

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-49-11

Rule Type: New

Rule Title/Tagline: Suspension of Title IV-E adoption assistance (AA) payment.

Agency Name: Department of Job and Family Services

Division: Division of Social Services

Address: OFC- 4200 E. 5th Ave., 2nd fl. L2-01 P.O. Box 183204 Columbus OH
43218-3204

Contact: Michael Lynch

Email: Michael.Lynch@jfs.ohio.gov **Phone:** 614-466-4605

I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?**
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
5. **What statute(s) does the rule implement or amplify?** 5101.11
6. **What are the reasons for proposing the rule?**

This rule is proposed as a new rule as a result of federal guidance in the Child Welfare Policy Manual (CWPM), Â§8.2A, Question and Answer #2 that went into effect February 14, 2018.

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

The rule outlines the circumstances for suspension followed by when a Public Children Services Agency (PCSA) proposes to suspend subsidy when the agency cannot

establish contact with the adoptive parent(s). Documented concerted efforts by the PCSA to establish contact with the adoptive parent(s) is required to make such a determination. Written notification of intent is to be sent to the adoptive parent(s) along with state hearing rights prior to suspension. Adoptive parent(s) have ninety days to contact the PCSA and provide documentation of support to re-establish subsidy.

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. 121.71 to 121.76, 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 121.76(A)(3).

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

Revision made to paragraph (A) of the rule to include language as follows at the end of the sentence for clarification: " The public children service agency (PCSA) that entered into the AA agreement after February 14, 2018, may suspend the AA payment when all of the following are met:"

II. Fiscal Analysis

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

0.00

No fiscal effects expected on current or future budgets.

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

No new costs of compliance.

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

III. Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common Sense Initiative Office? No
16. 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