

# Ohio Administrative Code Chapters 36 and 37 Rule Revisions Summary

**5101:2-36-01 Intake and screening procedures for child abuse, neglect, dependency and family in need of services reports; and information and/or referral intakes.**

Register of Ohio Website Link for 5101:2-36-01:

[http://www.registerofohio.state.oh.us/pdfs/5101/2/36/5101\\$2-36-01 PH OF A RU 20131121 1205.pdf](http://www.registerofohio.state.oh.us/pdfs/5101/2/36/5101$2-36-01 PH OF A RU 20131121 1205.pdf)

Amendment	Impact
<p><b>(C)(1)</b> Paragraphs (1) and (2) have been added:</p> <p><b>(C)(2)</b> (1) Requires referral information received to be recorded in SACWIS no later than the next working day from the date of the receipt of the referral information.                      (2) Requires the original date and time the referral information is received by the PCSA to be reflected in SACWIS including the actual date and time of the screening decision.</p>	
<p><b>(D)(2)</b> <b><i>If the referral is not accepted by the CSA where the child's parent, guardian or custodian resides, the PCSA shall categorize and complete a screening decision in accordance with this rule.</i></b>                      Clarified requirement to complete assessment/investigation activities if the referral is not accepted by the CSA where the child's parent/custodian resides.</p>	
<p><b>(E)</b> If a PCSA receives a referral alleging an incident of child abuse or neglect that occurred in Ohio, the child is located outside of Ohio, and the child's parent, guardian or custodian resides in another state, the PCSA shall:                      (1) Contact the CSA and inform the CSA of the referral pursuant to rule 5101:2-36-13 of the Administrative Code.                      (2) Make a referral to the law enforcement agency with jurisdiction if the referral alleges a criminal offense.</p>	<p><i>This language was moved from rule 5101:2-36-13 Intrastate and interstate referral procedures for children's protective services as it was instruction for intake and screening.</i></p>
<p><b>(H)</b> <b><i>If the PCSA screens out a referral of abuse or neglect and a principal of the report is a person responsible for the child's care in an out-of-home care setting pursuant to 5101:2-1-01 of the Ohio Administrative Code, the PCSA shall notify licensing and supervising authorities, as appropriate, no later than four working days from the date of the screening decision to share information.</i></b></p>	<p><b>This will impact current internal PCSA processes:</b>                      This is a new requirement regarding screened out CA/N reports. A SACWIS notification letter for licensing/supervising authorities for screened out reports will be developed. In the interim, documentation of the notification may be made in an activity log.</p>
<p><b>(M)</b> The wording addressing "completion of safety assessment" has been revised to "an assessment of safety with the child and the parent/caregiver."</p>	<p>This language was revised in order to clarify that it is about the initial face to face contact/assessment and not the completion of the JFS 01401 Safety Assessment form that fulfills this requirement.</p>

# Ohio Administrative Code Chapters 36 and 37 Rule Revisions Summary

5101:2-36-03 *PCSA requirements for intra-familial child abuse and/or neglect assessment/investigations.*

Register of Ohio Website Link for 5101:2-36-03:

[http://www.registerofohio.state.oh.us/pdfs/5101/2/36/5101\\$2-36-03 PH OF A RU 20131121 1205.pdf](http://www.registerofohio.state.oh.us/pdfs/5101/2/36/5101$2-36-03 PH OF A RU 20131121 1205.pdf)

Amendment	Impact
<p><b>A(2)</b> Clarifying criteria was added to assist with identifying allegations as an intra-familial assessment/investigation. The alleged perpetrator does not have to be known or have authorized access to the child by the child's parent, guardian, or custodian to qualify as an intra-familial assessment/investigation.</p>	
<p><b>F</b> This paragraph and subparagraphs require the completion of the JFS 01401 CAPMIS Safety Assessment and lists the contact requirements. The requirements are not new; they are listed in rule <i>5101:2-37-01 PCSA requirements for completing the safety assessment</i>. However, they have been added to clearly identify the face-to-face contact requirements when conducting an intra-familial assessment/investigation.</p>	
<p><b>K</b> Revised paragraph permits completion of successful telephone contact, in lieu of face-to-face contact, as sufficient notification to the parent/custodian that an interview of a child occurred absent parental consent.</p>	<p><b>This may impact current internal PCSA processes.</b></p>
<p><b>L</b> Requires the PCSA to 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 to notify the parent/custodian that an interview occurred with a child when the original attempts identified in (K) were unsuccessful.</p>	<p>This is not a new requirement but was separated from its original paragraph (K).</p>
<p><b>U</b> Requires the report disposition and the JFS 01400 CAPMIS Family Assessment to be completed within 45 days from the date the PCSA screened in the referral as a child abuse and/or neglect report.</p>	<p><b>This will impact SACWIS.</b> SACWIS ticklers will be adjusted accordingly. Release date for production to be determined.</p>
<p><b>V</b> Requires the report disposition and the JFS 01402 CAPMIS Ongoing Case Assessment Investigation to be completed within 45 days from the date the PCSA screened in the referral as a child abuse and/or neglect report.</p>	<p><b>This will impact SACWIS.</b> SACWIS ticklers will be adjusted accordingly. Release date for production to be determined.</p>
<p><b>AA (3)</b> Additional criteria added for determining lead agency: Identifies the lead agency as the county PCSA located within the county of residence of the custodian who has physical care of the alleged child victim at the time the incident occurred for shared parenting circumstances when a residential parent has not been designated by the court.</p>	
<p><b>CC</b> Requires non-lead PCSA located in a non-contiguous county to 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 investigation within the time frames outlined.</p>	<p><b>This may impact current internal PCSA processes:</b> Revised criteria limits Family In Need of Services, Required Non-Lead Interview to be <b>required</b> when the request is made by a non-contiguous county PCSA. This language does not prohibit county PCSAs who share a border from screening in and conducting Required Non-Lead Interviews as determined within the agency. The revision permits the lead county PCSA to conduct assessment/investigation activities in the contiguous county without requesting a Required Non-Lead Interview.</p>

