

Rule Summary and Fiscal Analysis (Part A)**Department of Job and Family Services**

Agency Name

Division of Social Services

Division

Mike Lynch

Contact

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5101:2-48-09

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Application process and preservice training.**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? **Yes**

Bill Number: **SB163**General Assembly: **127**Sponsor: **Senator Niehaus**

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: **2151.86, 5103.03**

5. Statute(s) the rule, as filed, amplifies or implements: **2151.421, 3107.011, 3107.032, 5103.18**

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

This rule is proposed for amendment to implement section 5103.18 of Sub. Senate Bill 163 of the 127th General Assembly and as a result of the 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 outlines the application process and the preservice training for prospective adoptive applicants. This rule is proposed for amendment to clarify language regarding the JFS 01530 "Multiple Children/Large Family Assessment;" to include new requirements for the bureau of criminal identification and investigation (BCII) criminal background checks; and to include "Permanency Issues for Children" and "Permanency Issues for Families" in the list of components for preservice training.

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 a federal act or acts. This question is not applicable to any dated incorporation by reference to a federal act because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(C).

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 "Info Center" link on the ODJFS web site (<http://jfs.ohio.gov/>) in accordance with RC 121.75(E).

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:

7/2/2008: This rule is being revised to clarify old paragraph (B), which is now paragraph (A), and outlines the responsibilities an agency has when they have been authorized by the Ohio Department of Job and Family Services to place children for adoption or recommend homes for foster care certification. Remove old paragraph (B) and (C) and clarified the language in the new paragraph (C) regarding applications submitted with knowingly false statements. The old paragraph (E) regarding the JFS 01530 "Multiple Children/Large Family Assessment" has been removed and the word "assessment" has been added to paragraph (D), formerly paragraph (F). The language in paragraph (F), formerly paragraph (H), has been revised to clarify the purpose of the JFS 01681 "Applicant Financial Statement" and to remove "bureau of criminal identification and investigation (BCII)" and added language that an agency shall not recommend any person who has been convicted of a crime listed in 5101:2-48-10. Language regarding the required check of the statewide automated child welfare information system (SACWIS) or the central registry has been removed from the homestudy rules and placed into this rule and can be found in new paragraphs (G) through (J). Language has been added to paragraph (P), formerly paragraph (N), that the three hour requirement for "Cultural Issues" shall not be waived. Paragraphs (J)(1)(2) were revised to clarify the exclusions for the summary report of abuse and neglect.

7/11/2008

Paragraph (F) "begin the homestudy process" was changed to "commence the homestudy process" to reflect the language that is in 5101:2-48-12. Revisions were also made to the language regarding the summary report from the search of the central registry.

Paragraph(J)(1)(c)the word "agency" was changed to the word "investigation" and the following sentence was added: "This provision is limited to report dispositions the PCSA determined to be unable to locate."

Paragraph(J)(2)(a) "public children services agency was changed to "PCSA."

Paragraph (J)(2)(b) the word "that" was changed to the word "who" and the word "and" was changed to the word "or."

12. 119.032 Rule Review Date: **5/30/2008**

(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.

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This rule will have no impact on the agency's projected budget for 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:

There may be costs associated to agencies for completing the required background checks.

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**