



March 19, 2024

**Family, Children and Adult Services Transmittal Letter No. 540**

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

**FROM:** Matt Damschroder, Director

**SUBJECT:** Amendment to OAC Rule 5101:2-40-02 Supportive services

This letter transmits Ohio Administrative Code (OAC) rule 5101:2-40-02 which was rescinded and adopted as new as part of the five-year rule review. These rules will be effective April 1, 2024.

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

**OAC rule 5101:2-40-02** entitled Supportive services sets forth the requirements that apply to a private child placing agency (PCPA) and a public children services agency (PCSA) when supportive services are provided or arranged to children and families or caretakers. The rule was rescinded and created as new for clarification. Restructuring and streamlining the requirements occurred throughout the rule. Revisions were made to remove language contained throughout resulting from a consent decree in August 1986. The conditions of the consent judgment were met, and the order was terminated in May 1998. Additionally, the Ohio Department of Job and Family Services (ODJFS) issued the [Family, Children and Adult Services Procedure Letter No. 409](#) identifying supported strategies to allow flexibility in child protection casework practice requirements. One of the strategies identified removed the letter of assurance requirement contained in this rule.

**Instructions**

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

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
Social Services	OAC 5101:2-40-02	OAC 5101:2-40-02
Transmittal Letters		FCASMTL No. 540

5101:2-40-02**Supportive services.**

(A) Supportive services are services provided or arranged to protect, strengthen, or assist children and families or caretakers. The primary goals of all supportive services are:

- (1) To protect the health, safety, and welfare of children and youth.
- (2) To respect and support the integrity of the child's family unit.
- (3) To maintain the child in the home with their family or caretaker.
- (4) To reunify the child with their parent, guardian, custodian, or caretaker when removed from their home or utilize concurrent planning to attain permanency in the event reunification is unable to be achieved.
- (5) To assist a child who has attained the age of fourteen in the custody of a public children services agency (PCSA) or private child placing agency (PCPA) to prepare them for the transition from agency custody to self-sufficiency.

(B) Supportive services will be made available by the PCSA to the child, their parent, guardian, custodian, or caretaker through one or more of the following:

- (1) Information and referral services to community resources.
- (2) Prevention services from the PCSA or Title IV-E agency in collaboration with community service providers pursuant to rule 5101:2-40-05 of the Administrative Code.
- (3) Direct services from the PCSA.
- (4) Contract services from community service providers.
- (5) Compact services from community service providers.
- (6) Direct and indirect services from child abuse and neglect multidisciplinary teams.
- (7) Direct and indirect services through the county family and children first council or the county "Help Me Grow" provider.

(C) Supportive services will be available if one or more of the following exists:

- (1) The child, their parent, guardian, custodian, or caretaker requests services, and the PCSA determines the services are necessary.
- (2) The assessment of safety and risk, case decision, or other information obtained during the assessment/investigation indicates the need for the services.

- (3) The PCSA receives an order of protective supervision.
- (4) The child is placed in substitute care.
- (5) The ongoing assessment of safety and risk indicates the need for services.
- (6) The period immediately following reunification of the child, as needed.
- (D) If one or more of the conditions listed in paragraph (C) of this rule exist, the "Family Case Plan" or "Prevention Services Plan", will be prepared in accordance with rule 5101:2-38-01, 5101:2-38-05, 5101:2-38-07, 5101:2-40-05, or 5101:2-38-20 of the Administrative Code.
- (E) The PCSA will refer a child who is the subject of a report and is not at risk of imminent harm, to a community organization or voluntary preventive services.
- (F) The PCSA may consider contacting the county department of job and family services (CDJFS) to determine if any services or assistance can be provided to families coming to the PCSA's attention including but not limited to prevention, retention, and contingency (PRC) services.
- (G) Each PCSA participating in the regionalization of supportive services will identify regionalized services, and the other counties involved in the regionalization of services.
- (H) At the conclusion of a diagnostic service, the PCSA is to request a written report from the service provider to include information indicating the progress the parent, guardian, custodian, or caretaker and child have made to resolve areas identified in the provider's service or treatment plan. Upon receipt of the report, it is to be maintained in the case record.
- (I) At a minimum of once every three months and at the conclusion of any services or treatment, the PCSA is to request written or verbal reports from all service providers to include information indicating the progress the parent, guardian, custodian, or caretaker and child have made to resolve areas identified in the provider's service or treatment plan. Upon receipt of the report, it is to be maintained in the case record. If the report is not written, the service provider's identity, the date of the verbal report, and the content of the verbal report is to be documented in the Ohio statewide automated child welfare information system (SACWIS).
- (J) The PCSA is to document the following in the Ohio SACWIS:

  - (1) Supportive services offered and/or provided.

(2) Supportive services planned, but not provided, and the reason the services were not provided.

(K) Services made available by the PCSA can be paid for through utilization of the following funding sources, if appropriate:

(1) Title IV-B funds.

(2) Title IV-E funds.

(3) Title XX funds, through the CDJFS.

(4) State child protection allocation.

(5) Temporary assistance for needy families (TANF) funds, through the CDJFS.

(6) TANF independent living funds, through the Ohio department of job and family services (ODJFS).

(7) Chafee funds.

(8) Local funds.

(L) Utilization of the funding sources outlined in paragraph (K) of this rule are to be governed by the respective guidelines of each funding source.

Replaces: 5101:2-40-02  
Effective: 4/1/2024  
Five Year Review (FYR) Dates: 04/01/2029

CERTIFIED ELECTRONICALLY

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Certification

03/15/2024

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Date

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Statutory Authority: 2151.412, 2151.421, 5153.166  
Rule Amplifies: 2151.412, 5153.16, 2151.421  
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