

DCY Guidance Letter 24-029
DIVISION OF POLICY

TO: All Public Children Services Agency Directors, Administrators, Staff

FROM: Gina Speaks-Eshler, Policy Advisor

DATE: August 20, 2024

SUBJECT: Chapter 5101:2-36 Screening and Investigation Rule Revisions

Background

The Department of Children and Youth is making changes to Ohio Administrative Code (OAC) rules in Chapter 5101:2-36 as part of the five-year rule review process and to provide clarification on screening and investigation requirements for Public Children Services Agencies (PCSAs). These rules will be effective on September 1, 2024.

The Ohio Department of Job and Family Services (ODJFS) / Department of Children and Youth (DCY), the Public Children Services Association of Ohio (PCSAO), and numerous Ohio Public Children Services Agencies (PCSAs) collaborated on these updates. A workgroup was created with the purpose to gather feedback and suggestions to assist in the revisions to these rules.

Purpose

The purpose of this document is to highlight the changes to the OAC rules in Chapter 5101:2-36 Screening and Investigation and provide guidance to PCSAs for applying revised rule requirements in practice to assist caseworkers and supervisors.

Ohio Child Protective Screening Guidelines

OAC Rule

- 5101:2-36-01 *Intake and screening procedures for child abuse, neglect, dependency, family in need of services, and post-emancipation reports; and information and/or referral intakes.*

Guidance

The [Ohio Child Protective Services Screening Guidelines](#) have been updated to reflect changes that occurred in Chapter 5101:2-36 rule revisions.

Prevention Service Referrals

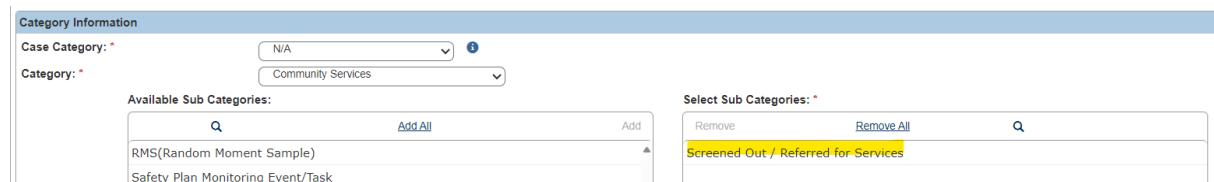
OAC Rule

- 5101:2-36-01 *Intake and screening procedures for child abuse, neglect, dependency, family in need of services, and post-emancipation reports; and information and/or referral intakes.*
 - (J) The PCSA may refer families with screened out referrals to prevention service providers pursuant to [Section 2151.421](#) and [Section 2151.423](#) of the Revised Code.

Guidance

PCSA are permitted to refer screened out intakes for prevention services when a local service is available and meets the identified need(s) of the family.

- The name and information of the original referent to the PCSA is not to be disclosed to the service provider.
- Consideration should be given to each family's need and each prevention agency's availability and capacity.
- All prevention referrals for screened out intakes are to be documented in the Ohio Comprehensive Child Welfare Information System (CCWIS) in an Activity Log and linked to the applicable screened out intake.
 - The Activity Log is to include the name of the prevention services agency and the date the referral for prevention services was completed.
 - The following Activity Log coding should be used:
 - Case Category: N/A
 - Category: Community Services
 - Sub Category: "Screened Out/ Referred for Services"



The screenshot shows a user interface for selecting categories. On the left, under 'Available Sub Categories', there is a table with two rows: 'SMS(Random Moment Sample)' and 'Safety Plan Monitoring Event/Task'. On the right, under 'Select Sub Categories:', there is a table with a single row: 'Screened Out / Referred for Services', which is highlighted with a yellow background. Both tables have 'Remove' and 'Add All' buttons.

Relevant prevention services to address a family's need may include, but is not limited to:

- Information and referral services to locally available community supports and treatment (i.e., food banks, housing supports, transportation, pregnancy centers, etc.).
- Parent education and skill building.
- Financial assistance and literacy.
- Access to economic and concrete supports.
- Family coaching and in-home services.

- Basic life skills.
- Mental health and substance misuse treatment.
- Domestic and family violence intervention services.
- Early childhood education and care services.
- Multisystem youth supports and wraparound services.
- Juvenile justice services.
- Kinship services.

