

**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**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Completion of the homestudy report.****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, 5103.03, 5153.166**

5. Statute(s) the rule, as filed, amplifies or implements: **3107.011, 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 homestudy process for prospective adoptive applicants, the procedures for recommending or not recommending a homestudy and who may conduct adoptive homestudies.

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:

7/2/2008: Paragraph (B), that references SACWIS and the definition of "fully implemented" has been removed. This term is defined in statute. 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. A reference to rule 5101:2-48-09 has been added to paragraph (F). Paragraph G was added to require applicants to provide documentation that each adult household member has been a resident in Ohio for at least five years. Information has been added to paragraphs (I) through (K) to clarify the procedure agencies should use for the initiation of a homestudy. Paragraphs (L) and (M) were added to require that the PCSA that received notification about an agency initiating an adoptive homestudy maintain written documentation of the information. The wording in paragraphs (T) and (U) was slightly revised to condense the language and to refer the agency to rule 5101:2-33-13. Language was added in new paragraph (Y) (3) to indicate the credentials a person must have to sign the JFS 01653. (Medical Statement)

7/11/2008

The old paragraph (I) has been revised and is now two separate paragraphs, (I) and (J). The new paragraph (I) clarifies that when a PCSA initiates a homestudy with an applicant from another county they must notify the PCSA in the county in which the applicant resides. The new paragraph (J) clarifies that when a PCPA, PNA or an attorney arranging an adoption initiates a homestudy with an applicant they must notify the PCSA in the county in which the applicant resides.

The old paragraph (J) was also revised and is now two separate paragraphs, (K) and (L). The new paragraph (K) indicates that the notification letter must be sent within ten days of the initiation of the homestudy and references paragraphs (I) and (J). The new paragraph (L) outlines what information must be included in the written notification. The old paragraph (K), now paragraph (M), was revised to change the reference from paragraph (J) to paragraph (L).

The old paragraph (CC) has been revised and is now two separate paragraphs (EE) and (FF). The new paragraph (EE) clarifies that when a PCSA intends to place a child for adoption with an adoptive family in another county, the PCSA must notify the PCSA in the county in which the adoptive family resides. The new paragraph (FF) clarifies that when a PCPA, PNA or an attorney arranging an adoption intends to place a child for adoption with an adoptive family they must notify the PCSA in the county in which the adoptive family resides.

The old paragraph (DD) was also revised and is now two separate paragraphs, (GG) and (HH). The new paragraph (GG) indicates that the notification letter must be

sent at least ten days prior to the placement of the child and that in the case of an infant placement, the notification may be made prior to the birth of the child. Paragraph (HH) outlines what information must be included in the written notification.

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.

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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**