

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-33-13

Rule Type: Amendment

Rule Title/Tagline: Administrative procedures for falsification in adoption.

Agency Name: Department of Job and Family Services

Division: Division of Social Services

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I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 12/2/2020
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 3107.033
5. What statute(s) does the rule implement or amplify? 3107.01, 3107.031
6. What are the reasons for proposing the rule?

The rule is being proposed for amendment due to the five-year review.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

"Administrative procedures for falsification in adoption," provides guidance to agencies on the procedures that must be followed if the agency suspects a false statement or false documents has knowingly been submitted during the homestudy process. The rule details the steps to be taken if this is discovered before and

after approval of the homestudy. Adoptive parent was changed to adoptive family throughout the rule for consistency.

8. **Does the rule incorporate material by reference? Yes**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(a).

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 121.75(A)(1)(d).

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

11. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0

Not Applicable

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

No new costs.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable

III. Common Sense Initiative (CSI) Questions

16. **Was this rule filed with the Common Sense Initiative Office? Yes**
17. **Does this rule have an adverse impact on business? Yes**

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

Certification and re-certification of an agency by the Ohio Department of Job and Family Services is contingent, in part, upon compliance 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**

Lack of compliance can result in revocation of an agency's certification or denial of re-certification.

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

if an agency suspects a homestudy applicant of providing a false document or making a false state the agency is to inform the custodial agency of any child placed in the home who has not yet finalized an adoption, within twenty-four hours of the notification the custodial agency is to determine if there is probable cause related to the adoptive child's safety and well-being to warrant the removal of the child from the home until the investigation is completed. Additionally, within ten days of the administrator or designee being notified that an applicant has provided a false document or made a false statement, the agency shall send a notification letter to the adoptive applicant or approved adoptive family, via certified mail, indicating that the information submitted to the agency has been determined to be knowingly false.

- D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding?

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

Not Applicable