

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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5101:2-42-93

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

**Procedural requirements regarding change of placement or
visitation plan prior to journalization of case plan.****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: **5153.166, 5103.03**

5. Statute(s) the rule, as filed, amplifies or implements: **5153.166, 5103.03**

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 the requirements to modify changes in the placement or visitation plan prior to journalization of the case plan.

"Procedural Requirements Regarding" has been stricken from the title of the rule.

In paragraph (A) of the rule "visitation plan" was added five times.

Paragraph (B) was stricken, and within the new paragraph (B), "or (B)" was stricken and "or custodian" was added. In addition, a reference to paragraph "(D)" was stricken and "(C)" was added for correct reference within the rule.

In paragraph (C), the reference to paragraph's "(B) and (C)" was stricken and the correct reference to "(A) or (B)" was referenced for correct reference within the rule. In addition, the words "notify the parent guardian or custodian and guardian ad litem, verbally of the change by" was added and "within twenty four hours or" and "of changing the child's placement or visitation" was stricken. The words "and" and "or custodian" were added, and the sentence ends now after guardian ad litem after "which identifies all of the following:" was stricken. "The written notice shall include the following:" was added.

In the new paragraph (D), the reference to (C) was stricken and (B) was added.

In the new paragraph (E), "custodian" was added. The reference to paragraph (C) was stricken and (B) was added. and "within a reasonably prompt period" was stricken.

In the new paragraph (F) "The review agent shall conduct the review in a nonadversarial atmosphere." was stricken.

In paragraph (F)(1) "or" was added between "placement" and "visitation"; and after the word "visitation", "unless the person is the administrator or assistant administrator of the agency." was added.

(F)(2) was stricken and the format shifted to accomodate this text removal.

In paragraph (G) "custodian" was added after "guardian.". In addition, "5101:2-33-22" was stricken and was replaced with "5101:2-33-70" and "confidential" was added and "the confidentiality of" was stricken and "required or" was also stricken.

In paragraph (K) "related to notices to changes in placements or visitation plans and/or written decisions of a review agent" was stricken.

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 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 121.76(A)(1).

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).

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: **4/30/2014**

(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**

A license authorized by the department of job and family services is required for a private child placing agency in order to care for children placed into substitute care.

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**

A sanction can be imposed of a license suspension or termination if the agency fails to comply with the regulations set forth in this rule.

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

Documentation is recorded within the court records and within the state automated child welfare system (SACWIS)