

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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5101:2-48-12.1

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Completion of adoption homestudy updates and amendments.**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: **HB7**General Assembly: **127**Sponsor: **Brinkman**

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: **5103.03, 5153.166, 3107.033**

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

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

This rule is being proposed for amendment to implement section 3107.033 of Sub. HB 7 of the 127th General Assembly and as a result of the five year review process.

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 requirements for completing an update to an adoptive homestudy. This rule is being proposed for amendment to change the title as all references to the homestudy amendment process have been placed in a separate rule. This rule is also being amended to clarify when an update and notification of expiration of an existing homestudy is required and to outline what documents must be attached to a homestudy update. Other amendments to this rule include clarification on when new criminal records checks are required for adoptive parents and household members, and removal of language regarding completing an amendment to an adoptive homestudy. Language from this rule was also removed and placed in a new rule 5101:2-48-12.2.

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 rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to 121.76(A)(3).

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 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).

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:

5/7/09 revise filing.

Paragraph (J) has been revised to remove the thirty day timeframe a prospective adoptive parent had to apply for renewal of an adoption homestudy. Additional language has been added to clarify that if a prospective adoptive parent fails to reapply or voluntarily terminate prior to the expiration date of the homestudy, the homestudy shall be closed.

Additional language has been added to paragraph (K) to indicate that a JFS 01385 "Ohio Department of Job and Family Services Assessment for Child Placement Update" shall be completed prior to the recommendation for and expiration of a current homestudy when an applicant reapplies to renew a homestudy.

4/24/09 revise filing.

The reference in paragraph (P) has been changed to (N).

4/23/09 revise filing.

Paragraphs (L) and (M) have been added to outline the procedures for conducting a search of the child abuse and neglect registry for adoptive applicants when their homestudy is updated.

4/22/09 revise filing.

A new paragraph (C) has been added which outlines when an update is required if an adoptive home is later certified as a foster home.

A new paragraph (D) has been added which outlines when an update is required if a foster home is later approved as adoptive home.

Paragraph (J) has been revised to specify that the JFS 01331 "Notice of Expiration and Reapplication for a Foster Home Certification or Adoption Homestudy Update/Amendment," must be completed within thirty days of the date the JFS 01331 was mailed to the adoptive parent or foster caregiver or the homestudy "may" lapse upon the expiration date. Also, in the last sentence of this paragraph the word "must" has been changed to "shall."

The reference in paragraph (N) has been changed to (L).

12. 119.032 Rule Review Date: 3/24/2009

(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.

0.00

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 new 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**