

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-47-01

Rule Type: Amendment

Rule Title/Tagline: Administration of the Title IV-E foster care maintenance (FCM) 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?** No
 - A. **What is the rule's five year review date?** 10/1/2026
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?** 5101.11, 5101.141, 5153.166, 5103.03
5. **What statute(s) does the rule implement or amplify?** 5101.11, 5101.141, 5153.16, 5103.03
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?**

This rule amendment is occurring due to updated program instruction requiring annual review of amounts being made to licensed or certified relative or kinship foster family homes being the same amounts that would have been made if the child were to be placed in a licensed or certified non-relative foster family home.

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

This amendment includes the removal of restrictive language and minor grammatical changes throughout the rule for clarity in addition to a new paragraph (P). The Title IV-E agency is to annually review the amount made to a licensed or certified relative or kinship foster family home to confirm it is the same amount that would have been made if the child was placed in a licensed or certified non-relative foster family home.

- 9. Does the rule incorporate material by reference? No**
- 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.**

Not Applicable

- 11. 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

- 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.

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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? No
18. Does this rule have an adverse impact on business? No
 - 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? No
 - 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? No

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? 17

5101:2-47-01(B)(1) The total number of children who are in foster care shall be determined from data collected by ODJFS in accordance with 45 C.F.R. 1355.40.

5101:2-47-01(B)(2) This goal will be achieved by periodic monitoring and evaluation by ODJFS of Title IV-E agency case records and reports, with full realization no child eligible to receive assistance under the requirements of the Title IV-E program may be denied assistance on the basis of this goal.

5101:2-47-01(C) The Title IV-E agency is responsible for the administration of the FCM program. The Title IV-E agency may claim administrative expenditures for reimbursement only if FCM is a direct responsibility of the Title IV-E agency. The Title IV-E agency having responsibility for the placement and care/custody of the child shall.

5101:2-47-01(C)(5) Facilitate service planning and provision of services under the FCM program. Service planning and provision of services shall include but are not limited to:

5101:2-47-01(C)(5)(i) Referral to other programs as required or necessary, which include, but are not limited to social security benefit programs, supplemental security income (SSI), Title IV-D, Ohio works first, Title XIX (medicaid) and Title XX (social services block grant).

5101:2-47-01(D) Program eligibility and program reimbursability shall be concurrently achieved before FCM reimbursement for a child may be issued.

5101:2-47-01(D)(1)(a) The child met the ADC-relatedness standards, in effect on July 16, 1996 when he or she entered placement, as required in rules 5101:2-47-12, 5101:2-47-14 and 5101:2-47-14.1 of the Administrative Code.

5101:2-47-01(D)(2) "Program reimbursable" means federal financial participation (FFP) is available for a child meeting the requirements set forth in rules 5101:2-47-13, 5101:2-47-16, 5101:2-47-21 and 5101:2-47-22 of the Administrative Code.

5101:2-47-01(E) Reimbursements for FCM shall be at the current rate of federal financial participation (FFP). The Title IV-E agency is responsible for the nonfederal share of all basic FCM payments made by the agency. Local or state funds may be used as the agency's match for the nonfederal share. FFP is available for a portion of the maintenance costs of program eligible and reimbursable children placed in substitute care.

5101:2-47-01(F)(10) In the case of residential facility care, the reasonable costs of administration and operation of such facility as are necessary and required

to provide the maintenance costs.

5101:2-47-01(G)(1) Title IV-E administrative costs are subject to the requirements of rule 5101:9-6-28 of the Administrative Code. Administrative costs charged to Title IV-E shall not be charged concurrently to another federal program. Reimbursement shall be at the prevailing FFP.

5101:2-47-01(G)(5) To claim reimbursement for Title IV-E administrative costs, each Title IV-E agency shall participate in the social service random moment sample (SSRMS) and child welfare random moment sample (CWRMS) time studies as described in rule 5101:9-7-20 of the Administrative Code.

5101:2-47-01(H) Training costs are chargeable to Title IV-E. Training shall be related to child welfare services and charged in proportion to the percentage of Title IV-E eligible children. Reimbursement for training costs will be at the prevailing FFP. Training costs include:

5101:2-47-01(J) A child for whom an FCM reimbursement is received shall be placed in the least restrictive, most family-like setting available and in close proximity to the parental home, consistent with the best interests and special needs of the child.

5101:2-47-01(K) The Title IV-E agency shall submit the following information to ODJFS:

5101:2-47-01(N) Cost reporting and reimbursement procedures contained in Chapters 5101:9-7 and 5101:2-47 of the Administrative Code shall apply with regard to the Title IV-E program. Expenditures are subject to audit and audit findings. Findings due to agency error will result in recovery of funds against the agency.

5101:2-47-01(O) The JFS 02911 "Title IV-E Single Cost Report" is subject to audit and audit findings whether submitted by public or private agencies. Any overpayment or underpayment of federal funds to the Title IV-E agency due to adjustments of cost report amounts as a result of an audit, shall be recovered or paid to the Title IV-E agency utilizing the public or private agency's services.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable