

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-42-12

Rule Type: New

Rule Title/Tagline: Assessment to determine child's placement into a qualified residential treatment program.

Agency Name: Department of Job and Family Services

Division: Division of Social Services

Address: OFC- 4200 E. 5th Ave., 2nd fl. L2-01 P.O. Box 183204 Columbus OH 43218-3204

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I. Rule Summary

1. Is this a five year rule review? No
 - A. What is the rule's five year review date?
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? 5153.166, 5103.03, 2151.412
5. What statute(s) does the rule implement or amplify? 5153.16, 5103.03, 2151.412
6. What are the reasons for proposing the rule?

The rule will implement requirements in the federal Family First Prevention Services Act.

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

The rule sets forth requirements for public children services agencies and private child placing agencies to ensure an assessment is completed for an child being placed in a qualified residential treatment program.

- 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).

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(A)(2)(c).

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

Minor changes were made to paragraph (B) due to stakeholder feedback.

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.

0.00

Not Applicable

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

The rule will require qualified individuals to complete an assessment of a child to determine the appropriateness of placement into a QRTP. Certain costs in this process may be eligible for reimbursement.

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 are required to be certified by the State of Ohio.

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

There are no fines or civil penalties for non-compliance; however failure to comply may lead to a loss of certification through denial or revocation.

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

This rule requires that an assessment be completed for each child being placed in a qualified residential treatment program. The report of the assessment is to be presented to the juvenile court.

- 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