

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-44-06

Rule Type: Amendment

Rule Title/Tagline: Eligibility for the state adoption maintenance subsidy program.

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?** Yes
 - A. **What is the rule's five year review date?** 5/19/2023
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 45 - 134 - Thomas West and Bill Roemer
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 5153.163
5. **What statute(s) does the rule implement or amplify?** 5153.163,5153.16
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

The Ohio Adoption Grant became effective April 7, 2023. The grant provides adoptive family with a one-time grant. This rule is being amended to assure that receipt of the

Ohio Adoption Grant does not adversely impact families. Language was added to the rule that clarifies that during the eligibility process for the State Adoption Maintenance Subsidy (SAMS) program, grant funds are not counted in the total calculation of the family's gross annual income.

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

OAC 5101:2-44-06, entitled Eligibility for The State Adoption Maintenance Subsidy Program (SAMS) outlines the eligibility requirements for the SAMS payments and provides the process to apply for the program. The rule was amended to address income received from the Ohio Adoption Grant Program, effective, April 7, 2023, is not to be counted when calculating the annual gross income for applicants. The rule was also restructured for clarification, along with the removal of revision dates for forms.

9. Does the rule incorporate material by reference? Yes

10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, 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 121.75(A)(1)(a).

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 121.75(A)(1)(d).

This rule incorporates one or more references to a form or a digital application into which data is entered. This question is not applicable to any incorporation by reference to forms or digital data applications because such reference is exempt from compliance with RC 121.75 to 121.74 pursuant to RC 121.75(B)(4).

11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

The Ohio Revised Code cited for the authoring statute and amplification statute were changed.

II. Fiscal Analysis

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0

Not Applicable

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

No new costs.

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

- 16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable

III. Common Sense Initiative (CSI) Questions

- 17. Was this rule filed with the Common Sense Initiative Office? Yes**

- 18. 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? No

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? No

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

Once a SAMS agreement has been created, the information needs to be entered into Ohio Statewide Automated Child Welfare Information System (SACWIS).

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? Yes**

Depending if the agency negotiates an amount higher than the maximum SAMS payment, the agency would be responsible for any amount above the maximum.

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

- 19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes**

- A. How many new regulatory restrictions do you propose adding to this rule? 0**

- B. How many existing regulatory restrictions do you propose removing from this rule? 3**

(A)(5)(g)- The condition shall be diagnosed by a qualified professional.

(A)(5)(g)- The qualified professional shall:

(B) If paragraphs (A)(1) to (A)(4), (A)(6) and (A)(7) of this rule are met, and paragraph (A)(5)(g) of this rule is the sole basis for the determination that the child is a child with special needs, the PCSA shall enter into a JFS 01615 "Approval for State Adoption Maintenance Subsidy" (rev. 4/2019) with the adoptive parent(s) with no payment.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable

- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable