

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5101:2-53-09

**Rule Type:** Amendment

**Rule Title/Tagline:** Procedures for the transfer of Indian children to a tribal Title IV-E agency or an Indian tribe with a Title IV-E agreement.

**Agency Name:** Department of Job and Family Services

**Division:** Division of Social Services

**Address:** OFC- 4200 E. 5th Ave., 2nd fl. J6-06 P.O. Box 183204 Columbus OH 43218-3204

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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?** 10/12/2017
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?** 5153.166, 5101.141, 5103.03
5. **What statute(s) does the rule implement or amplify?** 5101.141, 5153.16, 5103.03
6. **What are the reasons for proposing the rule?**

To incorporate federal regulatory changes under 25 CFR 23 relating to the administration and implementation of the Indian Child Welfare Act.

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

OAC 5101:2-53-09, "Procedures for the transfer of Indian children to a Tribal court, a Tribal Title IV-E agency or an Indian Tribe with a Title IV-E agreement" identifies

requirements for transferring child custody proceedings to a Tribal court, a Tribal Title IV-E agency, or an Indian Tribe with a Title IV-E agreement. Language was added to this rule to identify requirements when a parent, an Indian custodian, or an Indian child's Tribe requests the transfer of a child custody proceeding to Tribal court.

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 dated references to the Code of Federal Regulations (CFR). This question is not applicable to any dated incorporation by reference to the CFR because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(D).

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).

This rule incorporates one or more references to the Social Security Act. This question is not applicable to those references in this rule because such references are exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.76(B)(2).

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).

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. **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.

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Not Applicable.

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

Not Applicable

- 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? Yes**

- 16. 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**

Private child placing agencies are required to be certified by the State of Ohio.

- 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 with this rule other than the forfeiture of certification through denial or revocation.

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