# Ohio Administrative Code Chapters 36 and 37 Rule Revisions Summary

## 5101:2-36-04 PCSA requirements for conducting a specialized assessment/investigation.

Register of Ohio Website Link for 5101:2-36-04:

[http://www.registerofohio.state.oh.us/pdfs/5101/2/36/5101\\$2-36-04 PH OF A RU 20131121 1205.pdf](http://www.registerofohio.state.oh.us/pdfs/5101/2/36/5101$2-36-04 PH OF A RU 20131121 1205.pdf)

Amendment	Impact
<b>A(4)</b> Has access to the alleged child victim through placement in an out of home care setting.	Additional criteria added for an alleged perpetrator in order to clarify the relationship between the alleged child victim and the alleged perpetrator through a placement qualifies as a specialized assessment/investigation.
<b>J</b> The specific facts necessitating that assessment/investigative interviews of a child be conducted without parental consent must be documented in the case record.	This was added to be consistent with the other assessment/investigation rules.
<b>K</b> Revised paragraph permits completion of successful telephone contact, in lieu of face-to-face contact, as sufficient notification to the parent/custodian that an interview of a child occurred absent parental consent.	
<b>K(1)</b> Requires the PCSA to 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 to notify the parent/custodian that an interview occurred with a child when the original attempts identified in (K) were unsuccessful.	This is not a new requirement. The language has been revised to address the attempt to contact the parent/guardian/custodian face-to-face.
<b>L(1)</b> Provides the PCSA with 24 hours from screening decision to inform identified out of home care administrators a report has been received.	<b>This may impact current internal PCSA processes:</b> The original requirement was "immediately".
<b>L(3)</b> Contact licensing and supervising authorities no later than the next working day, from the date the referral was screened in as a child abuse and/or neglect report for the sharing of information.	The original requirement was "no later than the next working day" and did not reference the screening decision date.
<b>L(11)</b> Addressed taking other actions necessary to assess safety and risk of the child such as taking photos of child's body and/or environment and secure medical records.	This was added to be consistent with the other assessment/investigation rules.
<b>R (3)</b> Additional criteria added for determining lead agency: Identifies the lead agency as the county PCSA located within the county of residence of the custodian who has physical care of the alleged child victim at the time the incident occurred for shared parenting circumstances when a residential parent has not been designated by the court.	
<b>S</b> Requires non-lead PCSA located in a non-contiguous county to conduct interview 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 investigation within the time frames outlined.	<b>This may impact current internal PCSA processes:</b> Revised criteria limit Family In Need of Services, Required Non-Lead Interview to be <b>required</b> when the request is made by a non-contiguous county PCSA. This language does not prohibit county PCSAs who share a border from screening in and conducting Required Non-Lead Interviews as determined within the agency. The revision permits the lead county PCSA to conduct assessment/investigation activities in the contiguous county without requesting a Required Non-Lead Interview.

## Ohio Administrative Code Chapters 36 and 37 Rule Revisions Summary

<b>T</b>	Requires the report disposition and the JFS 01403 Specialized Assessment and Investigation to be completed within 45 days from the date the PCSA screened in the referral as a child abuse and/or neglect report.	<b>This will impact SACWIS.</b> SACWIS ticklers will be adjusted accordingly. Release date for production to be determined.
<b>U</b>	Investigative activities conducted independently by other agencies, does not relieve the PCSA of its responsibility for concluding an assessment/investigation in accordance with this rule.	<b>This may impact current internal PCSA processes:</b> Clarifies the PCSA maintains responsibilities for A/I activities regardless of activities completed by other agencies.
<b>V</b>	Requires the report disposition and the JFS 0140 CAPMIS Ongoing Case Assessment Investigation to be completed within 45 days from the date the PCSA screened in the referral as a child abuse and/or neglect report.	<b>This will impact SACWIS.</b> SACWIS ticklers will be adjusted accordingly. Release date for production to be determined.
<b>Y</b>	Requirements to address if an abuse or neglect report involves a child who is living in a shelter for victims of domestic violence or homeless shelters have been added.	This was added to be consistent with the other assessment/investigation rules.

