



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

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

**DATE:** May 7, 2015

**RE:** **CSI Review – Putative Father Registry (OAC 5101:2-48-02)**

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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) § 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 statutory five-year review requirement. The rule package was filed with the CSI Office on March 11, 2015 and the comment period closed on March 17, 2015. The rule was previously reviewed and recommended for filing in 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 PCPAs, PCSAs, and PNAs regarding the Ohio

Putative Father Registry (OPFR).<sup>1</sup> The OPFR is a computerized database maintained by ODJFS consisting of individuals who may have fathered a child and want to be notified if the child is placed for adoption. Agencies are required to provide forms to putative fathers, to determine if there is a putative father during adoption proceedings, and request OPFR searches to determine if the child's father is registered no sooner than sixteen days after the birth of the child. Amendments to the rule are the result of recent statutory changes.

According to the BIA, the rule package was posted for comment on ODJFS's website and provided to stakeholders via email for input but did not receive any comments. Additionally, no public comments were received during the CSI public comment 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. The costs include administrative time associated with referencing putative fathers to the registry and contacting the registry for a putative father search. The impact is necessary to provide a putative father notice that a child may be placed for adoption and to then consent to the adoption or exert parental rights.

### **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

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<sup>1</sup>A putative father is defined as a man who may be the father of the child but is not married to the child's mother at the time of the child's conception or birth; has not adopted the child; has not been determined, prior to the date a petition to adopt the child is filed, to have a parent and child relationship with the child by a court proceeding; and has not acknowledged paternity of the child pursuant to sections 3111.21 to 3111.35 of the Revised Code.