



Transmittal Letter No. 90

TO: Children Services Stakeholders

FROM: Kara B. Wente, Director

DATE: June 18, 2026

SUBJECT: Five-Year Review and Renumbering of 5180:2-33-07 Contracting for the Performance of Specified Agency Duties

Background

The Department of Children and Youth (DCY) is rescinding and renumbering Ohio Administrative Code (OAC) rule(s) 5180:2-33-07 “Delegation of responsibilities and contracting for the performance of specified agency duties” as part of the five-year review process.

DCY rules in the OAC were renumbered to 5180 on January 2, 2025, as a result of House Bill 33 (HB33) of the 135th General Assembly. DCY is rescinding and renumbering OAC rule 5180:2-33-07 to 5180:3-01-07 as part of the five-year review process.

This rule will be effective on July 1, 2026.

Purpose

As part of the five-year rule review, the following Ohio Administrative Code (OAC) rule is being rescinded and renumbered.

OAC 5180:2-33-07 → OAC 5180:3-1-07, entitled “**Contracting for the performance of specified agency duties**,” sets forth the limitations and permissible duties that public children services agencies (PCSAs) may contract for. The rule is being rescinded as part of the five-year rule review to allow for renumbering and reissuance under OAC 5180:3-1-07. In connection with this renumbering, the rule was restructured into question-and-answer format and updated for clarity. Additional updates include:

- Revising the rule title by removing the phrase “*delegation of responsibilities*” to clarify that the rule addresses contracting for agency duties rather than delegation of statutory responsibilities.



- Statutory clarification regarding who may execute contracts depending on the PCSA structure, consistent with sections 5153.16 and 307.982 of the Revised Code.
- Updated contract requirements for child placement, including the addition of core contract governance elements such as defined responsibilities of the parties, contract duration, termination provisions, and federal award notice when applicable.

Rules/Forms

The chart indicates the impacted OAC rules, transmittal letters, and/or required forms.

OAC Rules	Previous Transmittal Letter	DCY Forms
5180:2-33-07 (Rescind)	FCAMTL 444	N/A
5180:3-1-09 (New)	N/A	N/A

5180:3-1-07**Delegation of responsibilities and contracting for the performance of specified agency duties.**

(A) Who may a public children services agency (PCSA) enter into a contract with to assist performing its duties?

Except as specified in paragraph (B) of this rule, a PCSA may enter into a contract with a county department of job and family services (CDJFS); county boards of mental health and addiction services; county boards of developmental disabilities; regional councils of political subdivisions established under Chapter 167 of the Revised Code; private and government providers of services; or managed care organizations and prepaid health plans to assist in performing the duties assigned to the PCSA.

(1) If the county board of children services serves as the PCSA, contracting follows the provisions pursuant to division (C)(2)(a) of section 5153.16 of the Revised Code.

(2) If the CDJFS or a private governmental entity serves as the PCSA, the county commissioners can contract for those services as provided pursuant to section 307.982 and divisions (C)(2)(b) and (c) of section 5153.16 of the Revised Code.

(B) Can a PCSA delegate its investigation duties through a contract?

No. A PCSA is not to enter into a contract with any other entity to delegate the responsibility of performing investigation duties as outlined in section 2151.421 of the Revised Code.

(C) What is a PCSA expected to obtain prior to entering into a contract with an agency, organization, provider, or individual?

Prior to entering into a contract, the PCSA is to ensure the agency, organization, provider, or individual holds all required state licensure credentials necessary to perform the duties specified in the contract.

(D) What is to be included in agreements or contracts related to child placement?

When a contract is executed between a PCSA and another private or government provider of services, for the purpose of placing a child, the contract is to specify responsibilities of both parties to the contract, have clear effective begin and end dates, a clause for termination of the contract, and if federal funding is used, notice of federal award and federal guidance for management of the award.

Replaces: 5180:2-33-07
Effective: 7/1/2026
Five Year Review (FYR) 07/01/2031
Dates:

CERTIFIED ELECTRONICALLY

Certification

06/18/2026

Date

Promulgated 119.03
Under:
Statutory Authority: 5153.16
Rule Amplifies: 5153.16
Prior Effective 09/28/1987, 01/01/1989, 01/01/1990, 10/01/1997
Dates: (Emer.), 12/30/1997, 05/01/2003, 12/21/2007,
07/01/2014, 10/02/2020

TO BE RESCINDED

5180:2-33-07 **Delegation of responsibilities and contracting for the performance of specified agency duties.**

- (A) A public children services agency (PCSA) may enter into a contract with a county department of job and family services (CDJFS); county boards of mental health and addiction services; county boards of developmental disabilities; regional councils of political subdivisions established under Chapter 167. of the Revised Code; public and private individuals or providers of services; or managed care organizations and prepaid health plans to assist them in performing their assigned duties outlined in section 5153.16 of the Revised Code.
- (B) The PCSA shall not enter into contracts with other entities delegating its responsibility to perform its investigation duties outlined in section 2151.421 of the Revised Code.
- (C) If entering into a contract, the PCSA shall ensure that the agency, organization, provider or individual has the required state licensing credentials in order to perform the specified duties outlined in the contract.
- (D) When an agreement, compact or contract for the purposes of placing a child is executed between a PCSA and another person, agency, or any other provider of services, the agreement shall specify criteria to be followed to work together in developing and executing case plan services and participating in case reviews and/or semiannual administrative reviews, and the completion of reunification assessments.

Effective: 7/1/2026
Five Year Review (FYR) 4/7/2026
Dates:

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