

**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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**5101:2-48-10**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Restrictions concerning provision of adoption services.****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: **3107.032, 5153.16**

5. Statute(s) the rule, as filed, amplifies or implements: **2151.86, 3107.031, 3107.032, 5103.18, 5153.16**

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 bureau of criminal identification and investigation (BCII) requirements for prospective adoptive parents. This rule is proposed for amendment to include the new requirements for BCII criminal background checks; to add additional offenses to the list of prohibited criminal offenses; and to add the county department of job and family services to the list of entities that may receive a copy of the criminal records check report.

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 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:

The language in paragraph (D), which indicates that no person who has been convicted of or pleaded guilty to an offense listed in 5101:2-48-10 shall be considered for adoptive placement, has been revised to mirror the language in the

foster care rule including changing "prospective adoptive parent" to "person." Paragraph (F) has been revised for clarity and the language "position for which the prospective adoptive parent is being considered" has been changed to "care to be provided to any child who may be placed in the home." Language has been added to paragraph (G) to indicate that "a plea of guilty to" an offense shall not prevent "a person's" approval "as an" adoptive parent or "being an adult household member of the home." "Prospective adoptive parent" has also been changed to "person" in this paragraph. Paragraph (H) has been revised to more closely mirror the language that is in SB 238. A "county department of job and family services or a public children services agency" has been added to the list of persons allowed to receive a copy of the criminal records check, "person" has been changed to "individual" and the words "a final decree of adoption or interlocutory order of adoption" has been added to paragraph (H)(4).

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:

No additional costs are anticipated.

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**