

**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

**NEW**

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: **SB238**General Assembly: **126**Sponsor: **Neihaus**

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, 5153.166**

5. Statute(s) the rule, as filed, amplifies or implements: **3107.032, 3107.33, 3107.034, 3107.10, 3107.011, 3107.031**

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

This new rule is proposed to implement Sections 3107.032, 3107.33, 3107.034 and 3107.10 of Sub. SB 238 and replaces a rescinded rule of the same name and number.

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 sets forth the procedures for conducting a foster caregiver homestudy when a foster caregiver expresses interest in adopting a child who has been in the foster caregiver's home for at least twelve consecutive months. This rule is being amended to include use of the JFS 01673-A "Child Characteristics Checklist for Foster Care and/or Adoption." and the JFS 01530, "Multiple Children/Large Family Assessment," as applicable. This rule also incorporates the course of actions that shall be taken by an assessor when an applicant knowingly falsifies information, initiates a homestudy or will adoptively place a child.

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 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 ORC 121.71 to 121.74 pursuant to ORC 121.76(A)(3).

This rule incorporates one or more dated references to the U.S. Code. This question is not applicable to any dated incorporation by reference to the U.S. Code because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(A).

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).

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:

This rule incorporates one or more dated references to an ODJFS form or forms. Each cited ODJFS form is dated and generally available to persons affected by this rule via the "Info Center" link on the ODJFS we site (<http://jfs.ohio.gov/>) in accordance with OFC 121.75(E).

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 RSFA has been revised to correct reference to statute. ORC 5153.16 has been deleted and replaced with ORC 5153.166. ORC sections 3107.011 and 3107.031 have been added.

Paragraph (A) has been revised to include language that requires ODJFS to provide a summary report of a search of the central registry to public children services agencies (PCSAs), private child placing agencies (PCPAs) or private noncustodial agencies (PNAs) prior to recommending a home for approval or upon request.

The word "SACWIS" has been removed from the first and last sentences in paragraph (A)(3) and replaced with "statewide child welfare information or the central registry" in the last sentence.

Language in paragraph (A) (3) has been revised to add that if only unsubstantiated reports are in the applicant's report, the summary report will indicate that there are no substantiated or indicated reports involving any applicant or household member.

Language in paragraph (B) was revised to indicate that the JFS 01692 "Application for Adoption of a Foster Child" is child specific and will expire upon the adoption of the foster child.

Language in paragraph (C) has been revised to specify that children in kinship care are also included in the count of the total number of children residing in the home when determining when a multiple children assessment must be completed.

Paragraph (F) has been revised to delete the reference to 5101.03 of the revised code.

In paragraph (L)(1) language has been revised to use the word "prospective."

In paragraph (M) language has been revised to use the word "prospective." Removed "including the date the approved homestudy will expire" from section (M)(1).

12. 119.032 Rule Review Date:

(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.

\$0.00

The proposed rule will not change the agencies projected budget during the current biennium.

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

This question is not applicable to this rule.

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 new cost associated with this rule.

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**