

Rule Summary and Fiscal Analysis (Part A)**Department of Job and Family Services**

Agency Name

Division of Social Services

Division

Michael Lynch

Contact

**OFC- 4200 E. 5th Ave., 2nd fl. J6-02 P.O. Box
183204 Columbus OH 43218-3204**

Agency Mailing Address (Plus Zip)

614-466-4605

Phone

614-752-8298

Fax

Michael.Lynch@jfs.ohio.gov

Email

5101:2-52-08

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Interstate placement requirements for Ohio parents or legal guardians when placing their child into another state or territory.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

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: **5103.23**

5. Statute(s) the rule, as filed, amplifies or implements: **2151.39, 5102.23**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being proposed for amendment as a result of the five-year review.

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 entitled "Interstate Placement Requirements for Ohio Parents or Legal Guardians when Placing Their Child into Another State or Territory" has been updated to be entitled "Interstate placement requirements for Ohio parents, legal guardians, or private entities when placing a child into another state or territory for adoption." The rule outlines the procedures and responsibilities for parents, legal guardians and private entities placing children in adoptive homes across state lines. Significant changes were made to the rule as part of the Midwest Child Welfare Implementation Center(MCWIC) rule review process and to better reflect regulations of the Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC.) All language regarding placements other than adoptive placements was removed from the rule and placed in 5101:2-52-10. Some language regarding adoptive placements was removed from 5101:2-52-06 and put into this rule. The definition of "visit," as defined in the Interstate Compact on the Placement of Children (ICPC)was added. Language from the new regulations in the Interstate Compact on the Placement of Children was added to outline the documentation required when requesting to make an adoptive placement across state lines.

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 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 ORC 121.71 to 121.74 pursuant to ORC 121.76(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 "Info Center" link on the ODJFS web site (<http://jfs.ohio.gov/>) in accordance with ORC 121.75(E).

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 regulations in the Interstate Compact on the Placement of Children, which are generally accepted industry standards. Each reference is dated and is generally available to persons affected by this rule via the internet at <http://icpc.aphsa.org/content/AAICPC/en/home.html>, in accordance with RC 121.75(E).

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. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. 119.032 Rule Review Date: **2/27/2014**

(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.

0.00

This rule will have no impact on the current budget.

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:

Not applicable.

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**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

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? **Yes**

There are no fines or civil penalties for non-compliance other than the possible delay of placements. There is a possibility an agency could be denied recertification or have its license revoked if the agency shows a pattern of non-compliance with these rules.

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

There are two ICPC-specific forms and a cover letter the agency must complete. In addition, the rule requires the gathering of existing documentation regarding social/medical history, relinquishment of rights/consent to adopt, search of Putative Father Registry, and related documents and sending it to the state ICPC office. There could be postage costs involved if the agency chooses to mail, rather than e-mail, documents.