

**MEMORANDUM**

TO: Michael Lynch, Ohio Department of Job and Family Services

FROM: Sophia Papadimos, Regulatory Policy Assistant

DATE: December 11, 2013

RE: **CSI Review – Children’s Services – Petitions for Permanent Custody (OAC 5101:2-42-95)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office’s comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of one amended rule being proposed by the Ohio Department of Job and Family Services (ODJFS) pursuant to the five-year review requirement of ORC 119.032. OAC 5101:2-42-95 describes the circumstances which require (with some exceptions) a public children services agency (PCSA) or a private child placing agency (PCPA) to petition the court for permanent custody of a child. As outlined in the existing rule, a petition can be filed with the court when a parent has been convicted of a violent crime, the child has been determined deserted or the child has remained in agency custody for twelve or more months of a consecutive twenty-two month period. The language of the rule has been amended to reflect a change in the Ohio Revised Code. The rule outlines the varying violent crime offenses that can trigger a petition; the offense which was previously known as sexual corruption of a minor has been changed to unlawful sexual conduct with a minor. The rule was filed with the CSI Office on November 19, 2013, and the public comment period closed on November 24, 2013. No comments were received during this time.

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The BIA identifies the adverse impact as the time required for a PCSA or PCPA to petition the courts, amend a case plan, and submit it to the court when filing for custody. However, the agency justifies the rule package based on the need to both protect children in substitute care and protect the rights of parents.

Upon review of the proposed rule and BIA, the CSI Office has determined that the rule package satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rules justifies the adverse impact identified in the BIA.

Recommendation

For the reasons explained above this office does not have any recommendations regarding this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Department should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office