



Ohio Administrative Code

Rule 5101:2-38-07 PCPA family case plan for children in custody or under court-ordered protective supervision.

Effective: January 1, 2023

(A) The private child placing agency (PCPA) shall develop and complete a family case plan 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 PCPA files a complaint pursuant to section 2151.27 of the Revised Code alleging the child is an abused, neglected, or dependent child.
- (2) The PCPA has court ordered temporary custody or permanent custody of the child.
- (3) The court orders the PCPA to provide protective supervision for a child living in the child's own home.
- (4) The court orders the PCPA to place the child, sixteen or older, in a planned permanent living arrangement.
- (5) The PCPA has not placed the child for adoption within six months after the JFS 01666 "Permanent Surrender of Child" is executed without juvenile court approval for a child in the custody of the PCPA who was under the age of six months at the time the permanent surrender was executed.

(B) The PCPA shall develop one family case plan per case unless directed otherwise by an order of the court.

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

- (1) Child's custodial parent, non-custodial 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 over.
 - (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) The child's attorney, if applicable.
 - (8) Any other party specifically identified by the court as a party to the family case plan.
- (D) Notification and participation of the child or parent is not required for the development of the family case plan or any updates to the family case plan if the child has been adjudicated as a deserted child pursuant to section 2151.3519 of the Revised Code.
- (E) When initiating the family case planning process, the PCPA is to:
- (1) Provide at least seven days' notice of the opportunity to participate in the development of the family case plan to the following, unless the family agrees to waive the right to seven days' notice and document the family's agreement in the case record:
 - (a) All parties to the family case plan as outlined in paragraph (C) of this rule.
 - (b) The substitute caregiver as defined in rule 5101:2-01-01 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 5101:2-42-19 of the Administrative Code and in accordance with the JFS 01677 "Foster Youth Rights Handbook."
 - (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 PCPA may reject individuals referenced in paragraph (E)(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.

(d) The permanency team for substitute care cases in which a child is placed in an approved qualified residential treatment program (QRTP) determined by the assessment pursuant to rule 5101:2-42-12 of the Administrative Code.

(2) Document the date and method of notification.

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

(4) Inform all parties, identified in paragraph (C) of this rule, if agreement cannot be obtained on the contents of the family case plan, the parties may present evidence at the dispositional hearing and the court will determine the contents of the family case plan based upon the evidence presented.

(F) The family case plan 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 siblings no less than monthly unless the PCPA has documented that it would be contrary to the safety or well-being of any child.

(G) For all children receiving PCPA services pursuant to rule 5101:2-42-92 of the Administrative Code, the family case plan shall include a written visitation plan for the child's custodial parent, non-custodial parent, guardian, or custodian. The visitation plan shall provide for regular, ongoing visitation, and interaction between the child placed in substitute care and the custodial parent, non-custodial parent, guardian, or custodian.



(H) The PCPA shall attach the JFS 01443 "Child's Education and Health Information" or the PCPA form being used in lieu of the JFS 01443, containing all documentation required on the JFS 01443 pursuant to rule 5101:2-38-08 of the Administrative Code, to the family case plan for each child placed in a substitute care setting.

(I) The family case plan is to contain required documentation of the family and permanency team for a child placed in a qualified residential treatment program (QRTP) pursuant to rule 5101:2-42-12 of the Administrative Code.

(J) PCPAs 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.

(K) If sufficient information is not available to complete any element contained on the family case plan, the PCPA shall do all of the following:

(1) Specify in the family case plan developed pursuant to paragraph (E) of this rule, the additional information needed in order to complete all parts of the family 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 family case plan, and submit to the courts no later than thirty days after the adjudicatory hearing or by the date of the dispositional hearing.

(L) If a family case plan is required pursuant to paragraph (A)(5) of this rule and the PCPA has not placed the child, who is under six months of age, for adoption within six months at the time the JFS 01666 is executed without juvenile court approval; the PCPA shall file a request for a review hearing and file the family case plan.

(M) The family case plan shall serve as the permanency plan for the child.



(N) Once the court journalizes the family case plan, the parties including PCPA staff, are bound by the provisions outlined in the journalized family case plan. Failure to comply with the family case plan by any party to the family case plan may result in a finding of contempt of court.

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

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

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

(b) Complete at least one contact every other month in the child's custodial parent, non-custodial 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 PCPA, the PCPA 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 custodial parent, non-custodial parent, guardian, or custodian, or if applicable, pre-finalized adoptive parent participating in and being provided services listed in the family case plan no less than monthly to monitor progress of the family case plan objectives.

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

(3) For cases with children in the permanent custody of the PCPA, the PCPA 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 the child 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 PCPA shall make a minimum of two additional attempts to complete the face-to-face contacts within the calendar month.

(Q) For an adult who is a party to the family case plan where minimum face-to-face contacts are not able to be completed pursuant to paragraph (O) of this rule and the attempts of face-to-face contact pursuant to paragraph (P) of this rule have been completed, the subsequent month(s) the PCPA is to identify and document the following information and provide regulatory review of the contact status with the individual in the case record:

- (1) The case circumstance, identifying the barrier to completing face-to-face contact.
- (2) Identify alternative forms of contact, if possible, to be completed with the individual in lieu of the face-to-face contact (telephone, video conference, electronic communication, etc),
- (3) The plan of diligent efforts to successfully resume monthly face-to-face contact with the individual,
- (4) Supervisory approval.

(R) The PCPA may suspend home visits with the child's custodial parent, non-custodial parent, guardian, or custodian of a child in PCPA 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) Identify alternative forms of contact, if possible, to be completed with the individual in lieu of face-to-face contact (telephone, video conference, electronic communication, etc.).



(3) The plan of diligent efforts to successfully resume monthly face-to-face contact with the individual.

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

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

(T) If a voluntary family case plan had been implemented pursuant to rule 5101:2-38-01 of the Administrative Code and the PCPA determines the involvement of the court is necessary, the PCPA shall update the family case plan by recording the revisions to the family case plan and submit the updated family case plan to the court within fourteen days of the event listed in paragraph (A) of this rule.

(U) The PCPA shall contact the parties to the family case plan as outlined in paragraph (C) of this rule and seek agreement and obtain the signatures of the parties to the family case plan for any update to the family case plan if any of the following occurs:

(1) The conditions of the child or the child's custodial parent, non-custodial parent, guardian or custodian, or if applicable, pre-finalized adoptive parent change; and the change affects the child's legal status 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 custodial parent, non-custodial parent, guardian, or custodian, or pre-finalized adoptive parent; or moved to another substitute care setting.

(4) The child attains the age of fourteen, has had a completed life skills assessment, and an independent living plan is developed pursuant to rule 5101:2-42-19 of the Administrative Code.



(5) The child attains the age of sixteen and the court orders the PCPA 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 removed from the family case plan.

(V) The PCPA shall record on the family case plan the reasons for any agreed upon update made and submit the update to the court within seven days of the agreement.

(W) If agreement as described in paragraph (U) of this rule is not obtained, the PCPA shall request a change in the family 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 (C) of this rule.

(a) Indicate in writing the proposed change which 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 to the family case plan outlined in paragraph (C) of this rule; that if a party disagrees with the change in the family 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 PCPA may implement the update 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 family case plan amendment.

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



- (1) Notify all parties to the family case plan as outlined in paragraph (C) 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 family case plan as outlined in paragraph (C) 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 family 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 family case plan if the court does not approve the change.
- (Y) The PCPA shall review the progress of achieving the family case plan objectives and services pursuant to rule 5101:2-38-09 of the Administrative Code and complete the JFS 01416 "Semiannual Administrative Review for Private Child Placing Agencies" (SAR) pursuant to rule 5101:2-38-04 of the Administrative Code.
- (Z) The PCPA is to document the permanency plan and the concurrent plan objective for a child in temporary custody when the primary permanency plan is reunification on the family case plan effective on or after January 1, 2023. The concurrent plan is to be documented in the case record and reviewed during the SAR. The concurrent plan is an additional plan to achieve permanency for the child in the event the primary permanency case plan goal is unable to be achieved.
- (AA) For children in permanent custody, the PCPA shall document efforts to locate an adoptive placement or other planned permanent living arrangement in the family case plan.



(BB) The PCPA shall maintain a copy of the original family case plan, all amendments, documentation of the face-to-face contacts, home visits, including attempted contacts and home visits to monitor progress of the family case plan objectives in the case record.

(CC) Upon determining case closure the PCPA shall notify all parties of the family case plan as outlined in paragraph (C) of this rule of the case closure and document in the case record the date and method of notification.