



September 2, 2021

Family, Children and Adult Services Manual Transmittal Letter No. 469

To: Family, Children and Adult Services Manual Holders

From: Matt Damschroder, Director

Subject: **Amendment to Ohio Administrative Code (OAC) Rules 5101:2-38-09 PCSA Requirements for Completing the Case Review and 5101:2-38-10 PCSA Requirements for Completing the Semiannual Administrative Review.**

This letter transmits two Ohio Administrative Code (OAC) rules which were amended as part of the five-year rule review. The rules will be effective on September 10, 2021.

The following is a brief explanation of the changes to these rules:

OAC 5101:2-38-09 entitled **PCSA Requirements for Completing the Case Review** identifies the requirements for a PCSA when completing the case review. Language has been included to support additional time for case review approval after submission by a caseworker. Language related to safety plan requirements was removed as already being included in the safety planning rule.

OAC 5101:2-38-10 entitled **PCSA Requirements for Completing the Semiannual Administrative Review** identifies requirements for a PCSA when completing the Semiannual Review (SAR). Language has been included to support additional time for SAR approval after submission by a caseworker. Language was added to include the notification requirements of permanency team members for a child in a Qualified Residential Treatment Program (QRTP).

INSTRUCTIONS:

The following chart indicates the materials that should be removed from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
SOCIAL SERVICES	5101:2-38-09	5101:2-39-09
SOCIAL SERVICES	5101:2-38-10	5101:2-38-10
Transmittal Letters		FCASMTL No. 469

5101:2-38-09

PCSA requirements for completing the case review.

(A) Each public children services agency (PCSA) required to prepare a "Family Case Plan" ~~case plan~~ for a child pursuant to rule 5101:2-38-01 or 5101:2-38-05 of the Administrative Code, shall complete the ~~JFS 01413 "Comprehensive Assessment and Planning Model - I.S., Case Review" (rev. 8/2010)~~ "Case Review" for the case plan no later than every ninety days from whichever of the following activities occurs first:

- (1) Date the original PCSA court complaint was filed.
- (2) Date of placement.
- (3) Date of court ordered protective supervision.
- (4) Date of parent, guardian, or custodian's signature on the ~~case plan~~ "Family Case Plan", for in-home supportive services only.

(B) The PCSA is to approve the "Case Review" within five working days from the date of submission in the statewide automated child welfare information system "SACWIS".

~~(B)~~(C) The PCSA shall continue to complete the ~~JFS 01413~~ "Case Review" no later than every ninety days from the date established pursuant to paragraph (A) of this rule. The PCSA may review cases utilizing the ~~JFS 01413~~ "Case Review" more frequently based upon PCSA policy or if the PCSA determines case circumstances require it.

~~(C)~~(D) The PCSA shall complete the ~~JFS 01413~~ "Case Review" in conjunction with the "Semiannual Administrative Review (SAR)" ~~JFS 01412 "Comprehensive Assessment and Planning Model - I.S. Semiannual Administrative Review (SAR)" (rev. 7/2016)~~ according to the time frames outlined in rule 5101:2-38-10 of the Administrative Code.

~~(D)~~(E) The PCSA shall complete the ~~JFS 01413~~ "Case Review" at the time of case closure unless:

- (1) The case is closed within thirty days after completion of the prior ~~JFS 01413~~ "Case Review" and the intent to close the case is documented on the ~~JFS 01413~~ "Case Review".
- (2) The case is closed prior to completion of the ~~case plan~~ "Family Case Plan" and the timeframe for ~~case plan~~ "Family Case Plan" completion has not lapsed pursuant to rule 5101:2-38-01 or 5101:2-38-05 of the Administrative Code.

~~(E) If the PCSA has determined through the ongoing assessment of safety that a child is in immediate danger of serious harm and a safety plan must be implemented, the PCSA shall complete an assessment of safety and record the assessment on either the JFS~~

~~01401 "Comprehensive Assessment Planning Model - I.S., Safety Assessment" (rev. 2/2006) or a safety re-assessment within three business days of the implementation of the safety plan.~~

~~(F) If a JFS 01413 safety response is for the PCSA to modify or discontinue and the child is out of the home thirty days or more, the PCSA shall complete the JFS 01404 "Comprehensive Assessment Planning Model - I.S., Reunification Assessment" (rev. 2/2006) pursuant to rule 5101:2-37-04 of the Administrative Code.~~

~~(G)~~(F) The PCSA shall ~~maintain a copy of the JFS 01413~~document the "Case Review" in the statewide automated child welfare information system (SACWIS).

