

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5101:2-49-02

**Rule Type:** Amendment

**Rule Title/Tagline:** Title IV-E adoption assistance (AA) eligibility criteria for children age two and older.

**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?** 2/6/2024
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 5101.141, 5101.11
5. **What statute(s) does the rule implement or amplify?** 5101.11, 5101.141
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
  - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

This rule is proposed for amendment as a result of the five-year review.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

Ohio Administrative Code (OAC) rule 5101:2-49-02 entitled "Title IV-E adoption assistance (AA) eligibility criteria for children over age two" sets forth the eligibility criteria for the adoption assistance program for children age two and older. The title to the rule has been updated to provide clarity for eligibility criteria. The non applicable child requirement for children under age two was stricken in paragraph (A)(1). The judicial determination of best interest requirement in paragraph (B)(1)(a) must be met in the initial court order and not at any time prior to finalization. Grammatical edits were made, and the revision dates were updated.

9. **Does the rule incorporate material by reference? Yes**
10. **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 (OAC). 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)(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 inner-web at <http://innerapp.odjfs.state.oh.us/forms/inner.asp> or on the inter-net at <http://www.odjfs.state.oh.us/forms/inter.asp> in accordance with RC 121.75(E).

11. **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**

12. **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

Not Applicable

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

No new costs

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

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

16. **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**

17. **Was this rule filed with the Common Sense Initiative Office? No**

18. **Does this rule have an adverse impact on business? No**

A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**

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? No**

C. **Does this rule require specific expenditures or the report of information as a condition of compliance? No**

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? No**

### **IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

19. **Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes**

- A. How many new regulatory restrictions do you propose adding to this rule? 0**
- B. How many existing regulatory restrictions do you propose removing from this rule? 8**

5101:2-49-02(A) Pursuant to RC 121.95(F). The public children services agency (PCSA) shall determine that a child is eligible for AA if, prior to the finalization of the adoption, the PCSA finds all of the following:

5101:2-49-02(A)(2) Pursuant to RC 121.95(F). The adoptive parent(s) has an approved homestudy in accordance with rules in Chapter 5101:2-48 of the Administrative Code. If the adoptive parent(s) resides in another state, then the adoptive homestudy shall be valid in the adoptive state of residence.

5101:2-49-02(A)(3) Pursuant to RC 121.95(F). The child has been matched with an adoptive parent(s) in accordance with rule 5101:2-48-16 of the Administrative Code. If the child is placed for adoption in Ohio from another state, the Ohio agency shall use the other state's documentation to meet the matching requirements except as specified in paragraph (C) of this rule.

5101:2-49-02(A)(6) Pursuant to RC 121.95(F). The child shall be a citizen or legal resident of the United States, and will be adopted in the United States.

5101:2-49-02(B) Pursuant to RC 121.95(F). The child, age two or older shall also meet one of the four adoption assistance eligibility requirements:

5101:2-49-02(B)(3)(b) Pursuant to RC 121.95(F). A JFS 01645 or JFS 01666. No FCM payment is required to cover both the minor parent and the child of the minor parent.

5101:2-49-02(D) Pursuant to RC 121.95(F). For all children that are deemed eligible for AA, the Title IV-E agency is responsible for ensuring that background checks be conducted prior to adoption finalization and/or the issuance of a monthly AA payment. The background checks shall reveal that the prospective adoptive parent(s) has not been convicted of any of the prohibited offenses in accordance with rules 5101:2-48-10 and 5101:2-48-11 of the Administrative Code.

5101:2-49-02(E) Pursuant to RC 121.95(F). The PCSA shall use the statewide automated child welfare information system (SACWIS) to determine adoption assistance eligibility.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable