

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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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? **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: **5103.03, 5153.166**

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 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 requirements for completing an update or amendment to an adoptive homestudy. This rule is proposed for amendment to clarify when homestudy updates are due; exempt international-only adoptions from using the JFS 01385 "Ohio Department of Job and Family Services Assessment for Child Placement Update;" clarify what documents must be completed and attached to the JFS 01385; and mandate use of the JFS 01200 "Fire Inspection Report for Foster Homes or Residential Facilities Certified/Approved by ODJFS" for a fire inspection of a prospective adoptive parent's home. This rule was also amended to include the new requirements for BCII criminal background checks, the process for criminal background checks at the time of update, and a timeframe for completion of criminal background checks for new adult household members. Final revisions to this rule include a timeframe for completion of the JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" for new household members.

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 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:

This rule is being revised to identify who is able to sign the JFS 01653 (Medical Statement) in (I)(1). A physician assistant, clinical nurse specialist, certified nurse practitioner or certified nurse-midwife have been added. In (I)(2) a statement was added that the personal reference shall not be completed by a relative. In (I)(3) language was added to allow the agency to determine if a physical, psychiatric or psychological report is required to ensure the safety of the child. Paragraphs (J) and (K) were revised to require that any homestudy that was approved prior to the date of this rule and has a BCII check that is greater than four years must have a new BCII check completed within sixty days of the effective date of this rule. Paragraphs (P), (Q) and (R) were revised to add a timeframe in which an adoptive parent must notify the agency of specific events that happen to their adoptive child or events within the home. In Paragraph (R)(4) language was added to require that a JFS 01653 be completed on a new child household member who is not a foster child. Language was added to require a household member who turns 18 have a BCII check within ten working days of his 18th birthday. The word "approved" was removed from paragraph (R)(8). The word "significant" was added to (R)(9) in terms of a change in financial status or income.

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:

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**