

Rule 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 the child's own home or in a substitute care setting and file with the court no later than thirty days from when 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 the child's own home.
- (4) The court orders the PCSA to place the child, sixteen or older, in a planned permanent living arrangement.

(B) Completion of the JFS 01400 "Comprehensive Assessment Planning Model - I.S., Family Assessment" (rev. 7/2006) is not required in order to complete a case plan resulting from the following family in need of service reports:

- (1) Deserted child.
- (2) Emancipated youth.
- (3) Permanent surrender.
- (4) Interstate compact on the placement of children.

(C) Notification and participation of the child or parent is not required for the development of the case plan or any amendments to the case plan if the child has been adjudicated as a deserted child pursuant to section [2151.3519](#) of the Revised Code.

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

(E) The following are considered parties to the case plan:

- (1) Child's parent, guardian or custodian.
- (2) Pre-finalized adoptive parent, if applicable.
- (3) Guardian ad litem and or court appointed special advocate, if one has been appointed.
- (4) Child age fourteen and older.
- (5) Child under age fourteen if developmentally appropriate.
- (6) 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.
- (7) Child's attorney, if applicable.
- (8) Any other party specifically identified by the court as a party to the case plan.

(F) The JFS 01410 shall be based on the completion of the JFS 01400.

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

(1) No less than seven days prior to case plan completion, provide verbal or written notification of the opportunity to participate in the development, implementation, and review of the case plan to the following:

- (a) All parties to the case plan as outlined in paragraph (E) of this rule.
- (b) The substitute caregiver as defined in rule [5101:2-1-01](#) of the Administrative Code.

(c) For substitute care cases in which the child is age fourteen and older, two individuals, at the option of and as selected by the child, pursuant to rule [5101:2-42-90](#) of the Administrative Code and in accordance with the JFS 01677 "Foster Youth Rights Handbook" (rev. 5/2015).

(i) One of the individuals selected by the child may be designated to be the child's advisor and advocate regarding application of the prudent parent standard.

(ii) A PCSA may reject individuals referenced in paragraph (G)(1)(c) of this rule if the agency has good cause to believe the individual(s) would not act in the best interest of the child. The agency shall document in an activity log the individual's name and the reason the agency found the individual would not act in the best interest of the child.

(2) Work with all parties on the development, implementation, and review of the case plan; attempt to obtain agreement of the contents of the case plan by the parties outlined in paragraph (E) of this rule and provide each party with a copy of the JFS 01410 no later than seven days from the child's parent, guardian, or custodian's signature not including the date of signature.

(3) Inform all parties identified in paragraph (E) of this rule 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.

(H) 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 any child.

(I) For all children receiving PCSA services pursuant to rule [5101:2-42-92](#) of the Administrative Code the JFS 01410 shall include a written visitation plan

for the child's 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.

(J) 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.

(K) The PCSA shall act in accordance with Chapter 5101:2-53 of the Administrative Code for children identified as Indian. Services provided shall be specifically designed for the Indian family if available, including resources of the extended family, the tribe, Indian organizations, tribal family service programs and individual Indian caregivers.

(L) 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 (G) 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, 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.

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

(N) 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.

(O) The PCSA shall complete contact in accordance with the following:

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

(a) 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.

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

(2) For cases with children in temporary custody of the PCSA, the PCSA shall:

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

(b) 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.

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

(3) For cases with children in the permanent custody of the PCSA, the PCSA shall:

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

(b) Complete face-to-face contacts pursuant to rule [5101:2-48-17](#) of the Administrative Code, as applicable.

(P) If the initial attempt to complete face-to-face contact pursuant to paragraph (O) 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.

(Q) The PCSA may suspend home visits with the child's 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.

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

(S) If a voluntary case plan had been implemented pursuant to rule [5101:2-38-01](#) of the Administrative Code and the PCSA determines the involvement of the court is necessary, the PCSA shall amend the case plan by completing the JFS 01411 "Comprehensive Assessment Planning Model - I.S. Amended Case Plan Cover Sheet" (rev. 2/2006) and submit the amended JFS 01410 to the court within seven days of the event listed in paragraph (A) of this rule.

(T) The PCSA shall contact the parties to the case plan as outlined in paragraph (E) of this rule and seek agreement and obtain the signatures of the parties to the case plan for any amendment to the case plan if any of the following occurs:

- (1) The conditions of the child or the child's 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 that family members need to address to alleviate concerns.

(3) The child needs to be placed in a substitute care setting; reunified with the child's parent, guardian, custodian, or pre-finalized adoptive parent; or moved to another substitute care setting.

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

(5) The child attains the age of sixteen and the court orders the PCSA to place the child in a planned permanent living arrangement.

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

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

(U) The PCSA shall record, on the JFS 01411, the reasons for any agreed upon amendment made and submit the amendment to the court within seven days of the agreement.

(V) If agreement as described in paragraph (U) of this rule is not obtained, the PCSA shall request a change in the case plan by filing the proposed change with the court and do the following:

(1) Provide written notice of the proposed change to all parties listed in paragraph (E) of this rule.

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

(b) Notify parties listed in paragraph (E) of this rule; that if a party disagrees with the change in the case plan, the party may request a court hearing of the proposed change 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.
- (c) The court journalizes the case plan amendment.

(W) In an emergency situation or if a child is in immediate danger of serious harm, the PCSA shall implement the change, amend the case plan, and do all of the following:

(1) Notify all parties of the case plan, as outlined in paragraph (E) of this rule, and the court of the change no later than the next day.

(2) File a statement of the change with the court within three days of the change.

(3) Provide to all parties to the case plan as outlined in paragraph (E) of this rule the following:

(a) A copy of the statement filed with the court within three days of the change.

(b) Notification that if any party disagrees with the change in the case plan, the party has ten days to object to the change and to request a court hearing.

(4) Continue to implement the change unless the court disapproves.

(5) Revert back to implementing the provisions of the journalized case plan if the court does not approve the change.

(X) 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 and the JFS 01412 "Comprehensive Assessment

Planning Model - I.S. Semiannual Administrative Review (SAR)" (rev. 7/2016) pursuant to rule [5101:2-38-10](#) of the Administrative Code.

(Y) 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 to the case plan as outlined in paragraph (E) of this rule. Any supplemental plan shall be discussed and reviewed with the parent, guardian, or custodian.

(Z) The PCSA shall maintain a copy of the original JFS 01410, all amendments,, documentation of the face-to-face contacts, home visits, including attempted contacts and home visits to monitor progress on the case plan objectives in the statewide automated child welfare information system (SACWIS).

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

- (1) Notify all parties of the case plan as listed in paragraph (E) of this rule of the case closure and document in SACWIS the date and method of notification.
- (2) Complete and sign the JFS 01411.