MEMORANDUM

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

FROM: Sydney King, Regulatory Policy Advocate

DATE: May 9, 2014

RE: **CSI Review – Inter-Country Adoption Data Collection (OAC 5101:2-48-25)**

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.

<u>**Analysis**</u>

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. The rule package was filed with the CSI Office on March 17, 2014 and the comment period for the rule closed on March 24, 2014.

ODJFS regulates Private Noncustodial Agencies (PNAs), Public Children Services Agencies (PCSAs) and Private Child Placing Agencies (PCPAs) when performing substitute care services. 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 inter-country adoption data collection. The rule states

an inter-country adoption is a type of adoption in which an individual or couple becomes the legal and permanent parents of a child born in another country. Foster care agencies are required to report if a disruption or dissolution of the child's adoption occurs. A disruption is the interruption of the placement. A dissolution is the termination of the parental rights after the adoption is finalized. The rule is a requirement of 42 U.S. Code § 14914.

According to the BIA, the rule package was reviewed during the Partners for Ohio's Families (PFOF) Initiative. Stakeholders included the Ohio Association of Child Caring Agencies (OACCA), the Ohio Family Care Association (OFCA), 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. No comments were received during the public comment period or the CSI review period.

The 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. PCPAs are required to complete and submit a form to ODJFS. According to ODJFS, the estimated time to submit the form is ten minutes. In 2011, the number of reported disruptions or dissolutions for the United States was seventy-six. ODJFS states the use of this form is rare and only occurs a few times a year in the state of Ohio. As stated above, the rule is necessary to comply with federal law.

After reviewing the proposed rule and the 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