# Ohio Administrative Code Chapters 36 and 37 Rule Revisions Summary

## 5101:2-36-05 PCSA requirements for conducting stranger danger investigations.

Register of Ohio Website Link for 5101:2-36-05:

[http://www.registerofohio.state.oh.us/pdfs/5101/2/36/5101\\$2-36-05 PH OF A RU 20131121 1205.pdf](http://www.registerofohio.state.oh.us/pdfs/5101/2/36/5101$2-36-05 PH OF A RU 20131121 1205.pdf)

Amendment	Impact
<p><b>B</b> Revision requires a referral to law enforcement pursuant to 5101:2-36-12 PCSA requirement for cross-referring reports of child abuse and/or neglect provided the report was not received from the law enforcement agency with jurisdiction.</p>	<p><b>This may impact current internal PCSA processes and cross-referring stranger danger abuse reports.</b></p>
<p><b>E</b> This paragraph and subparagraphs require the completion of the JFS 01401 CAPMIS Safety Assessment and lists the contact requirements. The requirements are not new; they are listed in rule 5101:2-37-01 <b>PCSA requirements for completing the safety assessment</b>. However, they have been added to clearly identify the face-to-face contact requirements when conducting stranger danger investigation.</p>	
<p><b>I</b> "The specific facts necessitating that assessment/investigative interviews of a child be conducted without parental consent must be documented in the case record."</p>	<p>This was added to be consistent with the other assessment/investigation rules.</p>
<p><b>J</b> Revised paragraph permits completion of successful telephone contact, in lieu of face-to-face contact, as sufficient notification to the parent/custodian that an interview of a child occurred absent parental consent.</p>	<p><b>This may impact current internal PCSA processes.</b></p>
<p><b>S</b> Requires the report disposition to be completed within 45 days from the date the PCSA screened in the referral as a child abuse and/or neglect report.</p>	<p><b>This will impact SACWIS.</b> SACWIS ticklers will be adjusted accordingly. Release date for production to be determined.</p>
<p><b>V</b> Additional criteria added for determining lead agency: <b>(3)</b> Identifies the lead agency as the county PCSA located within the county of residence of the custodian who has physical care of the alleged child victim at the time the incident occurred for shared parenting circumstances when a residential parent has not been designated by the court.</p>	
<p><b>X</b> Requirements to address if an abuse or neglect report involves a child who is living in a shelter for victims of domestic violence or homeless shelters have been added.</p>	<p>This was added to be consistent with the other assessment/investigation rules.</p>
<p><b>Y</b> Requires non-lead PCSA located in a non-contiguous county to conduct interview 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 investigation within the time frames outlined.</p>	<p><b>This may impact current internal PCSA processes:</b> Revised criteria limit Family In Need of Services, Required Non-Lead Interview to be <b>required</b> when the request is made by a non-contiguous county PCSA. This language does not prohibit county PCSAs who share a border from screening in and conducting Required Non-Lead Interviews as determined within the agency. The revision permits the lead county PCSA to conduct assessment/investigation activities in the contiguous county without requesting a Required Non-Lead Interview.</p>

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## 5101:2-36-06 PCSA requirements for a deserted child assessment/investigation.

Register of Ohio Website Link for 5101:2-36-06:

[http://www.registerofohio.state.oh.us/pdfs/5101/2/36/5101\\$2-36-06 PH OF A RU 20131121 1205.pdf](http://www.registerofohio.state.oh.us/pdfs/5101/2/36/5101$2-36-06 PH OF A RU 20131121 1205.pdf)

Amendment		Impact
<b>A (1)</b>	Clarified within the qualifying criteria that the child must be fewer than thirty-one days old, be left voluntarily by the child's parent with emergency personnel, and the child's parent did not express an intention to return for the child.	<b>This may impact current internal PCSA processes:</b> Clarifying criteria was added to assist with identifying allegations that qualify as deserted child assessment/investigation.
<b>A (2)</b>		
<b>A (3)</b>		
<b>K</b>	Requires the deserted child assessment/investigation be completed no later than 45 days from the date the PCSA screened in the referral as a report.	<b>This will impact SACWIS.</b> SACWIS ticklers will be adjusted accordingly. Release date for production to be determined.

## 5101:2-36-07 PCSA requirement for conducting an assessment/investigation of the alleged withholding of medically indicated treatment from a disabled infant with life-threatening conditions.

Register of Ohio Website Link for 5101:2-36-07:

[http://www.registerofohio.state.oh.us/pdfs/5101/2/36/5101\\$2-36-07 PH OF A RU 20131121 1205.pdf](http://www.registerofohio.state.oh.us/pdfs/5101/2/36/5101$2-36-07 PH OF A RU 20131121 1205.pdf)

Amendment		Impact
	Removed requirements addressing continued attempts of face-to-face contact to complete safety assessment, notification of parent of safety assessment completion and relocated requirements in rule 5101:2-37-01 Safety assessment rule.	<b>This may impact current internal PCSA processes:</b>
<b>O</b>	Requires the report disposition and the JFS 01400 CAPMIS Family Assessment to be completed within 45 days from the date the PCSA screened in the referral as a child abuse and/or neglect report.	<b>This will impact SACWIS.</b> SACWIS ticklers will be adjusted accordingly. Release date for production to be determined.
<b>Old V</b>	Paragraph was removed requiring PCSA to notify ODJFS of disposition as this occurs within SACWIS and is not necessary.	This revision occurred post clearance resulting from consultation with the Ohio Department of Health.

## 5101:2-36-08 PCSA requirements for involving a third party in the assessment/investigation of a child abuse or neglect report.

Register of Ohio Website Link for 5101:2-36-08:

[http://www.registerofohio.state.oh.us/pdfs/5101/2/36/5101\\$2-36-08 PH OF A RU 20131121 1205.pdf](http://www.registerofohio.state.oh.us/pdfs/5101/2/36/5101$2-36-08 PH OF A RU 20131121 1205.pdf)

Amendment		Impact
<b>A (6)</b>	Added criteria identifying a conflict and requiring 3rd party: "A foster caregiver or an employee of an institution or facility licensed or certified by ODJFS and the alleged child victim is in the custody of or receiving services from the PCSA that accepted the report."	<b>This may impact current internal PCSA processes:</b>
<b>A (7)</b>	Requires the PCSA to document in the case record if a conflict of interest is identified by the PCSA.	

<b>B</b>	"The involvement of a third party does not relieve the lead PCSA of its responsibility to ensure assessment/investigation activities are completed."	<b>This may impact current internal PCSA processes.</b>
<b>E</b>	Requires the PCSA to request and document the request the assistance for a third party within twenty-four hours of the identification of a conflict of interest.	<b>This may impact current internal PCSA processes.</b>
<b>G</b>	Revised to address the declination of a third party assistance request by either law enforcement or a PCSA.	<b>This may impact current internal PCSA processes.</b>

# Ohio Administrative Code Chapters 36 and 37 Rule Revisions Summary

5101:2-36-09 *Requirements for dependent child assessments.*

Register of Ohio Website Link for 5101:2-36-09:

[http://www.registerofohio.state.oh.us/pdfs/5101/2/36/5101\\$2-36-09 PH OF A RU 20131121 1205.pdf](http://www.registerofohio.state.oh.us/pdfs/5101/2/36/5101$2-36-09 PH OF A RU 20131121 1205.pdf)

Amendment	Impact
<p><b>E</b> This paragraph and subparagraphs require the completion of the JFS 01401 CAPMIS Safety Assessment and lists the contact requirements. The requirements are not new; they are listed in rule <i>5101:2-37-01 PCSA requirements for completing the safety assessment</i>. However they have been added to clearly identify the face-to-face contact requirements when conducting an intra-familial assessment/investigation.</p>	
<p><b>I</b> Revised paragraph permits completion of successful telephone contact, in lieu of face-to-face contact, as sufficient notification to the parent/custodian that an interview of a child occurred absent parental consent.</p>	<p><b>This may impact current internal PCSA processes.</b></p>
<p><b>L (2)</b> Additional language clarifies that the lead PCSA shall make the determination that a child does not need to be interviewed as it would be detrimental for required non-lead interviews.</p>	<p><b>This may impact current internal PCSA processes.</b></p>
<p><b>S</b> Requires the final case decision be completed within the JFS 01400 CAPMIS Family Assessment within 45 days from the date the PCSA screened in the referral as a child abuse and/or neglect report.</p>	<p><b>This will impact SACWIS.</b> SACWIS ticklers will be adjusted accordingly. Release date for production to be determined.</p>
<p><b>T</b> Requires the final case decision be completed within the JFS 01402 CAPMIS Ongoing Case Assessment Investigation within 45 days from the date the PCSA screened in the referral as a child abuse and/or neglect report.</p>	<p><b>This will impact SACWIS.</b> SACWIS ticklers will be adjusted accordingly. Release date for production to be determined.</p>
<p><b>Y (3)</b> Additional criteria added for determining lead agency: Identifies the lead agency as the county PCSA located within the county of residence of the custodian who has physical care of the alleged child victim at the time the incident occurred for shared parenting circumstances when a residential parent has not been designated by the court.</p>	
<p><b>AA</b> Requires non-lead PCSA located in a non-contiguous county to conduct interview 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 investigation within the time frames outlined.</p>	<p><b>This may impact current internal PCSA processes:</b> Revised criteria limit Family In Need of Services, Required Non-Lead Interview to be <b>required</b> when the request is made by a non-contiguous county PCSA. This language does not prohibit county PCSAs who share a border from screening in and conducting Required Non-Lead Interviews as determined within the agency. The revision permits the lead county PCSA to conduct assessment/investigation activities in the contiguous county without requesting a Required Non-Lead Interview.</p>

# Ohio Administrative Code Chapters 36 and 37 Rule Revisions Summary

5101:2-36-10 *PCSA requirements for responding to family in need of services reports.*

Register of Ohio Website Link for 5101:2-36-10:

[http://www.registerofohio.state.oh.us/pdfs/5101/2/36/5101\\$2-36-10 PH OF A RU 20131121 1205.pdf](http://www.registerofohio.state.oh.us/pdfs/5101/2/36/5101$2-36-10 PH OF A RU 20131121 1205.pdf)

Amendment	Impact
<b>A (15)</b> Alternative Response Required Non-lead Contacts has been added as a Family In Need of Services Report.	
<b>B (15)</b> Alternative Response Required Non-lead Contacts has been added as a Family In Need of Services Report.	

5101:2-36-11 *Extending time frames for completion or waiving completion of assessment/investigation activities.*

Register of Ohio Website Link for 5101:2-36-11:

[http://www.registerofohio.state.oh.us/pdfs/5101/2/36/5101\\$2-36-11 PH OF A RU 20131121 1205.pdf](http://www.registerofohio.state.oh.us/pdfs/5101/2/36/5101$2-36-11 PH OF A RU 20131121 1205.pdf)

Amendment	Impact
<b>C (1-4)</b> Criteria have been identified to permit a fifteen day extension for completing assessment/investigation activities and tools if diligent efforts have been completed. "(1) A principal of the report has not been interviewed. (2) The PCSA is waiting on documentation/information from another entity that is necessary in determining the disposition or case decision. (3) Interviews with collaterals or witnesses who have specific information about the allegations have not been completed. (4) The case is assigned to the alternative response pathway and additional time is needed to complete the linkage to services prior to case closure."	<b>This may impact current internal PCSA processes:</b> An extension in the traditional pathway is only permitted when awaiting information that may impact the case disposition such as receiving records or law enforcement interviews. Extending the time frame for the sole purpose of linking a family to services was not determined to be an adequate rationale to delay an individual's right to due process and to be informed of the report disposition and is therefore restricted to the alternative response pathway.
<b>E (6)</b> The disposition "family moved out of county; refer to appropriate PCSA" was removed as it was no longer necessary.	<b>This may impact current internal PCSA processes:</b> Clearance comments received for rule 5101:2-1-01, resulted in an analysis of the unintended practice consequences resulting from how the term was defined. As SACWIS case transfer functionality supports the practice of transferring assessments/investigations between PCSAs absent a disposition, Family moved: unable to complete assessment/investigation disposition is sufficient.
<b>E (7)</b> PCSA may request to waive the completion of the JFS 01401, JFS 01419 or the JFS 01423 if the PCSA has not completed contact with any principal of the report and has been unable to locate the family.	<b>This may impact current internal PCSA processes:</b>
<b>E (9)</b> Request to waive the signature of a parent, guardian, or custodian on the JFS 01409 CAPMIS Safety Plan is outlined if all of the following apply: (a) The PCSA has obtained one signature from a parent, guardian, or custodian on the JFS 01409. (b) The PCSA determines the parent, guardian, or custodian who has not signed is unable or unavailable to sign the JFS 01409.	<b>This may impact current internal PCSA processes:</b>

(c) The reason(s) why the parent, guardian, or custodian who has not signed is unable or unavailable to sign the JFS 01409 is documented in the case record.

**E (10)** Permits a request to waive completion of a Safety Assessment, Family Assessment, Ongoing Case Assessment/Investigation, Alternative Response Family Assessment, and Alternative Response Ongoing Case Assessment if the incident alleged has been previously assessed or investigated.

**This will impact SACWIS.**

# Ohio Administrative Code Chapters 36 and 37 Rule Revisions Summary

5101:2-36-12 *PCSA requirement for cross-referring reports of child abuse and/or neglect.*

Register of Ohio Website Link for 5101:2-36-12:

[http://www.registerofohio.state.oh.us/pdfs/5101/2/36/5101\\$2-36-12 PH OF A RU 20131121 1205.pdf](http://www.registerofohio.state.oh.us/pdfs/5101/2/36/5101$2-36-12 PH OF A RU 20131121 1205.pdf)

Amendment	Impact
<b>D (6)</b> Paragraph and subsets removed. Removed reference and reiteration of ORC 5153.76 requirements.	

5101:2-36-13 *Intrastate and interstate referral procedures for children's protective services.*

Register of Ohio Website Link for 5101:2-36-13:

[http://www.registerofohio.state.oh.us/pdfs/5101/2/36/5101\\$2-36-13 PH OF A RU 20131121 1205.pdf](http://www.registerofohio.state.oh.us/pdfs/5101/2/36/5101$2-36-13 PH OF A RU 20131121 1205.pdf)

Amendment	Impact
<b>A</b> The process of completing an intrastate referral has been separated from interstate referrals to better identify the processes involving SACWIS. Information originally required that is contained in SACWIS has been removed from rule. Additionally, the requirements listed in rule account for data and information relevant to SACWIS for intrastate referrals.	<b>This may impact current internal PCSA processes:</b> Addresses requirements regarding an intrastate referral from one PCSA to another. Addresses identifying SACWIS information to be shared between the PCSAs.
<b>B</b> Addresses an intrastate referral post initiation and criteria. Permits the transfer of the case and the report to another PCSA to complete the assessment/investigation if that PCSA assumes the responsibility and accepts the report. Provision of specific information that is contained in SACWIS has been removed from rule.	<b>This may impact current internal PCSA processes:</b> <b>This will impact SACWIS:</b> SACWIS Case Transfer functionality supports the transfer of cases from one agency to another. Enhancements are needed to permit the receiving county to record the disposition, and to track the agency 'ownership' of the intake and work items. Release date for production to be determined. This will allow the receiving PCSA to complete a decision to accept or decline the transfer.
<b>C</b> Addresses intrastate referral if protective services are determined necessary and the family moves to another county before or during the provision of services.	The requirements within this paragraph have been moved from paragraph (A)(5) and relocated to this paragraph.
<b>D</b> Addresses interstate referrals from an Ohio PCSA to a state Children Services Agency (CSA). The requirements within this paragraph have been moved from paragraph (A) and relocated to this paragraph to specifically address interstate referrals.	
<b>D(2)</b> A change has occurred to providing a referral to a CSA when an emergency exists.	<b>This may impact current internal PCSA processes:</b> (D)(2) requires a PCSA to provide the referral to the CSA by phone within twenty-four hours if an emergency exists.
<b>D (5)</b> Requires the PCSA to cooperate, 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.	<b>This may impact current internal PCSA processes.</b>

# Ohio Administrative Code Chapters 36 and 37 Rule Revisions Summary

5101:2-36-14 **Protective service alert.**

Register of Ohio Website Link for 5101:2-36-14:

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<i>Amendment</i>	<i>Impact</i>
<b>A (1)</b> Revised to address "whereabouts of a child are unknown" rather than limiting to an ACV. Added "The PCSA has reason to believe the child is in immediate danger of serious harm" to clarify the creation of a PSA.	<b>This may impact current internal PCSA processes:</b> The requirement is not limited to an ACV's whereabouts.
<b>D</b> Additional requirement added for the non-originating PCSA to document in the case record the notification to the originating PCSA if a person with an active PSA has been located.	<b>This may impact current internal PCSA processes.</b>
<b>F</b> Clarifies the PSA will expire in 90 days from the issue date.	
<b>G</b> Requires the originating PCSA to complete a PSA extension if the PCSA determines the child remains in immediate danger of serious harm.	

