

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-42-87

Rule Type: Amendment

Rule Title/Tagline: Termination of substitute care and custody of a child.

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? No

A. What is the rule's five year review date? 9/1/2020

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? 5103.03, 5153.166

5. What statute(s) does the rule implement or amplify? 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.

This rule provides guidance on the termination of a child placed in a substitute care setting and the termination of custody. The change made in this rule is to adjust trial home visits for parents from 60 days to 90 days.

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. 121.71 to 121.76, 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 121.76(A)(3).

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 inner-web at <http://innerapp.odjfs.state.oh.us/forms/inner.asp> or on the inter-net at <http://www.odjfs.state.oh.us/forms/inter.asp> in accordance with RC 121.75(E).

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. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

0.00

No fiscal effects expected on current or future budget.

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**

III. Common Sense Initiative (CSI) Questions

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

16. 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

It is required for any private child placing agency to be licensed and follow the requirements set forth by this rule in order to conduct business.

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

If the agency were to fail to comply with the requirements set forth in rule the action against the agency would be license forfeiture resulting in closure of business.

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

This rule requires the completion of the JFS 01404 "Comprehensive Assessment Planning Model - Reunification Assessment" in conjunction with the Semi-annual Administrative Review. The reunification assessment is used as a guide to determine whether the child's parent, guardian, or custodian is available, able and willing to demonstrate protective capacities for the child. In addition, it assists in making the determination if there is a need for continued custody. The rule requires that a copy of the form be maintained in the child's case record and therefore requires time spent completing the form.