Comprehensive Addiction and Recovery Act (CARA)

OAC Rules

- 5101:2-1-01 *Children services definitions of terms.*
- 5101:2-36-01 *Intake and screening procedures for child abuse, neglect, dependency, family in need of services, and post-emancipation reports; and information and/or referral intakes.*
- 5101:2-36-03 *PCSA requirements for intra-familial child abuse and/or neglect assessment/investigations.*
- 5101:2-36-04 *PCSA requirements for conducting a specialized assessment/investigation.*
- 5101:2-36-06 *PCSA requirements for a deserted child/safe haven assessment/investigation.*
- 5101:2-36-20 *Public children services agencies assessment requirements for child abuse and neglect reports in alternative response.*

The following CARA definitions were revised in OAC rule [5101:2-1-01 Children services definitions of terms](#) and the terms were updated in the above-mentioned Chapter 5101:2-36 rules:

- **"Plan of safe care" / "family care plan"** means an arrangement that addresses the treatment needs of the substance affected infant and the health and substance use disorder treatment needs of the parent, guardian, custodian, and any other caregiver residing in the home. The plan is developed with the parents or other caregivers, as well as the collaborating professional partners and agencies involved in caring for the infant and family. The plan includes but is not limited to the following:
 - (a) Basic identifying information of the infant, parent, guardian, custodian, and any other caregiver residing in the home: name, date of birth, phone number, and address.
 - (b) Hospital or medical facility where the infant was delivered and/or transferred to, if applicable: name of medical facility, address, contact person, and phone number.
 - (c) Medical information on the infant: treating medical personnel (doctor, specialists), current diagnosis, prescription medication, future medical appointments, therapies, or treatment.
 - (d) Health and substance use history of parent, guardian, custodian, or any other caregiver residing in the home: diagnosis, substance(s) of choice, prescribed

medications, behavioral health involvement, alcohol and drug treatment provider(s), treatment plan, wraparound support plan, and contact information of all providers. (e) Identification of who will be monitoring the plan if the family will not be working with a PCSA.

- **“Substance affected infant”** means a child under the age of twelve months who is abused pursuant to section 2151.031 of the Revised Code due to in utero exposure to a legal or illegal substance. This does not include in utero exposure to any substance used as prescribed during the pregnancy.
- **“Substance exposed infant”** definition is removed from rule.

Guidance

The notification to all involved parties on the Plan of Safe Care/Family Care Plan at the end of the assessment/investigation is limited to only the parties with a current release of information signed by the infant’s parent, guardian, or custodian.

For more information about the Comprehensive Addiction Recovery Act, see the Ohio Department of Children and Youth’s webpages for [Providers](#) and [Families](#).

Calendar Days, Business Days, and Working Days

OAC Rules

- 5101:2-1-01 *Children services definitions of terms*.
- Chapter 5101:2-36 *Screening and Investigation*

The terms “calendar day,” “business day,” and “working day” are defined in [5101:2-1-01 Children services definitions of terms](#):

- **“Calendar day”** is any day in the month including weekends and holidays.
- **“Business day”** is any day Monday through Friday excluding federal holidays.
- **“Working day”** means the regular days on which work is performed by the PCSA generally seen as Monday through Friday excluding legal holidays, or the day the holiday is observed.

Guidance

The terms and timeframes addressed within Ohio Revised Code (ORC) must be used in the relevant OAC rules. For the above-mentioned terms the Chapter 36 workgroup members agreed upon terminology, alignment, and consistency to the extent possible throughout the OAC 5101:2-36 Screening and Investigation rules.

Each PCSA should address “working day” for staff per this rule as it is dependent upon the agency’s employees shifts and duties.

Lead Agency

OAC Rule

- 5101:2-36-02 PCSA requirements for determining lead agency for screening and assessments/investigations.

The rule was created to contain all requirements in determining the lead PCSA. As a result, references to determining lead agency in all other Chapter 5101:2-36 rules are removed.

Guidance

The new rule includes a preferential order of factors to consider when determining the lead agency. The lead agency should be determined based on the PCSA best suited to meet the family’s needs.

If a lead agency cannot be determined based on the preferential order identified in rule, contact your agency’s legal counsel for further guidance and answers to your case specific questions.

