specifically identified visitation plans with siblings. This language was added to expressly state that a written visitation plan with parents, guardians and custodians be included in the case plan. This is not a new requirement.
<b>(M)</b> Moved the requirements for court-ordered amendments to paragraph (Q) following the requirements for agreed upon amendments in (N).	Rule now outlines the procedures for agreed upon amendments before the procedures for court ordered amendments to support the practice of engaging the family when case plan amendments are needed.
<b>OLD (Q)(R)</b> Deleted.	The language was redundant to the language in new paragraph (Q).
<b>NEW (R)(2)</b> For emergency case plan amendments, the agency must... " <u>Notify all parties, the child's guardian ad litem, and the court of the change no later than the next <del>working</del> day after the change is implemented.</u> "	<b>This may impact current internal agency procedures.</b> Section 2151.412 of the Revised Code requires the notification be provided the "next day".
<b>(EE)</b> Added completion of the JFS 01413 (Case Review) and JFS 01404 (Reunification Assessment, if applicable) as required at the time of case closure.	These are not new requirements. The language was added to be consistent across rules.

## 5101:2-38-06 Required contents of a PCPA case plan document.

Register of Ohio Website Link for 5101:2-38-06:

[http://www.registerofohio.state.oh.us/pdfs/5101/2/38/5101\\$2-38-06 PH FF N RU 20140519 0806.pdf](http://www.registerofohio.state.oh.us/pdfs/5101/2/38/5101$2-38-06 PH FF N RU 20140519 0806.pdf)

Amendment	Impact
This rule replaces 5101:2-39-11 which is being rescinded in order to move the requirements for "Required contents of a PCPA case plan document" to Chapter 38.	
This rule was re-organized for clarity. There are no new requirements in this rule.	

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## 5101:2-38-07 PCPA case plan for children in custody or under court-ordered protective supervision.

Register of Ohio Website Link for 5101:2-38-07:

[http://www.registerofohio.state.oh.us/pdfs/5101/2/38/5101\\$2-38-07 PH FF N RU 20140519 0806.pdf](http://www.registerofohio.state.oh.us/pdfs/5101/2/38/5101$2-38-07 PH FF N RU 20140519 0806.pdf)

	Amendment	Impact
	This rule replaces 5101:2-39-10 which is being rescinded in order to move the requirements for “PCPA case plan for children in custody or under court ordered protective supervision” to Chapter 38.	
(C)(1)(d)	Added “...age <u>and developmentally</u> appropriate...”	Language was added to clarify that age is not the sole criteria for determining a child’s ability to participate in case plan development.
(C)(4)	Added “...or <u>pre-finalized adoptive parent</u> ...” as a party who must be invited to participate in the development, implementation, and review of the case plan.	Language was added to support that a pre-finalized adoptive parent is a substitute caregiver and is also fulfilling the parental role for a child in adoptive placement.
(M)	<u>“The PCPA shall include a written visitation plan for the parent, guardian, or custodian. The visitation plan shall provide for regular, ongoing visitation and interaction between the child placed in substitute care and the parent, guardian, or custodian pursuant to rule 5101:2-42-92 of the Administrative Code.”</u>	Previously, rule only specifically identified visitation plans with siblings. This language was added to expressly state that a written visitation plan with parents, guardians and custodians be included in the case plan. This is not a new requirement.
(S)(2)	For emergency case plan amendments, the agency must... <u>“Notify all parties, the child’s guardian ad litem, and the court of the change no later than the <b>next day</b> after the change is implemented.”</u>	<b>This may impact current internal agency procedures.</b> The word, “working” was removed from the rule when this was drafted. This is the requirement as identified in statute.
(X)	The revision date of the JFS 01416 “Semiannual Administrative Review for Private Child Placing Agencies” (rev. 1/2014) was updated.	At the request of the agencies, extra columns were added to the table to document attempts to obtain a credit report.
(Z)	Added new language... <u>“For children in permanent custody, the PCPA shall document efforts to locate an adoptive placement or other planned permanent living arrangement in the case plan.”</u>	<b>This may impact current internal agency procedures.</b> This supports the requirement that the case plan serves as the permanency plan for the child.
(AA)	<u>“The PCPA shall maintain a copy of the original case plan, all journalized amendments to the case plan, all supplemental plans, and all documentation of the face-to-face contacts, including all attempts to monitor progress on the case plan objectives in the child’s case record <b>and recorded in SACWIS.</b>”</u>	<b>This may impact current internal agency procedures.</b> The case record rule allows case records to be a combination of hard copy records and information in SACWIS. Any information that the agency is able to record in SACWIS must be maintained in SACWIS.
(CC)	Added criteria for case closure.	Language was added to be consistent with 5101:2-38-05.

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## 5101:2-38-08 Child's education and health information.

Register of Ohio Website Link for 5101:2-38-08

[http://www.registerofohio.state.oh.us/pdfs/5101/2/38/5101\\$2-38-08 PH FF A RU 20140519 0806.pdf](http://www.registerofohio.state.oh.us/pdfs/5101/2/38/5101$2-38-08 PH FF A RU 20140519 0806.pdf)

### Amendment

### Impact

This rule was re-organized for clarity. There are no new requirements in this rule.

## 5101:2-38-09 PCSA requirements for completing the case review.

Register of Ohio Website Link for 5101:2-38-09

[http://www.registerofohio.state.oh.us/pdfs/5101/2/38/5101\\$2-38-09 PH FF A RU 20140519 0806.pdf](http://www.registerofohio.state.oh.us/pdfs/5101/2/38/5101$2-38-09 PH FF A RU 20140519 0806.pdf)

### Amendment

### Impact

**(A)(2)** The trigger date for the case review was changed from, "Date of placement," to "Date the PCSA received custody of the child."

