

5101:2-38-05 PCSA case plan for children in custody or under protective supervision.

(A) The public children services agency (PCSA) shall develop and complete a case plan utilizing the JFS 01410 "Comprehensive Assessment Planning Model - I.S., Case Plan" (rev. 2/2006) if services are provided to the child in his or her own home or in a substitute care setting and one of the following occurs:

(1) The PCSA files a complaint pursuant to section 2151.27 of the Revised Code alleging the child is an abused, neglected, or dependent child.

(2) The PCSA has court ordered temporary custody or permanent custody of the child.

(3) The court orders the PCSA to provide protective supervision for a child living in his or her own home.

(4) The court orders the PCSA to place the child in a planned permanent living arrangement.

(B) The JFS 01410 shall be based on the completion of the JFS 01400 "Comprehensive Assessment Planning Model - I.S., Family Assessment" (rev. 7/2006).

(C) Completion of the JFS 01400 is not required to complete a case plan resulting from the following family in need of service intakes:

(1) Deserted child.

(2) Emancipated youth.

(3) Permanent surrender.

(4) Interstate compact on placement of children.

(D) The PCSA shall develop one case plan per case unless directed otherwise by an order of the court.

(E) If initiating the case planning process, the PCSA shall:

(1) Provide verbal or written notification to the following parties of their responsibility to work with the agency in jointly developing, implementing, and reviewing the case plan utilizing the JFS 01410 no less than seven days prior to case plan completion:

(a) Child's parent, guardian, or custodian.

(b) Pre-finalized adoptive parent, if applicable.

(c) Guardian ad litem and/or court appointed special advocate, if one has been appointed.

(d) Child, if age and developmentally appropriate.

(e) The Indian custodian, if any, and child's Indian tribe and extended relatives as defined in rule 5101:2-53-01 of the Administrative Code, if applicable.

(2) Work with all parties on the development, implementation, and review of the case plan; attempt to obtain agreement on the contents of the case plan by the parties mentioned in paragraph (E)(1) of this rule and provide each party with a copy of the JFS 01410.

(3) Inform all parties, if agreement cannot be obtained on the contents of the case plan, the parties may present evidence at the dispositional hearing and the court will determine the contents of the case plan based upon the evidence presented.

(4) Provide the substitute caregiver, including a relative or kin caregiver, or pre-finalized adoptive parent fulfilling this role, verbal or written notification of the opportunity to participate in the development, implementation, and review of the case plan no less than seven days prior to case plan completion. The date and method of notification shall be documented in the case record.

(F) If a case plan is developed pursuant to paragraph (A) of this rule, the PCSA shall file the JFS 01410 with the court based upon whichever of the following occurs first:

(1) No later than thirty days from the date the complaint was filed or the child was placed in shelter care.

(2) Prior to the adjudicatory hearing on the complaint.

(G) The JFS 01410 shall be considered complete once the court journalizes the case plan.

(H) If sufficient information is not available to complete any element contained on the JFS 01410, the PCSA shall do all of the following:

(1) Specify in the JFS 01410 developed pursuant to paragraph (F) of this rule, the additional information needed in order to complete all parts of the case plan and the steps needed to obtain the missing information and file with the court.

(2) Obtain the missing information, and complete the missing elements of the JFS 01410 and submit to the court no later than thirty days after the adjudicatory hearing or by the date of the dispositional hearing.

(I) The JFS 01410 shall serve as the permanency plan for the child.

(J) The JFS 01410 shall include a written visitation plan for siblings removed from their home and not jointly placed pursuant to rules 5101:2-42-92 and 5101:2-39-01 of the Administrative Code. The visitation plan shall provide for regular, ongoing visitation and interaction between the siblings no less than monthly unless the PCSA has documented that it would be contrary to the safety or well-being of the children.

(K) The sibling's visitation plan developed pursuant to paragraph (J) of this rule shall include a description of the following:

(1) Efforts made by the agency to place the siblings together and why those efforts were unsuccessful.

(2) Identification of any sibling who is not included in the visitation plan and an explanation of why visitation or interaction with the child would be contrary to the safety or well-being of the other sibling(s).

(L) The JFS 01410 shall include a written visitation plan for the parent, guardian, or custodian. The visitation plan shall provide for regular, ongoing visitation and interaction between the child placed in substitute care and the parent, guardian, or custodian pursuant to rule 5101:2-42-92 of the Administrative Code.

(M) Once the court journalizes the JFS 01410, the parties including PCSA staff, are bound by the provisions outlined in the journalized case plan. Failure to comply with the case plan by any party to the case plan may result in a finding of contempt of court. The JFS 01410 provides such notice to all parties.

(N) The PCSA shall contact the child's parent, guardian, or custodian, or if applicable, pre-finalized adoptive parent, and the guardian ad litem and/or court appointed special advocate and seek prior agreement for any amendment to the case plan if any of the following occurs:

(1) The conditions of either the child or his or her parent, guardian, or custodian, or if applicable, pre-finalized adoptive parent change; and the change affects the legal status of the child or the provision of supportive services.

(2) There is a change in the goal for the child and/or changes family members need to address to alleviate concerns.

(3) The child needs to be placed in a substitute care setting; returned to his or her parent, guardian, custodian, or pre-finalized adoptive parent; or moved to another substitute care setting.

(4) The child attains the age of sixteen and independent living and life skill services are offered.

(5) A change in the visitation plan for a child.

(6) A party must be added or deleted from the JFS 01410.

