

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

Agency Name

Division of Social Services

Division

Michael Lynch

Contact

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5101:2-42-90

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

**Information to be provided to caregivers, school districts and
juvenile courts; information to be included in individual child
care agreement.****RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **Yes**
2. Are you proposing this rule as a result of recent legislation? **No**
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: **5103.03, 5153.166**
5. Statute(s) the rule, as filed, amplifies or implements: **5103.03, 5153.166**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being filed because of the five year review.
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:

OAC rule 5101:2-42-90, entitled "Information to be provided to children, caregivers, school districts and juvenile courts" sets forth the requirements for PCSAs and PCPAs in the sharing of information with substitute caregivers, school districts, and juvenile courts. The rule title was amended to more accurately reflect the requirements set forth by the rule. Paragraphs (B), (C), and (I) were amended for clarity and grammatical errors. Paragraph (F) was added to meet new requirements as a result of legislative changes made to the Ohio Revised Code pursuant to the passage of Amended Substitute House Bill 213 of the 130th General Assembly. The new language requires PCSAs and PCPAs provide the caregiver of a child who is placed in a planned permanent living arrangement a notice that addresses the caregivers' understanding of the permanency of a planned permanent living arrangement and that the caregiver is expected to actively participate in the child's case plan. Paragraphs (Q), (R), and (S) were added requiring the custodial agency to provide the JFS 01677 "Foster Youth Rights Handbook" to every child being placed in substitute care, age fourteen and older.

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 references to another rule or rules of the Ohio Administrative Code (OAC). 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 innerweb at <http://innerapp.odjfs.state.oh.us/forms/inner.asp> or on the internet at <http://www.odjfs.state.oh.us/forms/inter.asp> in accordance with RC 121.75(E).

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(C)

This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the ORC because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to

ORC 121.76(A)(1).

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. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. Five Year Review (FYR) Date: **5/20/2015**

(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 have no impact on revenues or expenditures.

0.00

This rule will have no impact on the current budget.

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

Not applicable.

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:

No new costs.

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**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

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 the completion of an Individual Child Care Agreement (ICCA). The JFS 01700 "Individual Child Care Agreement" was created for agencies to use as a template to assist agencies in communicating information to the provider at the

time of the child's initial placement. The information documented on the ICCA provides child specific information such as a child's special needs, services needed, history, legal involvement, and strengths. 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.