

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

Agency Name

**Division of Social Services**

Division

**Mike Lynch**

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**5101:2-48-11.1**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Foster caregiver adoption process of a foster child who has  
resided with the caregiver for at least twelve consecutive  
months.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

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, 3107.033, 5153.166**

5. Statute(s) the rule, as filed, amplifies or implements: **3107.011, 3107.031, 3107.032, 3107.033, 3107.034, 3107.10, 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.

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 adoption process for a child who has resided with their caregiver for at least twelve consecutive months. This rule is proposed for amendment to include the definition of "fully implemented;" clarify when a search of the statewide automated child welfare information system (SACWIS) or central registry is required; and to include new requirements for the bureau of criminal identification and investigation (BCII) criminal background checks. This rule is also being amended to clarify the notification procedures when a public children services agency (PCSA), private child placing agency (PCPA), private non-custodial agency (PNA) or an attorney arranging an adoption initiates a homestudy on a family residing in another county.

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:

7/29/2008 REFILE

Title: Changed "six" back to "twelve"

Paragraphs (A), (O)(1) and (Q): changed "six consecutive months" back to "twelve consecutive months."

7/2/2008 Revise File:

This rule is being revised to change the name of the rule to "Foster caregiver adoption of a foster child who has resided with the caregiver for at least "six" consecutive months." Removed paragraphs (A) through (E) which define "fully implemented" and outline procedures for checking the statewide automated child welfare information system (SACWIS) or the central registry if SACWIS is not fully implemented. The specific requirements detailing the Central Registry Search Summary report (or SACWIS search) have been removed from this rule and are now listed in rule 5101:2-48-09. The old paragraphs (I) through (L) regarding notification of initiation of homestudy procedures have been removed and placed in rule 5101:2-48-12. New paragraphs (D) and (E) have been added indicating that an agency must follow the notification of initiation of a homestudy procedures outlined in rule 5101:2-48-12 and that if a public children services agency (PCSA) contracts with a private child placing agency (PCPA) or private non custodial agency (PNA) they are exempt from these notification requirements. Paragraph (G), regarding applications submitted with knowingly false statements, has been removed and paragraph (H) has been revised for clarity and a new paragraph (I) has been added regarding the release of homestudies that contain knowingly false statements. References to the JFS 01349 "Foster Home Homestudy" have been placed back into the rule and new paragraphs (N) and (O) have been added to indicate that a SACWIS or central registry search must be conducted pursuant to the procedures outlined in rule 5101:2-48-09 and a requirement that applicants must provide documentation that each adult household member has been a resident in Ohio for at least five years. In new paragraph (R), changed 12 month residency

requirement to 6 months. New paragraphs (V) and (W) have been added indicating that an agency must follow the notification of impending placement procedures outlined in rule 5101:2-48-12 and that if a PCSA contracts with a PCPA or PNA they are exempt from these notification requirements.

12. 119.032 Rule Review Date: **8/1/2009**

(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:

PCSAs, PCPAs, and PNAs may incur costs when requesting searches of child abuse and neglect registries from other states.

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**