



September 27, 2022

**Family, Children and Adult Services Manual Transmittal Letter No. 503**

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

**FROM:** Matt Damschroder, Director

**SUBJECT: Amendment of Rule 5101:2-33-70**

This letter transmits an amendment to Ohio Administrative Code (OAC) Rule 5101:2-33-70. This rule will be effective 10/1/2022. The following is a brief explanation of the changes:

OAC 5101:2-33-70 entitled **Statewide Automated Child Welfare Information System (SACWIS) Access** provides guidance to agencies on how to obtain access to Ohio SACWIS and details what information is to be entered into SACWIS. Additionally, the rule states who may be granted access to Ohio SACWIS, and the responsibility of those with access to maintain confidentiality of the information within Ohio SACWIS.

Requirements were added for data entry into the residential treatment information system (RTIS) within Ohio SACWIS. Ohio START staff were also given permission to access Ohio SACWIS for the purpose of program implementation. The rule also prohibits employees or contractors from entering or viewing data when a conflict of interest exists. The rule also allows for a corrective action plan to be put in place if it is found that there has been a violation of the rule and the JFS 07078 "Code of Responsibility." Additionally, language allowing the Ombudsman office to be granted access to Ohio SACWIS was added to implement this program that was established by Substitute House Bill 4 of the 134<sup>th</sup> General Assembly (HB 4), as signed on February 28, 2022, and effective May 30, 2022. Lastly the new title of this rule is **Ohio Statewide Automated Child Welfare Information System (SACWIS) Access**.

**INSTRUCTIONS:** The following chart indicates the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the materials that are to be inserted in the FCASM.

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
Social Services	OAC 5101:2-33-70	OAC 5101:2-33-70
Transmittal Letters		FCASMTL No. 503

5101:2-33-70

**Ohio Statewide statewide automated child welfare information system (SACWIS) access.**

- (A) The Ohio statewide automated child welfare information system (SACWIS) shall be established and maintained in accordance with the requirements of 42 U.S.C. 674 (a)(3)(C) (2008). Access to and use of data in Ohio SACWIS shall be limited to the extent necessary to carry out the child welfare program under Title IV-B of the Social Security Act of 1967, P.L. 109-288, 120 Stat. 1244 (2006), the Child Abuse Prevention and Treatment Act, 110 Stat. 3064 (1996), 42 U.S.C. 5101, Title IV-E of the Social Security Act of 1967, 110 Stat. 2166 (1996), 42 U.S.C. 670, and Title XX of the Social Security Act, 124 Stat. 803 (2010), 42 U.S.C. 1397.
- (B) The data in Ohio SACWIS is confidential and access to any child welfare information shall be pursuant to this rule or section 5101.132 of the Revised Code.
- (C) The data in Ohio SACWIS is confidential and release of any child welfare information shall be pursuant to rule 5101:2-33-21 of the Administrative Code and sections 5101.13 to 5101.134 of the Revised Code.
- (D) Personnel having access to Ohio SACWIS shall be limited to those persons who have been trained in the confidentiality requirements of Ohio SACWIS, who are informed of all penalties, who have been trained in security procedures, and who have signed the JFS 07078 "Code of Responsibility."
- ~~(E) The public children services agencies (PCSA) shall monitor access and use of SACWIS to prevent and identify unauthorized use of SACWIS.~~
- ~~(F)~~(E) In addition to the criminal penalty provision listed in section 5101.99 of the Revised Code, the public children services agencies (PCSA) shall have administrative penalties, up to and including dismissal from employment, for unauthorized access to or disclosure or use of data in Ohio SACWIS.
- ~~(G)~~(F) The PCSA shall enter applicable child welfare information required in this rule and/or by federal or state statute, regulation, or rule directly into Ohio SACWIS. Failure to enter such child welfare information may result in sanctions in accordance with section 5101.24 of the Revised Code or withholding of state and/or federal funding.
- ~~(H)~~(G) Each PCSA shall enter children services data into Ohio SACWIS including, but not limited to:
- (1) Information listed in rule 5101:2-33-23 of the Administrative Code.
  - (2) Intake and assessment/investigation including assessment tools.

