

**MEMORANDUM**

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

FROM: Sydney King, Regulatory Policy Advocate

DATE: May 20, 2015

RE: **CSI Review – Independent Living Services (OAC 5101:2-42-88)**

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) § 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 package was filed with the CSI Office on April 23, 2015 and the comment period closed on April 30, 2015.

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 PCPAs, PCSAs, and PNAs when a child in substitute care is absent without leave (AWOL). The amendments to the rule require an agency to contact

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law enforcement and the National Center for Missing and Exploited Children within twenty-four hours of receiving notice of the AWOL. The amendments also detail the information that is required to be documented in the child's case record and the procedures an agency must complete when a child returns from AWOL.

According to the BIA, ODJFS provided stakeholders the opportunity to comment on the amendments via email. Stakeholders included public and private agencies. ODJFS included the input received from stakeholder outreach in the BIA and amended the rule based on the input. No public comments were received during the CSI public comment period.

Because the rule package was not submitted as a five-year rule review, ODJFS was only required to analyze the costs associated with the amendments. 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 amendments create procedural, reporting, and documenting requirements. The costs include the administrative time for staff members to notify the required parties, document the required information in the case record, and perform the procedural requirements to address the circumstances surrounding the AWOL and what occurred while the child was AWOL. ODJFS states the requirements are necessary to comply with the federal "Preventing Sex Trafficking and Strengthening Families Act."

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