

Rule Summary and Fiscal Analysis (Part A)**Department of Job and Family Services**

Agency Name

Division of Social Services

Division

Michael Lynch

Contact

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5101:2-33-11

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Multiethnic Placement Act (MEPA) agency administrative requirements.**RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **No**
2. Are you proposing this rule as a result of recent legislation? **No**
3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**
4. Statute(s) authorizing agency to adopt the rule: **5101.141, 5103.03, 5153.166**
5. Statute(s) the rule, as filed, amplifies or implements: **5103.03, 5153.16**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:
To correct the citation of the Multiethnic Placement Act.
7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule contains the agency administrative requirements of the Multiethnic Placement Act (MEPA).

The citation of the Multiethnic Placement Act were changed in the rules and the forms to read: Multiethnic Placement Act, Oct. 20, 1994, P.L. 103-382, as amended by section 1808 of the Small Business Job Protection Act of 1996, Aug. 20, 1996, P.L. 104-188 (MEPA), and the Civil Rights Act of 1964 (Title VI).

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule incorporates one or more dated references to a federal act or acts. This question is not applicable to any dated incorporation by reference to a federal act because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(C).

This rule incorporates one or more dated references to an ODJFS form or forms. Each cited ODJFS form is dated and is generally available to persons affected by this rule via the inner-web at <http://innerapp.odjfs.state.oh.us/forms/inner.asp> or on the inter-net at <http://www.odjfs.state.oh.us/forms/inter.asp> in accordance with RC 121.75(E).

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code. This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.76(A)(3).

This rule incorporates one or more dated references to the U.S. Code. This question is not applicable to any dated incorporation by reference to the U.S. Code because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(A).

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not applicable

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. Five Year Review (FYR) Date: **7/1/2020**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

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This will have no impact the current budget.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not Applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

No new costs.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **Yes**

Yes, child placing agencies are licensed by ODJFS requiring the agency to comply with this rule.

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **Yes**

Failure to comply with this rule could result in a forfeiture of license for non-compliance. This would be a sanction or penalty of law for non-compliance of the rule.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

Yes, must provide written notice of complaint procedures regarding discrimination involving race, color or national origin(RCNO); and submit any information

requested by ODJFS.

INDIVIDUALIZED CHILD ASSESSMENT

This form is to be completed by the child's custodial agency when the documentation in the file indicates that there may be compelling reasons to consider needs the child may have regarding race, color or national origin as a factor in a placement for foster care or adoption. (See Ohio Administrative Code rules 5101:2-42-18.1 for a foster care placement or 5101:2-48-13 for an adoptive placement).

Section I. To be completed by the child's custodial agency and sent to the licensed professional designated to complete the Individual Child Assessment.			
Child's Name	Type of Placement <input type="checkbox"/> Foster Care <input type="checkbox"/> Adoption	Child's Birth Date	Child's Race
Custodial Agency Name		Child's Primary Language	
Agency Address including city, state, and zip code			
Include a specific description of the compelling reasons that are present to suggest that RCNO should be one factor to be considered in the placement decision. This should include any statement(s) made by the child or statement(s) made in a medical or psychological evaluation, school records or other information documented in the file.			
The agency reviewed the above information and determined <input type="checkbox"/> a referral for an assessment was not needed or <input type="checkbox"/> a referral for an assessment was needed.			
Name of Child's Caseworker (Please Print)	Caseworker's Signature	Date	Phone Number
Caseworker's Supervisor (Please Print)	Supervisor's Signature	Date	Phone Number
Agency MEPA Monitor (Please Print)	MEPA Monitor's Signature	Date	Phone Number

Section II. To be completed by a Licensed Child Psychiatrist, Licensed Child Psychologist, Licensed Independent Social Worker or a Licensed Professional Clinical Counselor who is not an employee of the custodial agency.			
Please attach a report of your individual assessment of this child's special needs related to placement especially focusing on the special placement needs and whether the child has distinctive needs relating to race, color or national origin (RCNO) and, if so, whether it is in the child's best interest to take these needs into account when placing this child for foster care or adoption. Return this form (with Section II completed and attachments) within 60 days of receipt, to the child's custodial agency.			
In my professional opinion, race, color or national origin <input type="checkbox"/> should or <input type="checkbox"/> should not be considered as a factor in the child's placement. (Please check one box)			
Name of Licensed Professional (Please Print)	Signature	Date	Phone Number

Section III. To be completed by the custodial agency's MEPA Monitor and signed by the MEPA Monitor, the child's caseworker and the caseworker's supervisor.

After review of the Individualized Child Assessment and Recommendation, it has been determined that the use of race, color or national origin should or should not be a consideration in the placement decision. If this decision is different from the licensed professional's recommendation, include a statement(s) of rationale for overriding the licensed professional's recommendation.

Date of Final Decision	Expiration Date (this determination is valid for 12 months)
Agency MEPA Monitor's Signature	Date
Caseworker's Supervisor's Signature	Date
Caseworker's Signature	Date

Within 10 days after the date the custodial agency receives the JFS 01688, assessment, and recommendation from the Licensed Child Psychiatrist, Licensed Child Psychologist, Licensed Independent Social Worker or a Licensed Professional Clinical Counselor, the custodial agency must forward a copy of the JFS 01688, the assessment and recommendation to:

**Ohio Department of Job and Family Services
 Bureau of Systems and Practice Advancement
 P.O. Box 183204
 Columbus, Ohio 43218-3204**