

**MEMORANDUM**

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

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

**DATE:** May 8, 2014

**RE:** **CSI Review – Substitute Care Placement (OAC 5101:2-42-68)**

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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 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 11, 2014 and the comment period for the rule closed on March 18, 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 the continued assessment of substitute care

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77 South High Street | 30th Floor | Columbus, Ohio 43215-6117  
[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)

placements. PCSAs and PCPAs must perform a case review in order to determine the necessity of continued substitute care.

According to the BIA, the rule package was reviewed during the Partners for Ohio's Families (PFOF) Initiative. Stakeholders included representatives from county, state, and private agencies. During the meetings, stakeholders reviewed several rule packages by group. 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 rules. ODJFS also provided a clearance comment period to allow for additional input. One comment was received during the public comment period and the rule was amended to address the commenter's concerns.

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 perform a case review no later than every three months and maintain review documentation. A case review includes safety re-assessment, case progress review, strengths and needs assessment, and risk re-assessment. According to ODJFS, it is difficult to ascertain exact costs because of the many variables associating with case review assessments. The variables include agency staffing and composition, training, and the number of children in care or custody. However, ODJFS estimates the costs to be the administrative time needed to complete the assessment.

ODJFS states the rule is necessary to ensure the safety of children in substitute care. By requiring foster care agencies to continuously assess if substitute care is appropriate, the child's health and well-being will always be considered in its current and future substitute care placements.

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