

**MEMORANDUM**

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

FROM: Sydney King, Regulatory Policy Advocate

DATE: March 3, 2015

RE: **CSI Review – Adoption Inquiry (OAC 5101:2-48-08)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (O.R.C.) §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). The rule was reviewed as a five-year rule review as required by statute. The rule package was filed with the CSI Office on February 4, 2015 and the comment period for the rules closed on February 11, 2015.

The rule package requires Private Noncustodial Agencies (PNAs), Public Children Services Agencies (PCSAs) and Private Child Placing Agencies (PCPAs) to send individuals who have expressed interest in being adoptive parents a copy of the "Ohio Adoption Guide" handbook or link access to the electronic guide within seven days of the inquiry. If the individual is an Ohio resident, the PCPA or PNA must also send instructions on how to get an application for adoption, and a copy of the PCPA or PNA adoption policy. PCPAs or PNAs are required to maintain a log of the inquiries.

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. The impacts include documenting inquiries, sending the handbook to inquirers, and maintaining records. The CSI Office initially expressed concerns regarding the impacts and requested the Ohio Association of Child Caring Agencies (OACCA) to review the rule and communicate any issues. OACCA indicated that it worked with ODJFS to develop the rule language and did not have any concerns. According to OACCA, the requirements are due to an agreement between ODJFS and the federal government.

The BIA describes ODJFS' stakeholder outreach to only include soliciting emails from stakeholders and states no comments were received. During the CSI public comment period, a comment was received requesting clarity on the rule language. ODJFS responded to the comment, providing an explanation for what constitutes "an interest in adopting."

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 rule 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