Mandated Reporter and Law Enforcement Notifications

OAC Rules

- 5101:2-36-01 Intake and screening procedures for child abuse, neglect, dependency, family in need of services, and post-emancipation reports; and information and/or referral intakes 5101:2-36-03 PCSA requirements for intra-familial child abuse and/or neglect assessment/investigations.
- 5101:2-36-04 PCSA requirements for conducting a specialized assessment/investigation.
- 5101:2-36-08 PCSA requirements for involving a third party in the assessment/investigation of a child abuse or neglect report.
- 5101:2-36-12 PCSA requirements for child abuse and/or neglect cross-referrals.
- 5101:2-36-20 Public children services agencies assessment requirements for child abuse and neglect reports in alternative response.

Rules were updated to include statutory requirements to notify mandated reporters and law enforcement for specific assessments/investigations previously established in [Family, Children and Adult Services Procedure Letter No. 388](#).

The recent rules have been revised to include the following practice change:

Neglect Reports - the PCSA is to send a law enforcement notification within seven calendar days from screening in a report of neglect if the PCSA implements a legally authorized out-of-home placement due to neglect during that timeframe, unless law enforcement is the

referral source. This PCSA is not required to send a law enforcement notification when an in-home safety plan or an out of home safety plan is implemented within that timeframe.

Guidance

See the attached **Mandated Reporter and Law Enforcement Notification Requirements** guidance document. Mandated Reporter and Law Enforcement letters in Ohio CCWIS have been updated.

Infant/Nonverbal Child Contact

OAC Rules

- 5101:2-36-03 *PCSA requirements for intra-familial child abuse and/or neglect assessment/investigations.*
- 5101:2-36-04 *PCSA requirements for conducting a specialized assessment/investigation.*
- 5101:2-36-05 *requirements for conducting stranger danger investigations.*
- 5101:2-36-09 *PCSA requirements for dependent child assessments.*
- 5101:2-36-20 *Public children services agencies assessment requirements for child abuse and neglect reports in alternative response.*

If the alleged child victim/child subject of report is an infant or nonverbal child, who is currently in a hospital setting and is not scheduled for discharge within 72 hours from the time the referral is screened in, initial contact by the caseworker can be made virtually or by phone prior to discharge with the direct medical staff who is providing care for the infant or child.

Guidance

There are situations when a child is hospitalized and unable to communicate, and in some instances, hospitalized out of county. In lieu of the face-to-face interview with the alleged child victim/child subject of report for completion of the “Safety Assessment”, the caseworker may complete virtual or phone contact with direct medical staff responsible for the care of the alleged child victim/child subject of report.

The virtual or phone contact with medical staff only applies when the alleged child victim/child subject of report is an infant or nonverbal child and, not scheduled for discharge within 72 hours from the time the referral was screened in.

If virtual or phone contact is completed, the caseworker is to obtain information about the child’s current condition and safety.

Face-to-face contact offers the opportunity in observing interactions between the caretaker(s) and child in addition to complete interviews with principals of the report and/or collateral sources if those individuals are present at the hospital with the infant or nonverbal child.

Reminder: Face-to-face interviews are to be completed with at least one parent, guardian, custodian, or caretaker for completion of the “Safety Assessment.” Face-to-face contact and interviews are to be completed with the family of the alleged child victim(s)/child subject of report(s) to complete the “Family Assessment.”

Alleged Perpetrator Notification and Appeal Process

OAC Rules

- 5101:2-36-03 PCSA requirements for intra-familial child abuse and/or neglect assessment/investigations.
- 5101:2-36-04 PCSA requirements for conducting a specialized assessment/investigation.
- 5101:2-36-05 PCSA requirements for conducting stranger danger investigations.
- 5101:2-36-07 PCSA requirements for conducting an assessment/investigation of the alleged withholding of medically indicated treatment from a disabled infant with life-threatening conditions.

The timeframe to notify alleged perpetrators of the disposition was changed from two to five days and the written notice is to be a form designated by DCY per [Section 2151.421 \(I\)\(5\)](#) of the Revised Code.

Guidance

Upon completion of the assessment/investigation, the lead PCSA is to provide the alleged perpetrator the Alleged Perpetrator report disposition letter located in Ohio CCWIS.

