

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-48-10

Rule Type: Amendment

Rule Title/Tagline: Restrictions concerning provision of adoption services.

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?** 11/30/2020
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 166 - 133
- Rep. Oelslager
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 2151.86, 5153.166
5. **What statute(s) does the rule implement or amplify?** 2151.86, 5153.166
6. **What are the reasons for proposing the rule?**

This rule is proposed for amendment due to the five year review, the Family First Prevention Services Act and as a result of the passage of HB 166 of the 133rd General Assembly.

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

The rule provides guidance to agencies regarding the criminal records check requirement for an adoption placement approval. Name of bureau of criminal investigation updated throughout the rule. Paragraphs (C), (D) and (G) were amended to remove the violation section codes, provide reference to the offense list in appendix A to rule 5101:2-7-02 and to clarify rehabilitation standards. Paragraph (I) was deleted since the minimum age of a foster caregiver and an adoptive parent are aligned to be eighteen years old. All the changes were amended due to legislative changes in the Family First Prevention Services Act and to keep alignment with foster care requirements.

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. 121.75, 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).

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

Refiling the rule in order to rescind the Appendix to this rule.

II. Fiscal Analysis

11. **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.

0.00

No new costs.

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

Agencies must request criminal background checks on prospective adoptive parents and adult members of the prospective adoptive parent's household through BCI and the FBI, which currently charge a fee for the completion of the check, as well as conduct a search on online sex offender databases, which requires no fee. Additionally, the agency may need to assist in the collection of fingerprints for processing by BCI and the FBI. After the completion of the check, the agency would then be required to review the results and take appropriate action.

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

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

While the rule references a fee associated with performing a BCI and FBI background check, those fees are established and collected by those entities and not ODJFS.

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? Yes

17. 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

Certification and re-certification of an agency by the Ohio Department of Job and Family Services is contingent, in part, upon compliance with this rule.

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

Lack of compliance can result in revocation of an agency's certification or denial of re-certification.

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

Agencies must follow the procedures and guidelines for conducting a criminal records check on prospective adoptive parents and adult members of the prospective adoptive parent's household when completing an adoption homestudy.

- 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**

The rule would require agencies to conduct additional national sex offender searches. While the search is free, costs may be incurred by the agency in time spent searching, reviewing, and reporting the subsequent results.

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

- 18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No**

- A. How many new regulatory restrictions do you propose adding?**

Not Applicable

- B. How many existing regulatory restrictions do you propose removing?**

Not Applicable