Effective: 9/10/2021

Five Year Review (FYR) Dates: 6/25/2021 and 09/10/2026

CERTIFIED ELECTRONICALLY

Certification

08/31/2021

Date

Promulgated Under: 119.03
Statutory Authority: 2151.416, 5153.166
Rule Amplifies: 2151.416, 5153.16
Prior Effective Dates: 03/01/2006, 10/01/2009, 05/30/2014, 08/01/2016

5101:2-38-10 **PCSA requirements for completing the semiannual administrative review.**

- (A) Each public children services agency (PCSA) required to prepare a ~~case plan~~ "Family Case Plan" for a child pursuant to rule 5101:2-38-01 or 5101:2-38-05 of the Administrative Code shall complete the JFS 01412 ~~"Comprehensive Assessment and Planning Model - I.S., Semiannual Administrative Review (SAR)" (rev. 7/2016)~~ "Semiannual Administrative Review (SAR)" for the ~~case plan~~ "Family Case Plan".
- (B) The PCSA shall complete the SAR no later than every one hundred eighty days from whichever of the following activities occurs first:
- (1) Date the original PCSA court complaint was filed.
 - (2) Date of placement.
 - (3) Date of court ordered protective supervision.
 - (4) Date of parent, guardian, or custodian's signature on the ~~case plan~~ "Family Case Plan" for in-home supportive services only.
- (C) The PCSA shall continue to complete the SAR no later than every one hundred eighty days from the date established pursuant to paragraph (B) of this rule.
- (D) The PCSA shall complete the SAR no more than thirty days prior to the due date.
- (E) The PCSA shall complete the ~~JFS 01413 "Comprehensive Assessment and Planning Model - I.S., Case Review" (rev. 8/2010)~~ "Case Review" in conjunction with the ~~JFS 01412~~ SAR.
- (F) The PCSA is to approve the SAR within five working days from the date of submission in SACWIS.
- ~~(F) A court hearing may take the place of a SAR if all of the following requirements are met:~~
- ~~(1) The hearing is held in time to comply with paragraph (B) of this rule.~~
 - ~~(2) Notification is made to the parties to the case plan as outlined in paragraph (E) of rule 5101:2-38-05 of the Administrative Code.~~
 - ~~(3) During the hearing, the court addresses each of the issues stated in paragraph (M) of this rule.~~

- ~~(4) The court hearing documents each issue either on the JFS 01412 or by journal entry.~~
- ~~(G) For in-home supportive services cases, a review panel of at least two people shall conduct the SAR. The review panel shall include but not be limited to:~~
- ~~(1) A caseworker with day-to-day responsibility for, or familiarity with, the management of the case plan.~~
- ~~(2) A supervisor or designee.~~
- ~~(H) For protective supervision and substitute care cases, a review panel of at least three people shall conduct the SAR. The review panel shall include but not be limited to:~~
- ~~(1) A caseworker with day-to-day responsibility for, or familiarity with, the management of the case plan.~~
- ~~(2) A person, not responsible for the management of the case plan, or for the delivery of services to the child, the child's parent, guardian, custodian, pre-finalized adoptive parent, or substitute caregiver.~~
- ~~(3) A supervisor or designee.~~
- ~~(G) The PCSA is to provide at least seven days' notice prior to the SAR including date, time, and place convenient to the family. No less than seven days prior to the SAR, the PCSA shall provide a written invitation including the date, time, and place to all of the following:~~
- ~~(1) For in-home supportive services cases, all parties to the case plan"Family Case Plan" as outlined in paragraph ~~(D)~~C of rule 5101:2-38-01 of the Administrative Code.~~
- ~~(2) For protective supervision and substitute care cases:~~
- ~~(a) All parties to the case plan"Family Case Plan" as outlined in paragraph ~~(E)~~C of rule 5101:2-38-05 of the Administrative Code.~~
- ~~(b) The substitute caregiver, as defined in rule 5101:2-1-01 of the Administrative Code.~~
- ~~(c) The two individuals selected by the child pursuant to rule 5101:2-42-90 of the Administrative Code and in accordance with the JFS 01677 "Foster Youth Rights Handbook" (rev. 5/2015), if applicable.~~

~~(3)~~(c) For substitute care cases in which the child is age fourteen and older, two individuals as outlined in paragraph (G)(1)(c) of rule 5101:2-38-05 of the Administrative Code.

