

**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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**5101:2-47-08**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Required application/update for Title IV-D (child support) services and referrals to Title IV-A (public assistance); healthchek; third party insurance; and supplemental security income (SSI).****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, 5101.141**

5. Statute(s) the rule, as filed, amplifies or implements: **5103.03, 5153.16, 5101.141**

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

This rule is being amended for a five year rule review to update and include a referral and electronic process through a system interface with Title IV-D (Child Support) and Title IV-E (Foster Care Maintenance) to exchange pertinent data to

determine foster care maintenance (FCM) eligibility.

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:

The rule outlines the Title IV-E (Foster Care Maintenance) referral process through the Statewide Automated Child Welfare System (SACWIS) with Title IV-D (Child Support) through the Support Enforcement Tracking System (SETS). The interface data sharing will send custody, inquiry, eligibility, absent parent, foster care maintenance (FCM) payments, demographic information, and child support and paternity information in order to: exchange information with SETS; meet Federal requirements documented in U.S. Department of Health & Human Services Administration for Children & Families (ACF), Information Memorandum (IM) ACYF-CB-IM-12-06 OCSE-IM-12-02; and redirect child support payments when a child is taken into IV-E agency custody. In addition, the rule includes the interface with Ohio Integrated Eligibility System (OIES) Medicaid and the SACWIS system to share required data information to determine FCM IV-E eligibility. The changes to the rule are as follows:

OAC 5101:2-47-08, entitled Required Application/Update for Title IV-D (Child Support) Services and Referrals to Title IV-A (Public Assistance); Healthchek; Third Party Insurance; and Supplemental Security Income (SSI). This rule outlines the responsibilities for the administration of the Title IV-E Foster Care Maintenance (FCM) program and the Title IV-D Child Support program. In paragraph (A)(1), language was added to require the Title IV-E agency to make child support referrals for Title IV-E eligible children through the statewide automated child welfare information system (SACWIS). The use of form JFS 01435 "Title IV-E Agency Application/Updates for Child Support Services" (rev. 4/2006) was removed from the rule as the form is now obsolete as well as form JFS 01435-I "Instructions for Completing the JFS 01435 Title IV-E Agency Application/Update for Child Support Services" (rev. 4/2006).

In paragraph (A)(2), form JFS 01435 "Title IV-E agency application/updates for child support services" (rev. 4/2006) was removed from the rule as the form is now obsolete. The words "of "and "referral" were added for clarification to the rule. And, deletion of "Title IV-E agency obtains legal responsibility for the care and placement of the child."

Paragraph (A)(2)(a), was changed for clarification when assignment of support is effective.

Paragraph (A)(2)(b), the sentence was changed for clarification when IV-E agencies terminate custody after child support rights have been assigned.

Paragraph (A)(2)(c), has been removed from the rule.

Paragraph (A)(3), removal of JFS 01435 "Title IV-E agency application/updates for child support services" (rev. 4/2006) as the form is now obsolete.

Paragraph (A)(4), has been removed from the rule.

Paragraph (A)(5)(a)(b)(c)(d), was added to include language for good cause circumstances for a child support referral.

Paragraph (B)(1), has been removed from the rule.

Paragraphs (B)(4) and (B)(5), were deleted and a new (B)(4) was added with new language to explain collection and disbursement of child support payments through child support payment central (CSPC).

Paragraph (C), was added to include language for the disbursement of child support payments to support the cost of care.

Paragraphs (C)(D)(E)(F), were changed to (D)(E)(F)(G) to reflect correct letter format within the rule.

Paragraph (D), was changed to extend the county notification in SACWIS from ten (10) business days to sixty (60) business days.

Paragraph (F), the revision date to form JFS 03528 "Healthchek and Pregnancy Related Services Information Sheet" (rev. 5/2011) was changed to (rev. 3/2014).

Paragraph (G)(1), the revision date to form JFS 06612 "Health Insurance Information Sheet" (rev. 6/2009) was changed to (rev. 5/2001).

Paragraph (G)(2), the revision date to form JFS 06613 "Accident/Injury Insurance Information Sheet" (rev. 7/2003) was changed to (rev. 6/2009).

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 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 inner-web at <http://innerapp.odjfs.state.oh.us/forms/inner.asp> or on the inter-net at <http://www.odjfs.state.oh.us/forms/inter.asp> 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: **6/30/2014**

(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 increase revenues.

200,000

The line item where the revenues will be deposited is 600628. The amount deposited is to offset Federal Title IV-E reimbursement as required by federal regulations. Any amount of child support collected in excess of federal Title IV-E

revenue will be distributed to the custodial agency to support the cost of care for the child.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

The line item where the revenues will be deposited is 600628. Excess revenues over the Federal Title IV-E Reimbursement will be paid through the Child Support Payment Central Process.

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:

There is no additional cost for compliance with the rule. The estimated total revenue is approximately \$200,000 per year.

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? **No**

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? **No**

Not applicable.

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**

Not applicable.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**

Not applicable.