

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

Agency Name

Division of Social Services

Division

Mike Lynch

Contact

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5101:2-33-80

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

**Retained applicant fingerprint database information exchange
(Rapback).****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **SB163**General Assembly: **127**Sponsor: **Niehaus**

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: **5101.32**

5. Statute(s) the rule, as filed, amplifies or implements: **109.5721, 5101.32**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is proposed for amendment to implement section 109.5721 of Sub. Senate Bill 163 of the 127th General Assembly.

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 establishes the retained applicant fingerprint database information exchange (Rapback). This database will provide public and private foster and adoption agencies with real time information surrounding an arrest or conviction of a crime. The agencies will receive this information for any foster or adoptive household members that are at least eighteen years of age.

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 an ODJFS form or forms. Each cited ODJFS form is dated and is generally available to persons affected by this rule via the "Info Center" link on the ODJFS web site (<http://jfs.ohio.gov/>) in accordance with ORC 121.75(E).

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:

11/14/2008 revise file:

Paragraph C: Deleted "into the statewide automated child welfare system (SACWIS)or" and deleted "if SACWIS has not been implemented by the agency"

11/7/2008 revise file:

Paragraph (A): deleted "The email account shall be established within:"

Deleted paragraph (A)(1)

Deleted paragraph (A)(2)

Added paragraph (B)(3)

Deleted paragraph (C)(4)

Paragraph (E): inserted "of receiving the notification" after "two business days"

12. 119.032 Rule Review Date:

(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 increase expenditures.

150000.00

The cost of BCII to maintain the retained applicant fingerprint database will be \$5.00 per individual. The agency estimates the number of individuals to be 30,000.

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

5U6

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:

There may be additional administrative costs for a public children services agency (PCSA), private child placing agency (PCPA) or private noncustodial agency (PNA) to respond to any notification received from the bureau of criminal

identification and investigation (BCII).

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**