MEMORANDUM

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

FROM: Sydney King, Regulatory Policy Advocate

DATE: July 2, 2014

RE: **CSI Review – Adoption and Foster Care Five-Year Reviews (OAC 5101:2-48-02, 5101:2-48-03, 5101:2-48-06, 5101:2-48-09, 5101:2-48-10, 5101:2-48-11, 5101:2-48-17, 5101:2-48-18, 5101:2-48-20, and 5101:2-48-21)**

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 ten 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 March 20, 2014 and the comment period for the rules closed on March 27, 2014. ODJFS provided a revised BIA on June 20, 2014.

ODJFS regulates Private Noncustodial Agencies (PNAs), Public Children Services Agencies (PCSAs) and Private Child Placing Agencies (PCPAs) when performing substitute care services and facilitating permanent adoptions. A child is placed in substitute care when a natural birth family has been found to no longer be an appropriate caregiver to the child. The State of Ohio facilitates placement of the child in a setting where the child's mental, physical, and emotional health is given paramount consideration. Because of the seriousness of these actions and the importance of placing a child in a healthy substitute care setting, ODFJS highly regulates the agencies to protect the child's health and well-being.

The rule package provides requirements for PCPAs and PNAs for the adoption and foster care process. The requirements include registering and searching the putative father registry, completing and retaining medical and social history forms, detailing roles and responsibilities of an assessor, training regulations, processing and approving foster care for adoptive placement applications, completing an adoption home study, conducting background checks on prospective adoptive parents and employees, and creating policies on post-finalization adoption services.

According to the revised BIA, the rule package was reviewed during the Partners for Ohio's Families (PFOF) Initiative. Stakeholders included Ohio Association of Child Caring Agencies (OACCA), the Ohio Family Care Association, representatives from county agencies, and the Ohio Council of Behavioral Health and Family Services Providers. The groups were divided by subject matter and dedicated a significant amount of time to each rule package. Stakeholders provided input on potential revisions and amendments to the rule. ODJFS also provided a clearance comment period to allow for additional input. ODJFS amended the rules based on the comments received during the clearance comment period. No comments were received during the CSI review period.

In its BIA, ODJFS 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 rules must be met. The revised BIA provides a detailed description of the adverse impacts and the potential costs to the business community. The costs include fees and a significant amount of administrative time to complete the requirements.

According to the revised BIA, the rules are necessary in order to provide a safety net for children in adoption. The rules accomplish this by ensuring adopted children receive a complete and accurate social and medical history, requiring adoption applicants to be trained in handling potential adoption challenges, requiring background checks to be completed on adoption applicants, and completing a full analysis of the child and applicants to ensure the best adoption match.

After reviewing the proposed rules and the revised 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 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