This change was filed in error, and will be corrected at the next possible opportunity. *The SACWIS tickler will generate from the date of placement.*

**(F)** Language was added to support a worker's ability to document the need for a safety plan in the safety re-assessment section of the Case Review tool.

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## 5101:2-38-20 PCSA requirements for providing on-going services in alternative response.

Register of Ohio Website Link for 5101:2-38-20

[http://www.registerofohio.state.oh.us/pdfs/5101/2/38/5101\\$2-38-20 PH FF A RU 20140519 0806.pdf](http://www.registerofohio.state.oh.us/pdfs/5101/2/38/5101$2-38-20 PH FF A RU 20140519 0806.pdf)

	Amendment	Impact
(B)	The JFS 01410 (CAPMIS Case Plan) and JFS 01413 (CAPMIS Case Review) tools were added.	This supports the practice of some agencies which use the CAPMIS planning and review tools for both pathways.
(D)	Added the requirement to provide the family with a copy of the case plan (either the JFS 01418 or the JFS 01410) <u>within seven days</u> of the agreement.	<b>This may impact current internal agency procedures.</b> The timeframe was added to be consistent with requirements for in-home supportive services case plans as outlined in rule 5101:2-38-01.
(D)	Language was added to specifically require that <u>a copy of a hand-written JFS 01418 will be provided to the family.</u>	This is not new practice. Specifying the requirement in rule supports the business need for maintaining NCR copies of the JFS 01418 in the ODJFS warehouse and making them available for counties to order.
(E)(1)	Changed “...conditions of the child” to “ <u>Services</u> ” as a required reason for amending the family service plan or case plan.	
(H)	Added language to clarify the requirements for additional attempts to complete face to face visits if the attempts are not successful.	<b>This may impact current internal agency procedures.</b> This language supports the expectation that a minimum of 4 face to face visits are attempted if the attempts are not successful.
(I)	Existing criteria for mandatory pathway switch from AR to TR was explicitly listed in rule: <u>“The PCSA receives and order from the juvenile court.”</u> <u>“The PCSA screens in a report or obtains additional information during an assessment requiring assignment in a traditional response pathway...”</u>	These are not new requirements. Court involved cases cannot be served in the AR pathway; and screened in reports with mandatory assignment to the TR pathway are automatically pathway switched in SACWIS.
(J)	Added language that a pathway switch be recorded in SACWIS “ <u>...no later than the next business day from the date of the event triggering the conversion of a case from the alternative response pathway...</u> ”	<b>This may impact current internal agency procedures.</b> The timeframe for recording pathway switch information was not previously identified in rule.
(L)	The requirement <u>to provide written invitation</u> for family service plan (FSP) reviews replaced previous language that the PCSA should “ <u>...encourage the participation of...</u> ” the child’s parent, guardian or custodian. The “ <u>...child, if age and developmentally appropriate</u> ” has also been added as an invitee for FSP reviews.	<b>This may impact current internal agency procedures.</b> This language supports the expectation that AR practice is family centered and that families are partners in the management of their cases.
(P)	Revised criteria for case closure to include statement that the “ <u>...overall level of risk is reduced.</u> ”	Language was revised to be consistent with 5101:2-38-01 – requirements for in-home supportive services cases.

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## 5101:2-39-01 Removal of a child from the child's own home.

Register of Ohio Website Link for 5101:2-39-01

[http://www.registerofohio.state.oh.us/pdfs/5101/2/39/5101\\$2-39-01 PH FF A RU 20140519 0806.pdf](http://www.registerofohio.state.oh.us/pdfs/5101/2/39/5101$2-39-01 PH FF A RU 20140519 0806.pdf)

*Amendment*

*Impact*

This rule was re-organized for clarity. Rule and statutory references have been updated.

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| <p>(B) The following language was inserted: <b><i>"If a child has Indian heritage, tribal eligibility or tribal membership and is removed from the child's own home, the PCSA or PCPA shall act in accordance with procedures outlines in rules 5101:2-53-03, 5101:2-53-04, and 5101:2-53-06 of the Administrative Code."</i></b></p> | <p>This language was added as a reminder that removal of a child with Indian heritage, tribal eligibility or tribal membership is subject to the provisions of the Indian Child Welfare Act (ICWA).</p> |
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## 5101:2-39-03 Emergency removal of a child from substitute care placement.

Register of Ohio Website Link for 5101:2-39-03

[http://www.registerofohio.state.oh.us/pdfs/5101/2/39/5101\\$2-39-03 PH FF A RU 20140519 0806.pdf](http://www.registerofohio.state.oh.us/pdfs/5101/2/39/5101$2-39-03 PH FF A RU 20140519 0806.pdf)

*Amendment*

*Impact*

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| <p>(D) The time frame for providing a parent, guardian or custodian, substitute caregiver and guardian ad litem written notification of the emergency removal of a child from a substitute care setting was extended from <b>"twenty-four hours"</b> to <b>"no later than the next business day,"</b> if the initial attempts to notify them were unsuccessful.</p> | <p><b>This may impact current internal agency procedures.</b></p> |
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## 5101:2-40-02 Supportive services for prevention of placement, reunification and life skills.

Register of Ohio Website Link for 5101:2-40-02

[http://www.registerofohio.state.oh.us/pdfs/5101/2/40/5101\\$2-40-02 PH FF A RU 20140519 0806.pdf](http://www.registerofohio.state.oh.us/pdfs/5101/2/40/5101$2-40-02 PH FF A RU 20140519 0806.pdf)

*Amendment*

*Impact*

This rule was re-organized for clarity. Rule and statutory references have been updated.