- (3) Case notes and dictation concerning the activities and statements of persons involved in the case, describing the activity or statement, naming the persons involved, and stating the date of the occurrence. Case notes or dictation shall be prepared by or under the supervision of the staff member with the most direct knowledge of the occurrence. Opinions of PCSA staff and others included in case notes or dictation shall be identified as such.
- (4) Case status information.
- (5) Case plan, case review(s), court information and services, including ~~documentation~~ documentation of verbal, written, or electronic referrals and the provision of services on behalf of children and families served by the PCSA.
- (6) A summary of reports received from service providers, including oral, written or electronic summaries, and the dates when services were received.
- (7) Custody and placement information.
- (8) Adoption information including recruitment activities, pre-adoptive staffing, or matching conference information.
- (9) Provider record including homestudies, recruitment plans and events.
- (10) Child welfare related agency administrative and training activities.
- (11) Financial eligibility and re-determinations, record reimbursement and actual cost information, and financial information to support accounts payable to counties and providers.
- (12) Exchange data with support enforcement tracking system (SETS), medicaid information technology system (MITS), and client registry information system-enhanced (CRIS-E) to determine eligibility and the central accounting system (CAS), auditor of state (AOS) to disburse payments, Ohio benefits worker portal (OBWP) and any federally mandated exchange.
- (13) Data as required by section 479 of the Social Security Act of 1967 (42 U.S.C. 679) (2014); 45 C.F.R. parts 1355 (2012), 1356 (2012), and 1357 (2001) for the adoption and foster care analysis and reporting system (AFCARS); national child abuse and neglect data system (NCANDS); child and family services reviews (CFSR); child protection and oversight evaluation (CPOE) system; national youth transition database (NYTD) and Multiethnic Placement Act, Oct. 20, 1994, P.L. 103-382, as amended by section 1808 of the Small Business Job Protection Act of 1996, Aug. 20, 1996, P.L. 104-188 (MEPA), and the Civil Rights Act of 1964 (Title VI).

(14) Any other data identified by the department as necessary to reflect current case activities including, but not limited to, case, services, person, placement resource or licensing information, financial information or agency status.

~~(I) The PCSA shall enter and update information in SACWIS each work day or as information becomes available, pursuant to paragraphs (G) and (H) of this rule.~~

~~(H)~~ Private child placing agencies (PCPAs) and private non-custodial agencies (PNAs) that have access to Ohio SACWIS ~~shall~~ are to enter the following information into Ohio SACWIS. The PCPA and PNA granting any PCPA or PNA personnel access to Ohio SACWIS ~~shall~~ are to follow the same process as a PCSA in paragraphs (A) to ~~(F)~~ (E) of this rule.

(1) Information necessary for recommending licensure of foster homes and approval of adoptive homes.

(2) Information necessary for submitting training reimbursement requests.

(3) Provider record information including homestudies and recruitment plans.

(4) Any other data identified by the department as necessary to reflect current provider activities including, but not limited to: services, person, licensing information and financial information.

~~(a) Services.~~

~~(b) Person.~~

~~(c) Licensing information. or~~

~~(d) Financial information.~~

(5) Any visits completed pursuant to rules 5101:2-5-36, 5101:2-5-37 and 5101:2-42-65 of the Administrative Code.

(I) PCSAs, PCPAs, PNAs, and local public entities (LPE) operating a qualified residential treatment program (ORTP) facility are to enter the following information for all youth placed in the facility in the residential treatment information system (RTIS) of Ohio SACWIS pursuant to rule 5101:2-9-42 of the Administrative Code:

(1) Discharge planning activities.

(2) Aftercare support.

