

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-48-19

Rule Type: Amendment

Rule Title/Tagline: Sharing or transferring an adoptive homestudy.

Agency Name: Department of Job and Family Services

Division: Division of Social Services

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I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 11/30/2020
2. Is this rule the result of recent legislation? Yes
 - A. If so, what is the bill number, General Assembly and Sponsor? HB 166 - 133
- Rep. Oelslager
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 3107.033, 5153.166
5. What statute(s) does the rule implement or amplify? 3107.031, 3107.035, 3107.10, 5153.16
6. What are the reasons for proposing the rule?

This rule is proposed for amendment due to the five year review, the Family First Prevention Services Act and as a result of the passage of HB 166 of the 133rd General Assembly.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule provides guidance to agencies on how to share homestudies and process the transfer of an adoptive homestudy approval. Paragraph (H)(1)(c) was amended regarding references for prospective adoptive applicants. Paragraph (H)(1)(f) was added to require a search of the national sex offender registry for the adoptive applicant and adult household members. Paragraph (K) was amended to have the information from (K)(1) to be included within the paragraph, then (1) and (2) were removed. This was amended since private agencies have provider access to enter homestudies in SACWIS. Form revision dates were removed throughout the rule.

8. Does the rule incorporate material by reference? Yes

9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.

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 121.75(A)(1)(d).

This rule incorporates one or more references to a form or a digital application into which data is entered. This question is not applicable to any incorporation by reference to forms or digital data applications because such reference is exempt from compliance with RC 121.75 to 121.74 pursuant to RC 121.75(B)(4).

10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

Not Applicable

II. Fiscal Analysis

11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.

This will have no impact on revenues or expenditures.

0.00

No new costs.

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

Agencies must adhere to specific requirements to transfer an adoptive homestudy. There are multiple requirements that would result in a cost to an agency simply by the time involved for an employee to assess an adoptive parent applicant. The report (homestudy) is required to be completed by an assessor who must evaluate the home for compliance for approval which includes things such as criminal background checks, medical evaluations, safety audits and financial stability.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? Yes

17. Does this rule have an adverse impact on business? Yes

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes

Certification and re-certification of an agency by the Ohio Department of Job and Family Services is contingent, in part, upon compliance with this rule.

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes

Lack of compliance can result in revocation of an agency's certification or denial of re-certification.

C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

Agencies must follow the procedures and guidelines regarding transferring an approved adoptive homestudy to another agency in order to comply with this rule.

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? Yes**

The rule would require agencies to conduct additional national sex offender searches. While the search is free, costs may be incurred by the agency in time spent searching, reviewing, and reporting the subsequent results.

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

- 18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No**

- A. How many new regulatory restrictions do you propose adding?**

Not Applicable

- B. How many existing regulatory restrictions do you propose removing?**

Not Applicable