# Ohio Administrative Code Chapters 36 and 37 Rule Revisions Summary

5101:2-36-20 *Public children services agencies assessment requirements for child abuse and neglect reports in alternative response.*

Register of Ohio Website Link for 5101:2-36-20:

[http://www.registerofohio.state.oh.us/pdfs/5101/2/36/5101\\$2-36-20 PH OF A RU 20131121 1205.pdf](http://www.registerofohio.state.oh.us/pdfs/5101/2/36/5101$2-36-20 PH OF A RU 20131121 1205.pdf)

Amendment	Impact
<p><b>C</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</p>	<p>This is not a new requirement. This has been relocated from the original rule (paragraph M) to mirror the process in which this would occur in the assessment.</p>
<p><b>E</b> This paragraph and subparagraphs require the completion of the JFS 01401 CAPMIS Safety Assessment and lists the contact requirements.</p>	<p>The requirements are not new; they are listed in rule <i>5101:2-37-01 PCSA requirements for completing the safety assessment</i>. However they have been added to clearly identify the face-to-face contact requirements when conducting an intra-familial assessment/investigation.</p> <p><b>Technical assistance from policy in monitoring this requirement in the alternative pathway through telephone initiation:</b> <i>If a caseworker initiates a report by phone with the parent and schedules an appointment to see the child, the appointment is expected to be scheduled within the four day time frame. If the family is not present for the scheduled appointment, an additional face-to-face contact within the four day time frame is not expected. However, the worker should attempt face-to-face contact every 5 days per rule.</i></p>
<p><b>F</b> Requires attempts of face-to-face contact with the child and adults every five days until required to complete a case decision when the initial attempt is unsuccessful.</p>	<p>Although the expectation is to complete this minimum standard it was not included in the original rule. It was determined best to list this requirement in rule to assist in the consistency in application.</p>
<p><b>H</b> Revised paragraph permits completion of successful telephone contact, in lieu of face-to-face contact, as sufficient notification to the parent/custodian that an interview of a child occurred absent parental consent.</p>	<p><b>This may impact current internal PCSA processes.</b></p>
<p><b>J</b> Requires the PCSA to 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 to notify the parent/custodian that an interview occurred with a child when the original attempts identified in (H) were unsuccessful.</p>	<p>Although the expectation is to complete this minimum standard it was not included in the original rule. It was determined best to list this requirement in rule to assist in the consistency in application.</p>
<p><b>O</b> 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.</p>	<p><b>This may impact current internal PCSA processes.</b> Requirement resulted from a recommendation from the Differential Response Leadership Council committee and the clearance process.</p>
<p><b>P</b> 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.</p>	<p><b>This may impact current internal PCSA processes.</b> Requirement resulted from a recommendation from the Differential Response Leadership Council committee and the clearance process.</p>

**S** Additional criteria added for determining lead agency:  
Identifies the lead agency as the county PCSA located within the county of residence of the custodian who has physical care of the alleged child victim at the time the incident occurred for shared parenting circumstances when a residential parent has not been designated by the court.

**T** Requires non-lead PCSA located in a non-contiguous county to conduct interview 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 investigation within the time frames outlined.

**This may impact current internal PCSA processes:**

Revised criteria limit Family In Need of Services, Required Non-Lead Interview to be **required** when the request is made by a non-contiguous county PCSA. This language does not prohibit county PCSAs who share a border from screening in and conducting Required Non-Lead Interviews as determined within the agency. The revision permits the lead county PCSA to conduct assessment/investigation activities in the contiguous county without requesting a Required Non-Lead Interview.

**Y**  
**(3)** Within two working days of completion of the assessment PCSA shall notify the child's non-custodial parent, who holds residual parental rights to the child and maintains an ongoing relationship through visitation with the child and/or payment of child support, of the receipt of the report, and the case decision.

**This may impact current internal PCSA processes.**

# Ohio Administrative Code Chapters 36 and 37 Rule Revisions Summary

5101:2-37-01 *PCSA requirements for completing the safety assessment.*

Register of Ohio Website Link for 5101:2-37-01:

[http://www.registerofohio.state.oh.us/pdfs/5101/2/37/5101\\$2-37-01 PH OF A RU 20131121 1205.pdf](http://www.registerofohio.state.oh.us/pdfs/5101/2/37/5101$2-37-01 PH OF A RU 20131121 1205.pdf)

<i>Amendment</i>	<i>Impact</i>
<p><b>E</b> This paragraph addresses shared parenting when a residential parent has not been designated by the court. The JFS 01401 Safety Assessment is required to be completed with the child(ren) and parent who has physical care of the alleged child victim/child subject of the report at the time the incident occurred.</p>	<p><b>This may impact current internal PCSA processes.</b></p>
<p><b>F</b> Requires the JFS 01401 Safety Assessment to be recorded in SACWIS within seven working days from the date the report was screened in.</p>	<p><b>This may impact current internal PCSA processes.</b>  <b>This will impact SACWIS.</b>                      The escalation of ticklers will be changed to address the seven working day time frame.</p>
<p><b>H (1)</b> Requires that the request for extension to complete the JFS 01401 Safety Assessment be approved within the first four working days.</p>	<p><b>This may impact current internal PCSA processes.</b></p>
<p><b>H (3)</b> Provides three working days from successful face-to-face contact to record the JFS 01401 Safety Assessment in SACWIS.</p>	<p><b>This may impact current internal PCSA processes.</b></p>
<p><b>I (1)</b> Clarifies that one JFS 01401 Safety Assessment can be completed when multiple reports are received within four working days from the date the initial report was screened in. The JFS 01401 is to be recorded in SACWIS within seven working days.</p>	<p><b>This may impact current internal PCSA processes.</b>                      SACWIS supports linking multiple intakes to the JFS 01401 Safety Assessment in accordance with the rule.</p>
<p><b>J</b> Permits the completion of one JFS 01401 Safety Assessment when a request for extension has been approved and a subsequent report is received prior to successfully completing the required face-to-face contacts for the completion of the assessment of safety.</p>	<p><b>This may impact current internal PCSA processes.</b>  <b>This will impact SACWIS.</b>                      SACWIS ticklers will be adjusted accordingly. Release date for production to be determined.</p>

# Ohio Administrative Code Chapters 36 and 37 Rule Revisions Summary

5101:2-37-02 *PCSA requirements for completing the safety plan.*

Register of Ohio Website Link for 5101:2-37-02:

[http://www.registerofohio.state.oh.us/pdfs/5101/2/37/5101\\$2-37-02 PH OF A RU 20131121 1205.pdf](http://www.registerofohio.state.oh.us/pdfs/5101/2/37/5101$2-37-02 PH OF A RU 20131121 1205.pdf)

<i>Amendment</i>	<i>Impact</i>
<b>B (4)</b> Family history of child abuse and/or neglect has been removed from the minimum assessment of safety criteria.	Although the family's historical information is essential in assessing the risk level of child maltreatment, it is not an essential criterion to assess safety in a point in time assessment.
<b>E</b> This paragraph was restructured to clearly identify the actions required between the PCSA and the parent, guardian or custodian in developing a voluntary safety plan.	The requirements are not new.
<b>F (2)</b> This paragraph was restructured to clearly identify the requirements in obtaining signatures to implement a voluntary safety plan when there is an order of shared parenting and a residential parent has not been identified.	<b>This may impact current internal PCSA processes.</b> Previous rule requirement utilized language of joint custody. Joint custody language has been removed, original paragraph (J), and replaced with shared parenting. <b>Technical assistance previously provided supported if there is a residential parent, that parent is required to sign the safety plan.</b>
<b>F (3)</b> This paragraph addresses the criteria when obtaining a verbal authorization for a voluntary safety plan.	<b>This will impact SACWIS.</b> <b>This will impact current internal PCSA processes.</b> This was addressed in the original paragraph (K). The requirement to obtain a signature within twenty-four hours of obtaining the verbal agreement has been removed.
<b>G</b> Upon receipt of a verbal authorization of a voluntary safety plan this paragraph requires the PCSA to complete an extension to obtain the signature. Additionally, it requires the PCSA to attempt to obtain the signature within five working days of receipt of the verbal agreement. Requires all attempts to obtain the signature to be recorded. If unsuccessful in obtaining any signature, the PCSA shall implement alternative safety interventions.	<b>This may impact current internal PCSA processes.</b> This was addressed in the original paragraph (K). The PCSA is required to complete an extension for obtaining signature and obtain a signature within five working days. Day one (1) shall be the date of the verbal authorization. For example, if verbal authorization is received on Thursday, the signature must be obtained by the following Wednesday.  <b>This will impact SACWIS.</b> SACWIS ticklers will be modified to support this rule.
<b>H</b> This paragraph permits the PCSA to waive a signature of a parent/guardian/custodian that is unable or unavailable to sign the safety plan provided that a signature was obtained from another parent/guardian/custodian.	<b>This will impact current internal PCSA processes.</b>  <b>This will impact SACWIS.</b> A waiver justification will be created. Additionally, business rules will allow the safety plan to be submitted for approval when the waiver justification has been completed. The time frame for implementing the changes in SACWIS has not been determined.
<b>J (1)</b> Requires face-to-face contact weekly with each child identified on the safety plan and each parent, guardian, or custodian residing in the home when monitoring in-home voluntary safety plans.	<b>This may impact current internal PCSA processes.</b>
<b>J (2)</b> Requires face-to-face contact with each child, parent, guardian, or custodian involved every other week when monitoring out-of-home voluntary safety plans.	<b>This may impact current internal PCSA processes.</b>

## Ohio Administrative Code Chapters 36 and 37 Rule Revisions Summary

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|----------|---|---|
| <b>K</b> | The requirement to notify individuals when terminating a safety plan has been changed to two working days instead of one working day.   | <b>This may impact current internal PCSA processes.</b> |
| <b>N</b> | Requires the JFS 01409 Safety Plan be recorded in SACWIS within three working days from the date the first signature is obtained.   | <b>This may impact current internal PCSA processes.</b> |
| <b>O</b> | This paragraph addresses the implementation of the most restrictive safety plan: legally authorized out-of-home placement. The JFS 01409 Safety Plan is not required to be completed. |   |
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# Ohio Administrative Code Chapters 36 and 37 Rule Revisions Summary

