

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

Agency Name

**Division of Social Services**

Division

**Michael Lynch**

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**5101:2-42-92**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Parent, guardian or custodian visits with a child in temporary custody.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **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, 5153.16**

5. Statute(s) the rule, as filed, amplifies or implements: **5103.03, 5153.16**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

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:

This rule sets forth requirements for PCSAs and PCPAs regarding parent, guardian or custodian visits with a child in temporary custody. This rule is being proposed for amendment to format the rule for clarity and minor grammatical changes.

In paragraph (A) the reference to rules 5101:2-39-08.1, 5101:2-39-10 and 5101:2-39-11 were stricken and replaced with rules 5101:2-38-06 and 5101:2-38-07.

In paragraph (B)(1)(b) has been simplified to read, "The case plan goal."

In paragraph (B)(1)(d), a grammatical correction "conducive to the child's" was inserted and the incorrect "conductive" and "his" were stricken.

In paragraph (B)(3)(a) "listing" was stricken and replaced with "list".

In paragraph(B)(3)(a)(iii), "institutional" was stricken and "substitute care" was inserted.

In paragraph (B)(5) strikes the reference to obsolete form JFS 01500 and corrects the revision date for form JFS 01413. The word "restrict" was stricken and "guide" was inserted.

In paragraph (D), "and other family member or individuals" was stricken "and significant others" was inserted, also added to the paragraph is "with those individuals".

In paragraph (F) the reference to an obsolete rule was stricken. Also, rules 5101:2-39-10 and 5101:2-39-11 were stricken and replaced with rules 5101:2-38-06 and 5101:2-38-07.

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. 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 #Info Center# link on the ODJFS web site (<http://jfs.ohio.gov/>) in accordance with RC 121.75(E).

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. 119.032 Rule Review Date: **3/12/2014**

(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 proposed rule will not impact the agency's projected budget during the current biennium.

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**

The PCPAs are certified by ODJFS and must follow the administrative procedures identified in this rule.

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 can result in suspension or revocation of certification.

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

The PCPAs incur specific expenditures because they must develop visitation plans, make arrangements for visitation and communications with others as outlined in this rule.