

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-42-19

Rule Type: Amendment

Rule Title/Tagline: Requirements for the provision of independent living services to youth in custody.

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?** 11/27/2023
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, 5101.141
5. **What statute(s) does the rule implement or amplify?** 5101.141, 5103.03, 5153.16
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

This is a five year rule review. This rule has been amended to remove language that poses a barrier to services, clarifies language on room and board as well as adult supporters participating in Independent living planning.

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

OAC 5101:2-42-19 entitled "Requirements for the Provision of Independent Living Services to Youth in Custody" rule provides guidance to agencies who serve youth ages 14 years of age and older on the procedures necessary to prepare them to leave agency custody to self-sufficiency.

The rule has also been amended to include language that aligns the readiness review with the semi-annual case review requirement from at least every 90 days to at least every 180 days. Amended language also allows for the delay of transition planning based on a youth's specific needs and planned emancipation date. In addition, the revisions clarified language regarding the requirements to educate youth on Bridges prior to emancipation. Language was added with regards to National Youth in Transition Database surveys and the provision of the Foster Youth Rights Handbook neither of these are new requirements, but streamlined requirements outlined in other OAC rules for clarity specific to the identified population. The amendment also includes the addition of the word Ohio to Ohio SACWIS.

9. Does the rule incorporate material by reference? Yes

10. 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).

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)(2)(a).

This rule incorporates one or more dated references to the Code of Federal Regulations (CFR). This question is not applicable to any dated incorporation by reference to the CFR because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(A)(2)(d).

This rule incorporates one or more references to a form or a digital application into which data is entered. This question is not applicable to any incorporation by

reference to forms or digital data applications because such reference is exempt from compliance with RC 121.75 to 121.74 pursuant to RC 121.75(B)(4).

11. **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

12. **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.

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

This will have no new cost

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

15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

16. **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

17. **Was this rule filed with the Common Sense Initiative Office? Yes**

18. **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 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**

Non-compliance could impact certification

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

Private child placing agencies are subject to documentation requirements in Ohio SACWIS

- 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**

This will have no impact on revenues or expenditures

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

- 19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes**

- A. How many new regulatory restrictions do you propose adding to this rule? 0**

- B. How many existing regulatory restrictions do you propose removing from this rule? 44**

(A) Independent living services are to shall be provided to each youth in the custody of a public children services agency (PCSA) or private child placing agency (PCPA) as developmentally appropriate, no later than the age of fourteen for normalcy and practical skills who has attained the age of fourteen to prepare them for the transition from agency custody to self-sufficiency.

(C) If a PCSA or PCPA is providing independent living services to an eligible unmarried minor female who is pregnant or has a child and is part of an "Ohio Works

First" (OWF) assistance group, the PCSA or PCPA is to shall inform the local county department of job and family services (CDJFS) of the PCSA or PCPA's involvement with the family in order to ensure coordination of services.

(D) The PCSA or PCPA is to shall conduct a life skills assessment on each youth in agency custody, no later than who has reached age fourteen.

(D) The assessment is to shall be completed no later than sixty days after the youth's fourteenth birthday or sixty days after the youth enters agency custody, if the youth is fourteen or older.

(D) A life skills assessment is to shall establish the need for independent living services identified in paragraph (E)(D) of this rule.

(D) The life skills assessment is to shall be completed with documented input from the youth, the youth's caregiver, and the youth's caseworker. case manager.

(E) The PCSA or PCPA is to shall determine which independent living services are and are not applicable,

(E) or not needed based on the assessment referenced in (D)required by paragraph (C) of this rule and may shall include, but not be limited to the following:

(E)(11) The PCSA or PCPA shall not use the Chafee allocation or TANF independent living funds for room and board pursuant to rules 5101:9-6-35 and 5101:9-6-08.6 of the Administrative Code for:

(F) The PCSA or PCPA shall develop an independent living plan in SACWIS within thirty days of the completion of the assessment required by paragraph (C) of this rule, to help the youth achieve self-sufficiency.

(F) The plan shall be based upon the assessment, the developmental age of the child and include input from the youth, the youth's case manager, the caregiver, and significant others in the youth's life.

(F) The independent living plan shall document the strengths, limitations, and resources of the youth and outline the services to be provided.

(F) A copy of the plan and any subsequent updates shall be provided to the youth and caregiver within thirty days of the development of the plan or the update as applicable.

