



Ohio Administrative Code

Rule 5101:2-5-08 PCPA and PNA governance and administration.

Effective: January 1, 2025

(A) A private child placing agency (PCPA) or private noncustodial agency (PNA) is to have an identified governing body responsible for establishing policies and assuring the effectiveness and efficiency of the PCPA or PNA in achieving its purposes. A local public entity that is not a public children services agency (PCSA) is to identify in writing to the Ohio department of children and youth (DCY) how the requirements of this rule are met by the local public entity, even if the local public entity does not have a governing body. The duties of the governing body include the following:

- (1) Hiring an administrator who meets the minimum qualifications pursuant to rule 5101:2-5-09 of the Administrative Code.
- (2) Annually evaluating the performance of the agency's administrator in writing.
- (3) Assuring the PCPA's or PNA's compliance with requirements of the Administrative Code as applicable to the PCPA's or PNA's certified functions.
- (4) Reviewing, approving and monitoring a written annual budget for the PCPA or PNA. The budget is to ensure funding to provide services relevant to all certified functions and detail anticipated income and expenditures.
- (5) Authorizing, reviewing and submitting an audit, if one is required pursuant to rule 5101:2-5-03 of the Administrative Code. This provision does not apply to a local public entity that is not a PCSA.
- (6) Conducting an annual review of the PCPA's or PNA's written policies relevant to the agency's certified functions.

(B) The governing body of a PCPA or PNA is to identify the names and current addresses of:



- (1) Board members.
 - (2) Current officers of the board.
 - (3) Partners or principal owners of any association, partnership or other arrangement under which the board has been established or operates.
- (C) A PCPA or PNA is to submit a copy of any proposed articles of incorporation or amendments to DCY prior to filing them with the secretary of state pursuant to section 5103.04 of the Revised Code.
- (D) A PCPA or PNA is to have an office located within the state.
- (E) The minutes of all governing body meetings are to be maintained at the PCPA or PNA in an organized, permanent and current manner and are to include, at a minimum:
- (1) Dates of meetings;
 - (2) Names of those governing body members present; and
 - (3) Issues discussed and actions taken.
- (F) A PCPA or PNA is to compile and maintain a current written table of organization.
- (G) A PCPA or PNA is not to permit funds to be paid or committed to be paid to any corporation, firm, association or business in which any of the members of the governing body of the agency, the executive personnel or their immediate families have any direct or indirect financial interest, or in which any of these persons serve as an officer or employee, unless the services or goods involved are provided at a competitive cost or under terms favorable to the PCPA or PNA. The PCPA or PNA is to make a written disclosure, in the minutes of the board, of any financial transaction of the PCPA or PNA in which a member of the board or his/her immediate family is involved.
- (H) A person who is employed by a PCPA or PNA certified under this chapter or any person who is a member of the governing body is not to be eligible to vote on or participate in the decision making



process with respect to any matter or issue in which he/she could benefit financially or materially.

(I) A PCPA or PNA is to have a written mission statement and a description of its programs.