- ~~(K)~~(J) Any juvenile court, that is a sub grantee with ODJFS for the purposes of Title IV-E financial reimbursement, shall enter information into Ohio SACWIS regarding the provision of services to any child who is at risk of child abuse and neglect and Title IV-E financial reimbursement is being requested. The juvenile court, that is a sub grantee with ODJFS for the purposes of Title IV-E financial reimbursement, granting any juvenile court personnel access to Ohio SACWIS for the purposes of Title IV-E financial reimbursement shall do so in accordance with paragraphs (A) to ~~(F)~~(E) of this rule.
- ~~(L)~~(K) A prosecuting attorney, who represents a PCSA, shall be permitted Ohio SACWIS access if directly connected with assessment, investigation, or services regarding a child or family. The PCSA shall do so in accordance with paragraphs (A) to ~~(F)~~(E) of this rule.
- ~~(M)~~(L) If a PCSA is utilizing a "Wendy's Wonderful Kids" (WWK) recruiter employed by another PCSA, PCPA, or PNA, the PCSA responsible for the child's case ~~may~~ is to permit the WWK recruiter direct Ohio SACWIS access to review and record information related to any child or sibling group being provided services by the WWK recruiter. The PCSA shall do so in accordance with paragraphs (A) to ~~(F)~~(E) of this rule.
- ~~(N)~~(M) If a PCSA is implementing "30 Days to Family," the PCSA may permit the "30 Days to Family" staff to have direct Ohio SACWIS access to review and record information related to any child or sibling group eligible for, or being provided services through "30 Days to Family." The PCSA will do so in accordance with paragraphs (A) to ~~(F)~~(E) of this rule.
- (N) If a PCSA is implementing a peer mentor or partner program, the PCSA may permit the peer mentor or parent partner to have direct Ohio SACWIS access to review and record information related to any parent, child or sibling group eligible for, or being provided services through the program. The PCSA will do so in accordance with paragraphs (A) to (E) of this rule.
- (O) If a PCSA grants a PCSA intern access to Ohio SACWIS, the PCSA shall do so in accordance with paragraphs (A) to ~~(F)~~(E) of this rule. Any case record information recorded into Ohio SACWIS by an intern shall be reviewed and approved by the PCSA director or designee.
- (P) Pursuant to section 5101.899 of the Revised Code, the youth and family ombudsman office is to have access to only the records of the department of job and family services that are necessary for the administration of sections 5101.89 to 5101.899 of the Revised Code in the performance of its official duties, including records maintained in Ohio SACWIS under section 5101.13 of the Revised Code.

(Q) The PCSA, PCPA, PNA, LPE or court is to enter and update information in Ohio SACWIS and/or RTIS pursuant to this rule each work day or as information becomes available.

~~(P)~~(R) No direct access to Ohio SACWIS, RTIS, or any other state of Ohio database shall be requested by or on behalf of, nor approved for or granted to, any researcher conducting research under paragraph (R) of rule 5101:2-33-21 of the Administrative Code.

(S) PCSAs, PCPAs, PNAs, LPEs and courts are to monitor access and use of Ohio SACWIS to prevent and identify unauthorized use.

(T) To avoid a conflict of interest, or the appearance of a conflict of interest, any PCSA, PCPA, PNA, LPE or court employee or contractor who has been granted access to Ohio SACWIS is not to enter or access any information for any of the following persons:

(1) Themselves.

(2) Any person who is a relative of the employee or contractor, as defined in Chapter 5101:2-1-01 of the Administrative Code.

(3) Any individual who has any supervisory responsibility for the employee or contractor.

(U) Any PCSA, PCPA, PNA, LPE or court employee or contractor who has signed and agreed to the terms contained on the JFS 07078 "Code of Responsibility" and has been granted access to Ohio SACWIS is to be held responsible for complying with all responsibilities outlined in the JFS 07078.

(V) A PCSA, PCPA, PNA, LPE or court which is found by ODJFS to have a finding of noncompliance with paragraph (A) or (B) of this rule, or the agreements outlined on the JFS 07078 "Code of Responsibility," is to comply with a corrective action plan as outlined in rule 5101:2-5-06 of the Administrative Code.

~~(X)~~(W) The term "access to Ohio SACWIS," and any variation thereof, as used in this rule and in Chapter 5101:2-33 of the Administrative Code, is not synonymous with "disseminate all information" as used in rule 5101:2-33-21 of the Administrative Code. Ohio SACWIS access shall only be granted if expressly permitted by state law or rule.

Effective: 10/1/2022

Five Year Review (FYR) Dates: 4/12/2026

CERTIFIED ELECTRONICALLY

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Certification

09/16/2022

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Date

Promulgated Under: 119.03  
Statutory Authority: 5101.134  
Rule Amplifies: 5101.13, 5101.131, 5101.132, 5101.133, 5101.899  
Prior Effective Dates: 01/29/2007, 11/01/2014, 10/01/2015, 09/01/2017,  
04/12/2021