(G) The PCSA or PCPA is to shall include in the independent living plan the contact information containing the names, addresses and phone numbers of significant others, such as former foster current or former resource caregivers, two adult supporters, parents, friends, mentors, child's attorney, guardian ad litem (GAL) or court appointed special advocates (CASA) and extended family members as provided by the youth.

(G) The PCSA or PCPA is to shall use this information to work with the youth to develop and achieve meaningful, permanent connections with at least one caring adult.

(H) The PCSA or PCPA is to update the family shall amend the case plan and submit it to the court within seven days following the completion of the initial independent living plan pursuant to rules 5101:2-38-05 and 5101:2-38-07 of the Administrative Code.

(I) The PCSA or PCPA is to complete a readiness review in Ohio SACWIS of the independent living plan shall review the independent living plan with the youth and substituteresource caregiver at least every one hundred eighty-nine days until the agency's custody is terminated.

(I) Each review is to shall include:

(J) The PCSA or PCPA is to shall provide independent living services training opportunities to caregivers caring for adolescents.

(K) For each youthchild in the custody of the PCSA or PCPA no later than who has attained the age of fourteen, the PCSA or PCPA is to shall request a credit report from each of the three major credit reporting agencies (CRA) each year until the youthchild is discharged from substitute care.

(K)(1) A request is to shall be submitted to at least one CRA by the first semi-annual review (SAR) held after the youthchild attains the age of fourteen.

(K)(2) The PCSA or PCPA shall ensure each child in agency custody who has attained the age of fourteen or older until emancipation, annually receives all copies of their consumer credit report.

(K)(2) The PCSA or PCPA shall assist the youth in interpreting the credit reports.

(K)(3) The PCSA or PCPA is to shall assist youth in the resolution of any inaccuracies reported on any of the credit reports by working with the Ohio Attorney General's attorney general's office.

(L) A PCSA or PCPA is to shall ensure the following information is entered into Ohio SACWIS statewide automated child welfare information system (SACWIS)

(L) and a PCPA shall ensure that the information is documented in the case record each work day or as information becomes available in accordance with rule 5101:2-33-70 of the Administrative Code:

(M) The PCSA or PCPA is to shall enter in Ohio SACWIS

(M) and the PCPA shall document in the case record the date the independent living assessment and the independent living plan were completed.

(M) All readiness review dates of the independent living plan are to shall be entered in Ohio SACWIS, in accordance with rule 5101:2-33-70 of the Administrative Code.

(M) The PCPA shall document all review dates in the case record.

(O) At least one hundred and eighty days prior to the youth's eighteenth birthday, the PCSA or PCPA is to shall provide the youth information on final transition planning and post emancipation services in accordance with rule 5101:2-42-19.2 of the Administrative Code and eligibility criteria to enroll in bridges in accordance with Chapter 5101:2-50 of the Administrative Code.

(O)(1) At least one hundred eighty days prior to the youth's eighteenth birthday, the PCSA or PCPA shall determine if one of the following eligibility criteria can be met for the youth to be enrolled in the bridges program upon the youth emancipating from care.

(O)(2) At least ninety days prior to the youth's emancipation, if it is determined the youth is interested, and meets at least one of the eligibility criteria described in paragraphs (M)(1)(a) to (M)(1)(e) of this rule, the PCSA or PCPA is to shall:

(O)(3) At least fourteen days prior to the youth's emancipation, the PCSA or PCPA is to shall ensure the youth has all documentation required to enroll in the bridges program.

(Q) At least ninety days prior to the youth's emancipation from the agency's custody, the PCSA or PCPA is to shall work with the youth to develop a final transition plan.

(Q) The plan shall be youth-driven and as detailed as the youth chooses

(Q) The PCSA shall complete the plan in SACWIS.

(Q) For youth who have been referred to the bridges program, the final transition plan shall be shared with the bridges representative

(Q) The plan shall include information regarding:

(Q)(11) If necessary, the PCSA or PCPA shall review with the youth instructions on how to apply for continuation of those benefits.

(R) Prior to the youth's emancipation from the agency's custody, the PCSA or PCPA is to secure and provide to the youth the following documents: shall coordinate with the following agencies, to obtain necessary documents:

(S) The PCSA or PCPA is to shall provide a copy of the final transition plan to the youth when custody is terminated due to reaching the age of emancipation, along with the following:

(T) The PCSA or PCPA is to shall document in Ohio SACWIS the date the agency provided the information in paragraphs (B), (F), (K), (O) and (Q) to (S) of this rule.

(T) The PCPA shall document the information in the case record.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable