

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-39-03

Rule Type: No Change

Rule Title/Tagline: Emergency removal of a child from substitute care placement.

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?** 10/28/2020 and 10/28/2025
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?** 2151.412, 2151.421, 5101.02, 5103.03, 5153.16
5. **What statute(s) does the rule implement or amplify?** 2151.412, 2151.421, 5101.02, 5103.03, 5153.16
6. **What are the reasons for proposing the rule?**

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

Sets forth PCSA requirements for removing a child from a substitute care setting when the child is determined to be in immediate danger of serious harm and in need of

protection from child abuse or neglect or the presence of the child in the substitute care setting places another child in the setting in immediate danger of serious harm.

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 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.

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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

Private Child Placing Agencies (PCPA) must be licensed or certified by ODJFS.

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 rule may result in denial or revocation of license or certificate.

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

Private Child Placing Agencies (PCPA) are required to complete an amendment to the case plan upon removal of a child from substitute care placement.

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