

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

Agency Name

**Division of Social Services**

Division

**Mike Lynch**

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**5101:2-7-02**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**General requirements for foster caregivers and applicants.****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? **Yes**

Bill Number: **SB163**General Assembly: **127**Sponsor: **Niehaus**

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: **2151.86, 5103.03, 5103.0319, 5103.0327**

5. Statute(s) the rule, as filed, amplifies or implements: **2151.86, 5103.02, 5103.03, 5103.0319**

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

This rule is proposed for amendment to implement sections 109.572 and 2151.86 of Sub. Senate Bill 163 of the 127th General Assembly and 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 sets forth general requirements for foster caregivers and applicants. The rule was amended to require foster care applicants to complete a JFS 01681 "Applicant Financial Statement." The rule was also amended to include additional prohibitive crimes required by Sub. Senate Bill 163 of the 127th General Assembly. Another additional requirement to the rule is a criminal background check every four years upon recertification of a foster home. The rule was also amended to require the foster care applicant to notify the recommending agency if they have had a foster care certificate denied or revoked in this state or any other state within the last five years; to prohibit any foster caregiver from being certified as a Type A child care provider; and to prohibit a specialized foster home from being certified as a Type B child care provider. Appendix A of this rule was revised to include the new prohibitive criminal offenses for foster caregivers and adult members of the household.

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 references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the ORC because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.76(A)(1).

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).

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:

Paragraph (D) was revised to clarify the items need to review the financial stability of a foster home.

Paragraph (L) was revised to include a requirement for a criminal background check for any resident of a foster home who reaches the age of eighteen.

12. 119.032 Rule Review Date: **5/30/2008**

(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 proposed rule will not impact the agency's projected budget during the current biennium.

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:

There will be an increase in costs to agencies to implement the additional requirement of performing criminal background checks on foster caregivers and any adult member of the household every four years.

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**