

**MEMORANDUM**

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

**FROM:** Sydney King, Regulatory Policy Advocate

**DATE:** December 20, 2013

**RE:** **CSI Review – FYR of OAC Chapter 5101:2-42, Substitute Care, Part 3 (5101:2-42-67, 5101:2-42-87, 5101:2-42-88, 5101:2-42-89, and 5101:2-42-92)**

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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 five amended 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 November 1, 2013, and the comment period for the rules closed on November 6, 2013. No comments were received during the public comment period.

The proposed rules generally relate to the care of children when they are in substitute care. Substitute care is care provided for a child apart from a parent or guardian, while the child's custody is held by a Public Children Services Agency (PCSA) or Private Child Placing Agencies (PCPA). Rule 5101:2-42-64 establishes the requirements for PCSAs and PCPAs to begin the preparation of a lifebook when a child remains in substitute care. The lifebook helps document the child's life experiences and contains pertinent personal and medical information. Rule 5101:2-42-87 establishes the requirements for PCSAs and PCPAs in terminating substitute care and custody. Rule 5101:2-42-88 requires PCSAs and PCPAs to document when the substitute care of

a child is disrupted. Rule 5101:2-42-89 requires PCSAs and PCPAs to have written policies and procedures when there is a child fatality. Rule 5101:2-42-92 establishes the requirements for PCSAs and PCPAs when scheduling visitation for a child in temporary custody. According to the BIA, all amendments to the rules are non-substantive.

Stakeholder outreach included soliciting feedback from major stakeholders. The rules were presented to several stakeholder groups during the Midwest Child Welfare Implementation Center meetings in 2012. These groups were provided the opportunity to comment in person or online. Stakeholders included the Ohio Association of Child Caring Agencies and the Ohio Family Care Association. Additional input was solicited during the clearance process on February 15, 2013. According to the BIA, there were few comments and responses were provided by the stakeholders. No comments were received during the CSI public comment period.

The BIA identifies the adverse impact for each rule and focuses on the impact to PCPAs because the PCSAs, as public entities are not businesses. However, the impacts to both entity types are similar. ODJFS estimates PCPAs' adverse impacts will mainly be the administrative costs associated with compliance. According to ODJFS, PCPAs are required to prepare a lifebook for children, complete forms, and document disruption of a child's substitute care placement in case records. ODJFS states the adverse impact is justified because it ensures the safety of children in substitute care.

The CSI Office is not suggesting any changes with respect to the rules or the BIA for the following reasons:

- The adverse impacts on businesses are justified.
- No comments were received during the public comment period.
- The BIA submitted by ODJFS is accurate and complete and does not raise any ongoing issues.
- Generally, the rule package satisfactorily meets the standards espoused by the CSI Office.

### **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