

**MEMORANDUM**

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

FROM: Sydney King, Regulatory Policy Advocate

DATE: May 9, 2014

RE: **CSI Review – Amendment to Social Services (OAC 5101:2-44-06 and 5101:2-44-14)**

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 two 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 17, 2014 and the comment period for the rules 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 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 the requirements for the state-funded adoption subsidy program and the state adoption loan fund. The state-funded adoption subsidy program assists eligible prospective adoptive parents with expenses when adopting children with special needs. The state adoption loan fund provides loans to prospective adoptive parents residing in Ohio to cover adoption expenses.

According to the BIA, the rule package was reviewed during the Partners for Ohio's Families (PFOF) Initiative. Stakeholders included representatives from 88 county PCSAs, PCPAs and PNAs. 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.

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 rules must be met. PCPAs are required to notify prospective adoptive parents about the potential funding resources, facilitate the completion of necessary forms, and submit the forms to ODJFS for consideration for the funding. ODJFS estimates the administrative time needed to comply and assist the prospective families will be fifteen minutes to one-half hour. The public purpose of assisting families financially with the adoption of children, including children with special needs, justifies the adverse impact.

After reviewing the proposed rules 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