



March 22, 2022

**Family, Children and Adult Services Manual Transmittal Letter No. 490**

**TO:** Family, Children and Adult Services Manual Holders

**FROM:** Matt Damschroder, Director

**SUBJECT:** Common Sense Initiative Office (CSIO) Updated Language Change of Placement or Visitation Plan

This letter transmits amendments to Ohio Administrative Code (OAC) Rule 5101:2-42-93 as a result of the Common Sense Initiative Office project to revise outdated language and terminology regarding communication methods in OAC rules. The following is a brief explanation of the changes that will be effective April 1, 2022.

OAC 5101:2-42-93 entitled **Change of Placement or Visitation Plan Prior to Journalization of Case Plan** sets forth the requirements for when a child’s placement or visitation plan has been specified by a court order, the PCSA or PCPA is to file a motion to modify such an order and receive court approval prior to effecting a change in the child’s placement or visitation plan. Paragraph (E) was amended to remove the word mailing.

**INSTRUCTIONS:** The following chart indicates the material 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	OAC 5101:2-42-93	OAC 5101:2-42-93
Transmittal Letters		FCASMTL No. 490

5101:2-42-93

**Change of placement or visitation plan prior to journalization of case plan.**

- (A) When a child's placement or visitation plan has been specified by a court order, or the court has ordered that no change in the child's placement can occur without the court's approval, the public children services agency (PCSA) or private child placing agency (PCPA) shall file a motion to modify such an order and receive court approval prior to effecting a change in the child's placement or visitation plan. Such motion to modify may be filed and court approval obtained after the change in placement or visitation plan only where there exists reasonable cause to believe the child is in immediate danger of serious harm by reason of the current placement or visitation plan. In such an emergency, the motion to modify must be filed or court approval obtained within seven days after the change in placement or visitation plan occurs.
- (B) When a child's placement or visitation plan is not the subject of a court order described in paragraph (A) of this rule, the PCSA or PCPA shall provide written notice to the parent, guardian, or custodian and guardian ad litem of the opportunity for a review to be conducted by the PCSA or PCPA prior to effecting a change in the child's placement or visitation plan or shall obtain advance court approval of the change pursuant to court action pursuant to division (B) of section 2151.33 or division (B)(4) of section 2151.35 of the Revised Code. Such notice and review may occur after the change as identified in paragraph (C) of this rule. Such notice shall, at a minimum, advise of:
- (1) The proposed action and reasons for that action.
  - (2) The date of the proposed action, unless the parent agrees to an earlier date.
  - (3) The opportunity for a review and the method by which such review can be requested.
  - (4) The time within which the review must be requested.
- (C) When the PCSA or PCPA determines that the child, as identified in paragraph (A) or (B) of this rule, by reason of his current placement or visitation, is in immediate danger of serious harm, a change in the child's placement or visitation may occur. In such an emergency, the agency shall notify the parent, guardian or custodian and guardian ad litem, verbally of the change by the next working day and send written notice to the child's parent, guardian, or custodian and guardian ad litem. The written notice shall include the following:
- (1) The change in placement or visitation.
  - (2) The reasons for such change.

- (3) The opportunity for judicial or PCSA or PCPA review, as applicable, and the method by which such review can be requested.
  - (4) As applicable, the method and the timeframe within which such review must be requested.
- (D) The requirements set forth in paragraph (B) of this rule do not apply in the following situations:
- (1) A change from an emergency placement to a nonemergency placement.
  - (2) A change to a less-restrictive placement.
  - (3) A determination affecting visitation privileges of parents which does not reduce or significantly alter the visitation privileges of the parents.
  - (4) A change in placement or visitation plan to which the guardian ad litem and parents agree.
- (E) A parent, guardian, custodian or guardian ad litem must request an agency review within ten days after the ~~mailing of the~~ notice described in paragraph (B) of this rule was sent. A PCSA or PCPA review must occur no later than ten days after receipt of the request for review.
- (F) The PCSA or PCPA review shall be held before a review agent. The review agent shall be:
- (1) A person not involved in the decision to effect a change in placement or visitation unless the person is the administrator or assistant administrator of the agency.
  - (2) A person knowledgeable in child welfare services and capable of objectively reviewing the decision.
- (G) A parent, guardian, custodian or guardian ad litem requesting the review, the PCSA or PCPA, and their respective legal counsel, if they choose to be represented, shall be free to examine all documents and physical evidence introduced by parties to the review, with the exception of: reports made pursuant to section 2151.421 of the Revised Code and rules 5101:2-33-21 and 5101:2-33-70 of the Administrative Code; documents or other evidence which disclose the identity of persons complaining of parental misconduct; and any other confidential document or report which is protected by law. The parties to the review may also present and examine witnesses.
- (H) The review agent shall render a written decision stating the reasons for such decision. The decision must be based upon the evidence presented at the review. Copies of the

decision shall be provided to all parties to the agency review within fifteen days of the review.

- (I) The requirements of this rule shall be satisfied if a hearing concerning the issues of change in placement or visitation has been conducted by a court of jurisdiction.
- (J) All documentation required by this rule shall be maintained by the agency in the child's case record.

Effective: 4/1/2022

Five Year Review (FYR) Dates: 11/1/2024

CERTIFIED ELECTRONICALLY

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Certification

03/21/2022

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Date

Promulgated Under: 119.03  
Statutory Authority: 5103.03, 5153.166  
Rule Amplifies: 5153.16, 5103.03  
Prior Effective Dates: 09/28/1987, 12/27/1987, 01/01/1989, 10/09/2006,  
11/09/2009, 08/11/2014, 11/01/2019