(d) The permanency team members for a child placed in an approved qualified residential treatment program (ORTP) pursuant to rule 5101:2-42-12 of the Administrative Code.

~~(H)~~(H) The PCSA does not have to include any individual listed in paragraph ~~(G)~~ of this rule if any of the following apply:

- (1) Cannot be located after reasonable efforts to do so;
- (2) Declines to participate in the SAR after being contacted; or
- (3) Fails to appear for the scheduled review.

~~(I)~~(I) For a child adjudicated as a deserted child, pursuant to section 2151.3519 of the Revised Code, an invitation and participation of the child and parent in the SAR is not required.

(J) For in-home supportive services cases, a review panel of at least two people is to conduct the SAR. The review panel is to include but not be limited to:

- (1) A caseworker with day-to-day responsibility for, or familiarity with, the management of the "Family Case Plan",
- (2) A supervisor or designee.

(K) For protective supervision and substitute care cases, a review panel of at least three people is to conduct the SAR. The review panel is to include but not be limited to:

- (1) A caseworker with day-to-day responsibility for, or familiarity with, the management of the "Family Case Plan".
- (2) A person, not responsible for the management of the "Family Case Plan", or the delivery of services to the child, the child's parent, guardian, custodian, pre-finalized adoptive parent, or substitute caregiver.
- (3) A supervisor or designee.

(L) A court hearing may take the place of a SAR with the individuals listed in paragraph (K) of this rule if all of the following requirements are met:

- (1) The hearing is held in time to comply with paragraph (B) of this rule.

(2) Notification is made to the parties to the "Family Case Plan" as outlined in paragraph (C) of rule 5101:2-38-05 of the Administrative Code.

(3) During the hearing, the court addresses each of the issues stated in paragraph (N) of this rule.

(4) The court hearing documents each issue either on the SAR or by journal entry.

~~(E)~~(M) For in-home supportive services cases, the PCSA shall provide a copy of the SAR to all parties outlined in paragraph ~~(H)~~(G)(1) of this rule no later than seven days after completion of the SAR. ~~A copy of the JFS 01412 shall be maintained in the statewide automated child welfare information system (SACWIS).~~

~~(M)~~(N) For protective supervision and substitute care cases the PCSA shall:

(1) File with the court a copy of the SAR no later than seven days after completion of the SAR and shall include a copy of the ~~amended case plan~~updated "Family Case Plan" as applicable.

(2) Provide a copy of the SAR to all parties to the ~~case plan~~"Family Case Plan" in accordance with paragraph ~~(H)~~(G)(2)(a) of this rule, before the end of the next business day, after filing the SAR with the court.

(3) Indicate, in writing, the parties identified in paragraph ~~(H)~~(G)(2)(a) of this rule shall have seven days after the date the notice is sent to object to proposed changes made in the ~~case plan~~"Family Case Plan" as a result of the SAR and request a hearing on the proposed change.

~~(N)~~(O) The PCSA shall maintain a copy of the SAR and any resultant ~~amendments~~updates to the ~~case plan~~"Family Case Plan" in SACWIS.

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Statutory Authority: 2151.416, 2151.412
Rule Amplifies: 2151.416, 2151.412
Prior Effective Dates: 01/14/1983, 11/01/1985 (Emer.), 01/31/1986,
01/01/1989, 01/01/1990, 01/01/1991, 07/01/1992,
06/01/1997, 03/18/1999 (Emer.), 06/17/1999,
04/01/2001, 12/01/2001, 03/01/2006, 10/01/2009,
12/31/2010, 12/01/2012, 05/30/2014, 08/01/2016