(O) The PCSA shall attempt to obtain the signatures of the parent, guardian, custodian, or if applicable, pre-finalized adoptive parent, and guardian ad litem and/or court appointed special advocate, if one has been appointed, if an amendment is made to the JFS 01410.

(P) The PCSA shall record, on the JFS 01410, the reasons for any agreed upon amendment made and submit the amendment to the court within seven days of the agreement.

(Q) If an amendment is not agreed upon by the parties, the PCSA shall request a change in the case plan by filing the proposed change with the court.

(1) The PCSA shall provide both of the following to all affected parties including the guardian ad litem and/or court appointed special advocate:

(a) Written notice of the proposed change no later than the close of business of the day after the proposed change is filed with the court.

(b) Written notice that an objection to the change requires a request for a court hearing be proposed within seven days of the filing with the court, not including the date of filing.

(2) The PCSA may implement the amendment fifteen days after it is filed with the court if:

(a) The court does not approve or disapprove the change.

(b) The court does not schedule a hearing.

(R) In an emergency situation or if a child is in immediate danger of serious harm, the PCSA shall:

(1) Implement the change and amend the case plan.

(2) Notify all parties, the child's guardian ad litem, and the court of the change no later than the next day after the change is implemented.

(3) File a statement of the change with the court within three days after the change is implemented.

(4) Give notice of the filing along with a copy of the statement within three days of the change to the child's parent, guardian, custodian, or pre-finalized adoptive parent, and guardian ad litem and/or court appointed special advocate, if one is appointed.

(S) In an emergency situation, all parties to the case plan and the guardian ad litem and/or court appointed special advocate have ten days to object to the change in the case plan and to request a court hearing regarding the change . If the objection and request for a hearing is filed with the court, the PCSA shall continue to implement the change unless the court disapproves. If the court does not approve the change, the PCSA shall revert back to implementing the provisions of the journalized case plan.

(T) For court-ordered protective supervision cases, the PCSA shall:

(1) Complete face-to-face contact with each parent, guardian, or custodian, or if applicable, pre-finalized adoptive parent, and child participating in and being provided services listed in the case plan no less than monthly to monitor progress on the case plan objectives.

(2) Complete at least one contact every other month in the child's home.

(U) For cases with children in custody, the PCSA shall:

(1) Complete face-to-face contact with the child pursuant to rule 5101:2-42-65 of the Administrative Code.

(2) Complete face-to-face contact with each parent, guardian, or custodian, or if applicable, pre-finalized adoptive parent participating in and being provided services listed in the case plan no less than monthly to monitor progress on the case plan objectives.

(3) Complete at least one contact every other month in the parent, guardian, or custodian's, or if applicable, pre-finalized adoptive parent's home.

(V) If the initial attempt to complete face-to-face contact pursuant to paragraph (T) or (U) of this rule is unsuccessful, the PCSA shall make a minimum of two additional attempts to complete the face-to-face contacts within the calendar month.

(W) The PCSA may suspend home visits with the parent, guardian, or custodian of a child in PCSA custody if conducting visits in the home presents a threat to the safety of the caseworker. A written justification to suspend visits in the home shall be documented in the case record and shall include all of the following:

(1) Identification of the specific threat to the caseworker's safety and the person posing the threat.

(2) Documentation of other measures taken to assure worker safety prior to suspension of home visits.

(3) The anticipated length of time home visits are to be suspended.

(4) Authorization of the executive director or his or her designee to suspend home visits.

(X) If home visits are suspended pursuant to paragraph (W) of this rule, the PCSA shall complete face-to-face contact with the parent, guardian, or custodian of the child no less than monthly in a location assisting in ensuring the safety of the caseworker.

(Y) The PCSA shall review the progress in achieving the case plan objectives and services by completing the JFS 01413 "Comprehensive Assessment Planning Model - I.S., Case Review" (rev. 8/2010) pursuant to rule 5101:2-38-09 of the Administrative Code.

(Z) The PCSA shall conduct semiannual administrative reviews of the case plan pursuant to rule 5101:2-38-10 of the Administrative Code.

(AA) The PCSA may develop a supplemental plan for locating a permanent family placement for a child concurrently with reasonable efforts to preserve and reunify families. The supplemental plan shall not be considered a part of the case plan and does not require agreement or approval by the parties. Any supplemental plan shall be discussed and reviewed with the parent, guardian, or custodian.

(BB) The PCSA shall maintain a copy of the original JFS 01410, all journalized amendments to the JFS 01410, all supplemental plans, and all documentation of the face-to-face contacts, including all attempts to monitor progress on the case plan objectives, in the child's case record in accordance with rule 5101:2-33-23 of the Administrative Code.

(CC) The PCSA shall attach the JFS 01443 "Child's Education and Health Information" (rev. 8/2010), to the JFS 01410 for each child placed in a substitute care setting.

(DD) The PCSA shall close the case if :

(1) There are no active safety threats and the overall level of risk is reduced.

(2) The court has ordered the case closed.

(EE) Upon determining case closure the PCSA shall do all of the following:

- (1) Complete the JFS 01413 pursuant to rule 5101:2-38-09 of the Administrative Code.
- (2) Complete the JFS 01404 "Comprehensive Assessment and Planning Model - I.S., Reunification Assessment" (rev. 2/2006) pursuant to rule 5101:2-37-04 of the Administrative Code if applicable.
- (3) Notify all parties of the case closure.
- (4) Complete and sign the JFS 01411 "Comprehensive Assessment Planning Model -I.S., Amended Case Plan Cover Sheet" (rev. 2/2006).

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