5101:2-37-03 *PCSA requirements for completing the family assessment.*

Register of Ohio Website Link for 5101:2-37-03:

[http://www.registerofohio.state.oh.us/pdfs/5101/2/37/5101\\$2-37-03 PH OF A RU 20131121 1205.pdf](http://www.registerofohio.state.oh.us/pdfs/5101/2/37/5101$2-37-03 PH OF A RU 20131121 1205.pdf)

<i>Amendment</i>	<i>Impact</i>
<b>B</b> The requirement to complete the JFS 01402 CAPMIS Ongoing Case Assessment/Investigation has been included in this paragraph.	This is not a new requirement and is supported within SACWIS.
<b>D</b> The requirement to complete the JFS 01419 CAPMIS Alternative Response Family Assessment has been included in this paragraph.	This is not a new requirement for PCSAs implementing Differential Response and is supported within SACWIS.
<b>E</b> The requirement to complete the JFS 01423 CAPMIS Alternative Response Ongoing Case Assessment has been included in this paragraph.	This is not a new requirement for PCSAs implementing Differential Response and is supported within SACWIS.
<b>F</b> This paragraph identifies the individuals required to be assessed. Alternative Response identifier 'child subject of the report' has been added to all listings of alleged child victim. The JFS 01402, JFS 01419, and JFS 01423 for Alternative Response have been added.	This is not a new requirement for PCSAs and is supported within SACWIS.
<b>G</b> This paragraph has been added to provide instruction regarding the assessment requirements when the family has an order of shared parenting and a residential parent has not been designated.	<b>This will impact current internal PCSA processes.</b> Although this is new information within this rule, it is consistent with the technical assistance provided when involved with shared parenting orders in which a residential parent has not been determined.
<b>H</b> The JFS 01402, JFS 01419, and JFS 01423 for Alternative Response have been added. The time frame for completion has been revised to 45 days.	<b>This will impact current internal PCSA processes.</b> <b>This will impact SACWIS.</b> Reports screened into to the Traditional response pathway will be impacted. SACWIS ticklers will be modified to reflect the 45 day time frame for intakes in both tracks.
<b>I</b> The JFS 01402, JFS 01419, and JFS 01423 for Alternative Response have been added to this paragraph addressing fifteen day extension.	<b>This will impact current internal PCSA processes.</b> The extension provides a sixty day time frame to complete the assessment.

# Ohio Administrative Code Chapters 36 and 37 Rule Revisions Summary

5101:2-37-04 *PCSA requirements for completing the reunification assessment.*

Register of Ohio Website Link for 5101:2-37-04:

[http://www.registerofohio.state.oh.us/pdfs/5101/2/37/5101\\$2-37-04 PH OF A RU 20131121 1205.pdf](http://www.registerofohio.state.oh.us/pdfs/5101/2/37/5101$2-37-04 PH OF A RU 20131121 1205.pdf)

Amendment	Impact
<p><b>B</b> Criteria identifying when the JFS 01404 shall be completed have been restructured and revised.</p>	
<p><b>B (1)</b> Prior to the reunification of a child to his removal home if the child has been out of the home for thirty days or more.</p>	<p>This is not new requirement but has collapsed the requirements from the original paragraphs (D) (1, 3, and 6).</p>
<p><b>B (2)</b> The risk level is reduced to moderate or below.</p>	<p>This is not a new requirement and was required in original (D)(2)</p>
<p><b>B (3)</b> No more than thirty days prior to completion of a JFS 01412 CAPMIS Semi Annual Administrative Review for a child placed out of his home for thirty days or more when any <b>one</b> of the following apply:</p> <ul style="list-style-type: none"> <li>• an out of home safety plan has been implemented,</li> <li>• the case plan goal and services support reunification of the child to the removal home,</li> <li>• a legally authorized safety plan has been implemented,</li> <li>• parental rights have not been terminated.</li> </ul>	<p><b>This will impact current internal PCSA processes.</b>                      The JFS 01404 CAPMIS Reunification Assessment contains a targeted assessment of safety of the child's removal home. It requires the identification of the original safety threats that resulted in the child's removal, a determination of the safety threats exists, and an evaluation of new threats to a child's safety. As a result of this requirement, it was determined the safety reassessment portion of the six month CAPMIS Case Review will not be required to be completed. The completed reunification assessment serves as the reassessment of safety and provides better assessment information specific to the child's removal to support the decisions regarding the child's placement and permanency.</p> <p><b>This will impact SACWIS</b>                      This will have a significant impact to SACWIS functionality for cases in which this will apply. SACWIS will permit the reunification assessment to be completed within the SAR in lieu of the safety reassessment for a child placed out of his home for thirty days or more. This will require significant work to change functionality in SACWIS. The interaction of the reunification assessment and the six month case review needs development. Until this functionality is supported in SACWIS workers should state "See Reunification Assessment" for the required fields within the Safety Reassessment of the SAR.</p>
<p><b>B (4)</b> No more than sixty days prior to any court hearing for a child in the PCSA's temporary custody.</p>	<p><b>This will impact current internal PCSA processes.</b>                      The original requirement listed in original (D) (3) was no more than thirty days prior to any court hearing.</p>