

**MEMORANDUM**

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

FROM: Sydney King, Regulatory Policy Advocate

DATE: March 5, 2014

RE: **CSI Review – Case Plan and Case Review Rules (5101:2-38-03, 5101:2-38-06, 5101:2-38-07, 5101:2-38-10, 5101:2-39-01, and 5101:2-39-03)**

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 three amended rules and three new rules being proposed by the Ohio Department of Job and Family Services (ODJFS) pursuant to the five-year review requirement of ORC 119.032. The rule package was filed with the CSI Office on January 15, 2014 and the comment period for the rule closed on January 22, 2014. A revised BIA was provided on February 19, 2014. One comment was received during the public comment period.

The proposed rules provide the requirements for Private Noncustodial Agencies (PNA), Public Children Services Agencies (PCSAs) and Private Child Placing Agencies (PCPAs) when developing and amending case review and case plans, and the allowed actions that ensure the protection and safety of the children in substitute care. A case plan is a written document developed by the PCSA or PCPA and the family that identifies strengths of the family, concerns to be resolved, and supportive services to be provided. The rules regulate the contents of the case plan, the review of the case plans, the requests for restrictions on parents or guardians, establishment of case plan goals, completion of semi-annual administrative reviews, and the

removal of children in substitute care.

According to the revised BIA, the rule package was presented to stakeholders during the Midwest Child Welfare Implementation Center (MCWIC) meetings. Representatives from 88 county PCSAs, PCPAs and PNAs were invited and participated in the discussions and revisions. The rules were amended based on stakeholder input. ODJFS also provided a clearance comment period to receive feedback from stakeholders during drafting and again amended the draft rules based on feedback. One comment was received during the public comment period. ODJFS responded to the comment and amended the draft rule.

The revised BIA identifies the adverse impacts as the administrative costs associated with compliance but focuses on the impact to PCPAs and PNAs because the PCSAs, as public entities, are not businesses. In order to obtain and maintain certification with ODJFS, the requirements set forth in the rule must be met. The adverse impacts are “the time and cost of preparing and maintaining a case plan; providing supporting services; reporting information on the JFS 01416, filing court requests; amending case plans, providing copies of the semi-annual administrative review summary; requesting credit reports; developing a visitation plan; providing written notice of any case plan changes; and conducting semi-annual administrative reviews.” There are several form requirements. All forms are available online.

ODJFS states that quantifying the costs is difficult because the amount of time committed to a case plan can vary based on the needs of the children. Although the written case plan may take thirty minutes or more to complete, PCPAs and PNAs commit time and resources to engaging the family which contributes to the completion of a case plan. Additionally, the completion of a family assessment can take 30 to 45 days and provides the information necessary to develop a case plan. The case reviews are required every three months and take approximately thirty minutes to complete. The semi-annual administrative reviews are required every six months and take approximately thirty minutes to complete.

ODJFS states the rules are necessary and justified in order to accomplish the requirement set forth in Ohio Revised Code 5103.03. ODJFS is charged with the oversight of children in substitute care and these rules will contribute to the overall safety and well-being of the children. For example, adhering to the case plan will ensure the child is in a healthy and supportive environment. Additionally, each PCPA and PNA negotiates contractual terms, including fees, with the county Job and Family Services department.

After reviewing the proposed rule and the revised BIA, the CSI Office has determined that the rule satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rule is justified.

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