Rule Summary and Fiscal Analysis
<u>Part A</u> - General Questions

Rule Number: 5101:2-42-95

Rule Type: Amendment

Rule Title/Tagline: Obtaining permanent custody: termination of parental rights.

Agency Name: Department of Job and Family Services

Division: Division of Social Services

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I.   <u>Rule Summary</u>

1.   **Is this a five year rule review?** Yes

     A.   **What is the rule's five year review date?** 7/2/2019

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

5.   **What statute(s) does the rule implement or amplify?** 2151.413, 2151.27, 2151.35

6.   **What are the reasons for proposing the rule?**

     Five-year review and to update this rule within our statutory authority to format
     changes aligning revised code references within this rule.

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

     This rule sets forth the conditions upon which a PCSA or PCPA may petition the court to
     request permanent custody of a child under specific conditions. Rule references were
     updated within the rule.

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 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).

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. <u>Common Sense Initiative (CSI) Questions</u>

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

   A PCPA must have a license to obtain custody of a child.

   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

   Result can be a loss of certification and closure of the agency.

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

   Court orders must be documented within the case record. Specific expenditures and report of information include: if custodial changes occur, the case plan is to be amended; petition to the court and a case plan is to be submitted to the court.