Enhancements were made to the Ohio CCWIS notification to include information regarding Ohio’s Central Registry and the PCSA’s appeal process of the investigation’s disposition.

PCSA are required to provide the alleged perpetrator with the agency’s appeal process when the individual is notified of the report disposition. The process must include the length of time to appeal and the method by which the alleged perpetrator may appeal.

PCSA are to do one of the following:

- Include a hard copy of the agency’s appeal process when sending or providing the disposition notification to the alleged perpetrator.
- Enter the PCSA’s appeal process directly into Ohio CCWIS and select to have the appeal process generated on the Alleged Perpetrator disposition notification.

[SACWIS Knowledge Base - Adding Appeal Information for PCSAs](#)

Unknown Alleged Perpetrator

When the report disposition is substantiated and the alleged perpetrator is “unknown”, the PCSA is to complete an activity log stating the alleged perpetrator is unable to be located and

notified of the outcome. Documentation should include efforts made to identify the alleged perpetrator or attempts to notify the alleged perpetrator.

Unable to Locate Alleged Perpetrator

When the report disposition is substantiated and the alleged perpetrator is unable to be located, the PCSA is to complete an activity log stating the alleged perpetrator is unable to be located, unable to be notified of the outcome, and unable to inform the individual of their name added to Ohio's Central Registry. Documentation should include the caseworker's efforts to locate and notify the alleged perpetrator.

Receiving an Appeal Request

If the alleged perpetrator files an appeal, the PCSA is to record the appeal and finding in Ohio CCWIS: [SACWIS Knowledge Base - Recording Intake Appeals and Updating Dispositions](#)

Notifications

(Alleged Child Victims/Child Subject of Reports and Parents/Guardians/Custodians)

OAC Rules

- 5101:2-36-03 PCSA requirements for intra-familial child abuse and/or neglect assessment/investigations.
- 5101:2-36-04 PCSA requirements for conducting a specialized assessment/investigation.
- 5101:2-36-05 PCSA requirements for conducting stranger danger investigations.
- 5101:2-36-07 PCSA requirements for conducting an assessment/investigation of the alleged withholding of medically indicated treatment from a disabled infant with life-threatening conditions.
- 5101:2-36-09 PCSA requirements for dependent child assessments.

To align with the notification timeframe to alleged perpetrators, the timeframe to notify alleged child victim(s)/child subject(s) of report(s) and their parent(s)/guardian(s)/custodian(s) was changed from two to five days.

Guidance

Once a disposition and/or the case decision has been completed, PCSAs may use their own written notification or generate the appropriate notice in Ohio CCWIS.

Protective Service Alerts (PSAs)

OAC Rules

- 5101:2-36-01 Intake and screening procedures for child abuse, neglect, dependency, family in need of services, and post-emancipation reports; and information and/or referral intakes.
 - o (G) If the family has an active protective service alert (PSA) pursuant to rule 5101:2-36-14 of the Administrative Code and the current referral contains

updated contact information that may allow the ability to locate the family, the PCSA is to screen in the current referral due to the PSA. The PCSA is to assess/investigate the concerns related to the PSA in addition to any concerns needing an assessment/investigation in the current referral. The PCSA is to cancel the PSA in accordance with 5101:2-36-14 upon locating the family.

- 5101:2-36-14 *Protective services alert*
 - (C) The PCSA is to attempt to assess/investigate the concerns related to an active PSA upon receipt of updated contact information that may allow the ability to locate the family.

Guidance

To determine the concerns related to the active PSA:

1. Review the PSA in Ohio CCWIS. It includes a narrative summary of the reason for the alert and case situation(s) that applied when the alert was issued, such as:
 - Child abuse/neglect assessment/investigation was in process,
 - In-home supportive services were in process,
 - Protective supervision ordered,
 - Custody obtained by agency,
 - Children taken in violation, or
 - Other case situation.
2. Identify any additional documentation to review in Ohio CCWIS based on the information in the PSA.

For more information about PSAs, see the [Protective Service Alerts \(PSA\) and Report Disposition SACWIS Enhancements Webinar and related articles](#) on the SACWIS Knowledge Base.

Contact

If you have any questions or concerns, contact your Technical Assistance Specialist (TAS).