

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-7-14

Rule Type: Amendment

Rule Title/Tagline: Required notification.

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?** 3/27/2024
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?** 5103.0319, 5103.03, 2151.86
5. **What statute(s) does the rule implement or amplify?** 2151.86, 5103.0319, 5103.03, 5103.02
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 being proposed for amendment for the five year review.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule provides guidance to caregivers on what information they are required to provide to the recommending agency. Paragraph (H) was changed to eliminate appendix A and refer to the criminal record rule for the list of criminal codes.

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 the Ohio Revised Code. This question is not applicable to any incorporation by reference to the Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(a).

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

No expected fiscal effects on current or future budgets.

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? 11

(A) A foster caregiver shall notify the recommending agency in writing prior to allowing any person to reside for more than two weeks in the foster home.

(B) A foster caregiver shall notify the recommending agency within one hour of the caregiver gaining the knowledge of any of the following circumstances involving a foster child:

(C) A foster caregiver shall notify the recommending agency within twenty-four hours or the next working day of any of the other following circumstances:

(D) A foster caregiver shall inform the recommending agency at least four weeks prior to a planned move of the foster caregiver.

(E) A foster caregiver shall inform the recommending agency within thirty days in writing if the foster caregiver is certified to operate a type B family day care home.

(F) A foster caregiver shall notify the recommending agency within twenty-four hours of the caregiver gaining the knowledge of any charge of any criminal offense brought against the caregiver or any adult resident of his home.

(F) If the charges result in a conviction, the foster caregiver shall notify the recommending agency within twenty-four hours of the conviction.

(G) A foster caregiver shall notify the recommending agency within twenty-four hours of any charge or complaint brought against any resident of the foster caregiver's home who is at least twelve years of age, but less than eighteen years of age for committing an act that if committed by an adult would constitute a criminal offense.

(H) Pursuant to section 5103.0319 of the Revised Code, a foster caregiver shall also notify the recommending agency in writing within twenty-four hours if a resident of the foster caregiver's home is at least twelve years of age, but less than eighteen years of age, and has been convicted of or pleaded guilty to any of the offenses listed in appendix A to this rule, or has been adjudicated to be a delinquent child for committing an act that if committed by an adult would have constituted such a violation.

(H)(1) If the recommending agency learns that a foster caregiver has failed to notify the agency, the agency shall notify ODJFS and recommend ODJFS seek an order to revoke the foster caregiver's certification to operate a foster home.

(H)(2) If the recommending agency learns that a prospective foster caregiver has failed to notify the agency, the agency shall notify ODJFS and recommend ODJFS deny the foster caregiver's certification to operate a foster home.

- 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