



September 24, 2021

Family, Children and Adult Services Manual Transmittal Letter No. 472

TO: Family, Children and Adult Services Manual Holders

FROM: Matt Damschroder, Director

SUBJECT: Substitute Care rule 5101:2-42-12

This letter transmits one new rule regarding children in substitute care. The rule will be effective October 1, 2021. The following is a brief explanation of the rule:

OAC rule 5101:2-42-12 entitled **Assessment to determine child’s placement into a qualified residential treatment program** is a new rule created to comply with provisions of the Family First Prevention Services Act. The rule outlines requirements for the assessment that is to be completed for a child being placed in a qualified residential treatment program and the requirements for a qualified individual to complete such assessments.

INSTRUCTIONS:

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

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
Social Services		OAC 5101:2-42-12
Transmittal Letters		FCASMTL No. 472

5101:2-42-12**Assessment to determine child's placement into a qualified residential treatment program.**

(A) For the purpose of qualified residential treatment programs (QRTF), a qualified individual is a trained professional or licensed clinician who:

(1) Is not connected to or affiliated with any placement setting in which children could be placed.

(2) Is trained to administer the assessment tool outlined in paragraph (B) of this rule, with evidence of child and adolescent needs and strengths (CANS) training and a current CANS certification kept in the employee's file.

(3) Maintains objectivity with respect to determining the most effective and appropriate placement for a child.

(4) Is knowledgeable on local resources to support a child's ongoing needs.

(5) Meets one of the following options:

(a) Is a title IV-E agency employee who is not in the chain of command of the case oversight or placement decision-making.

(b) Is a local service provider who enters into an agreement with the title IV-E agency. The service provider cannot serve as the qualified individual if they are under another title IV-E agency contract and their objectivity is compromised.

(c) Is a title IV-E agency employee provided through an established agreement with at least one other title IV-E agency.

(d) Is employed by ODJFS and is not in the chain of command of a fiscal or licensing bureau.

(e) Is a vendor contracted by the state and is not in the chain of command of a fiscal or licensing bureau.

(B) Prior to placement in a QRTF or no later than thirty days after the date of each placement in a QRTF, a qualified individual is to:

(1) Complete an assessment of the strengths and needs of the child in title IV-E agency custody using the "Ohio Brief" or "Ohio Comprehensive" versions of the CANS tool.

- (2) Complete the assessment in conjunction with the family and permanency team for the child.
- (a) The PCSA is responsible for assembling the family and permanency team. The family and permanency team is to consist of all appropriate family members, relatives, and kin of the child, as well as appropriate professionals who are a resource to the family of the child, such as teachers, medical or mental health providers who have treated the child, or clergy.
- (b) In the case of a child who has attained age fourteen, the family and permanency team is to include the members that are selected by the child as outlined in rules 5101:2-38-05 and 5101:2-38-07 of the Administrative Code.
- (c) The PCSA may use an existing team for the purpose of the family and permanency team if the team composition meets the requirements outlined in paragraph (B)(2) of this rule.
- (3) Develop a list of child specific short and long term mental and behavioral health goals.
- (C) Based on the information outlined in paragraph (B) of this rule, the qualified individual is to determine whether the needs of the child can be met with family members, kin, or through placement in a foster home and which setting would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short and long-term goals for the child, as specified in the family case plan for the child outlined in rules 5101:2-38-05, 5101:2-38-05.1 and 5101:2-38-07 of the Administrative Code.
- (D) If the qualified individual completing the assessment outlined in paragraph (B) of this rule determines the child should not be placed with family members, kin, or in a foster home, the qualified individual is to specify in writing all of the following:
- (1) The reasons why the needs of the child cannot be met by the family of the child, kin, or in a foster home. A lack of available foster homes is not an acceptable reason for determining that the needs of the child cannot be met in a foster home.
- (2) The reasons why the placement into a ORTP is the recommended setting that will provide the child with the most effective and appropriate level of care in the least restrictive environment.
- (3) How the placement into the ORTP is consistent with the short-term and long-term goals for the child, as specified in the family case plan for the child.

(E) Within sixty days of the start of each title IV-E eligible child's placement into a QRTP, the title IV-E agency is to work collaboratively with the juvenile court to ensure the court:

(1) Considers the assessment, determination, and documentation made by the qualified individual conducting the assessment outlined in paragraph (B) of this rule.

(2) Determines whether the needs of the child can be met through placement in a foster home, or, if not, whether the placement of the child in a QRTP provides the most effective and appropriate level of care for the child in the least restrictive environment and whether that placement is consistent with the short-term and long-term goals for the child, as specified in the family case plan.

(3) Approves or disapproves of the placement of the child in a QRTP.

(F) Upon completion of the requirements outlined in paragraph (B) of this rule, if the qualified individual determines the child should not be placed in a QRTP or if the juvenile court disapproves of the placement in a QRTP, the family and permanency team is to consider the appropriate level of care for the child in the least restrictive environment as outlined in rule 5101:2-42-05 of the Administrative Code.

(G) When a child is placed in a QRTP, the title IV-E agency is to submit to the court the following at each semi-annual review and permanency hearing:

(1) Evidence that the ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster home.

(2) Documentation that the placement of the child in the QRTP provides the most effective level of care for the child in the least restrictive environment.

(3) Documentation that continued placement in the QRTP is consistent with the short-term and long-term goals for the child, as specified in the family case plan for the child.

(4) Documentation of the specific treatment or service needs that will be met for the child in the QRTP and the length of time the child is expected to need the treatment or services.

(5) Documentation of the efforts made by the title IV-E agency to prepare the child to return home or to be placed with a fit and willing kinship caregiver, legal guardian, adoptive parent, or in a foster home.

(H) For any child placed in a ORTP for more than twelve consecutive months or eighteen nonconsecutive months, or for any child who has not attained the age of thirteen and is placed in a ORTP for more than six consecutive or nonconsecutive months, the title IV-E agency is to document in the case record:

(1) The most recent versions of the evidence and documentation outlined in paragraph (G) of this rule; and

(2) The signed approval of the title IV-E agency director for the continued placement of the child in the ORTP.

(I) The title IV-E agency is to ensure that all requirements located in this rule are documented in the statewide automated child welfare information system (SACWIS).

Effective: 10/1/2021

Five Year Review (FYR) Dates: 10/01/2026

CERTIFIED ELECTRONICALLY

Certification

09/20/2021

Date

Promulgated Under: 119.03
Statutory Authority: 5153.166, 5103.03, 2151.412
Rule Amplifies: 5153.16, 5103.03, 2151.412