



July 26, 2023

Family, Children and Adult Services Manual Transmittal Letter No. 525

TO: Family, Children and Adult Services Manual Users

FROM: Matt Damschroder, Director

SUBJECT: Amendment of OAC Rule 5101:2-42-88.

This letter transmits amendments to Ohio Administrative Code (OAC) rule 5101:2-42-88 Requirements when a Child in Substitute Care Disrupts from Placement or is Absent Without Leave (AWOL) as a result of the reauthorization of federal law enacted in Public Law 117-348, Trafficking Victims Prevention and Protection Reauthorization Act of 2022. The rule will be effective August 3, 2023. The following is a brief explanation of the changes:

OAC 5101:2-42-88 entitled **Requirements when a Child in Substitute Care Disrupts from Placement or is Absent without Leave (AWOL)** sets forth guidance when there is a disruption in the child’s substitute care placement, or the child is AWOL. The rule title has been amended to Requirements when a child in substitute care disrupts from placement or is missing. The amendment within this rule requires additional descriptive information about a child to be reported to law enforcement and National Center for Missing and Exploited Children (NCMEC) and for there to be regular communication regarding updates on the progress of locating the child with law enforcement and NCMEC.

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 5101:2-42-88 | OAC 5101:2-42-88 |
| Transmittal Letters | | FCASMTL No. 525 |

5101:2-42-88

Requirements when a child in substitute care disrupts or is missing from placement ~~or is absent without leave (AWOL)~~.

- (A) When there is a disruption of a child's substitute care placement, the public children services agency (PCSA) or private child placing agency (PCPA) shall address and document in the child and caregiver's case record the following information:
- (1) Length of time the child was in the particular substitute care setting.
 - (2) Circumstances which led to the child's removal.
 - (3) Any efforts to maintain the placement, including supportive services offered to the child and caregiver.
- (B) A disruption of a child's substitute care placement shall require an ~~amendment to the case plan~~ update to the family case plan pursuant to rule 5101:2-38-05 of the Administrative Code or rule 5101:2-38-07 of the Administrative Code.
- (C) If a disruption of a child's substitute care placement occurs prior to the child's dispositional hearing, the PCSA or PCPA shall follow procedural requirements pursuant to rule 5101:2-42-93 of the Administrative Code.
- (D) Upon receiving notification that a child is ~~absent without leave (AWOL)~~ missing from a substitute care placement, the PCSA or PCPA shall immediately, and in no case later than twenty-four hours contact both:
- (1) Law enforcement for entry into the national crime information center (NCIC) database.
 - (2) The national center for missing and exploited children (NCMEC).
- (E) A report of the missing child is to be submitted to law enforcement and NCMEC and is to include the following, where reasonably possible:
- (1) A photo of the missing or abducted child.
 - (2) The circumstances of the child's disappearance, including date and time child was last seen.
 - (3) A description of the child's physical features and personal identifiers.
 - (a) Age.
 - (b) Height.

- (c) Weight.
- (d) Sex.
- (e) Race.
- (f) Ethnicity.
- (g) Complexion
- (h) Hair color.
- (i) Eye color.
- (j) Birth marks, tattoos, piercings
- (k) Clothing worn
- (l) Glasses or contact use
- (m) Nickname(s)
- (n) Braces
- (o) Shoe size
- (p) Youth's cell phone number
- (q) Youth's email address and social networking contacts
- (r) Endangerment information such as:
 - (i) Pregnancy status.
 - (ii) Prescribed medications and any medical condition(s).
 - (iii) Suicidal or homicidal tendencies.
 - (iv) Description of who may have abducted the child and the vulnerability to being trafficked, sex or labor.
 - (v) Other health or risk factors, any factual, biographical or historical information, including health or behavioral health concerns that may assist with locating the missing child.

(F) The PCSA or PCPA is to maintain regular communication with law enforcement and NCMEC for updates on progress locating and aiding in the safe recovery of the missing child, including but not limited to:

(1) Possible location of the child.

(2) Who the child might be with.

(3) Additional risk of harm.

(4) Sharing information pertaining to the child's recovery and circumstances related to the recovery.

~~(E)~~(G) The PCSA or PCPA shall document in the child's case record the following information:

(1) The date, time and name of the law enforcement agency contacted.

(2) The date and time NCMEC was contacted.

(3) The last known location of the child.

(4) The length of time the child has been ~~AWOL~~missing.

(5) Anyone the missing child may have been with prior to or during ~~AWOL~~.

(6) Efforts and resources used to locate the child.

~~(F)~~(H) Upon the missing child's return ~~from AWOL~~, the PCSA or PCPA shall address and document in the child's case record the following information:

(1) The circumstances that contributed to the child running away or ~~being absent~~missing from care. When possible, these factors shall be considered when determining subsequent placements.

(2) The events or experiences that took place while the child was ~~AWOL~~missing, including if the child is found to be a sex trafficking victim. The PCSA shall follow procedural requirements pursuant to rule 5101:2-36-12 of the Administrative Code. The PCPA shall report any allegations of abuse or neglect to the PCSA.

~~(G)~~(I) The PCSA or PCPA shall send a copy, within fourteen days, of the documentation identified in this rule to the recommending agency of the caregiver, if the caregiver is not certified by the PCSA or PCPA. The recommending agency shall maintain the information in the caregiver's record.

Effective: 8/3/2023

Five Year Review (FYR) Dates: 5/19/2023 and 08/03/2028

CERTIFIED ELECTRONICALLY

Certification

07/24/2023

Date

Promulgated Under: 119.03
Statutory Authority: 5103.03, 5153.166
Rule Amplifies: 5103.03, 5153.16
Prior Effective Dates: 09/28/1987 (Emer.), 12/27/1987, 01/01/1989,
01/01/1990, 02/01/2003, 04/20/2008, 05/30/2014,
10/01/2015, 11/01/2019