CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Department of Job and Family Services

Regulation/Package Title: OFC- Alignment of Foster Care/Adoption Homestudy Processes

Rule Number(s): 5101:2-5-20, 5101:2-5-21, 5101:2-5-24, 5101:2-5-30, 5101:2-5-31, 5101:2-48-11.1, 5101:2-48-12, .5101:2-48-12.1, 5101:2-48-12.2, 5101:2-48-19

Date: 4/17/15

Rule Type:

X New

X Amended

X 5-Year Review

X Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. **Please briefly describe the draft regulation in plain language.**
   Please include the key provisions of the regulation as well as any proposed amendments.

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This Business Impact Analysis covers one rescinded rule, eight rules to be rescinded and issued as new, and one amended rule. The revisions are a result of the five year review, the effort to align the foster care and adoption homestudy processes, and changes recommended from the Partners for Ohio's Families rule review that was completed in 2013. The concept of aligning the foster care and adoption rules was a recommendation of the Partners for Ohio's Families' rule review process, as well as continued efforts to streamline the processes for agencies required by Section 3107.033 of the Revised Code. Those efforts included a collaboration of public and private agencies, as well as foster and adoptive parents. The following is a brief explanation of the proposed changes:

OAC rule 5101:2-5-21, entitled "Agency assessment of an initial application for a foster home certificate" is being rescinded. The rule was largely duplicative of requirements found in other rules. The requirements that were not located in other rules were added to OAC rule 5101:2-5-20.

OAC rule 5101:2-5-20, entitled "Initial application for child placement in foster care" is being rescinded and replaced with a rule of the same number entitled "Initial application and completion of the foster care homestudy." This rule provides guidance to agencies regarding the foster care application and homestudy process. For the most part, language was changed and moved to different paragraphs to align with adoption and to flow with the homestudy process. New requirements include obtaining references from any agency the applicant has previously applied to for foster care or adoption and obtaining references from adult children of the applicants. Another new foster care requirement is that, as with adoption, the homestudy process cannot begin until the receipt of a fully completed JFS 01691 application. A caveat was added to both foster care and adoption rules, however, that is if an applicant decides to add the other program (a foster applicant decides to add adoption, or vice versa) then they will not be required to duplicate documentation or training simply because there is a new application date. These were based on recommendations from the Partners for Ohio’s Families' (PFOF) rule review process that included many public and private agency partners, as well as foster and adoptive parents. Revisions were also completed based on feedback from external and internal stakeholders who made comments during the clearance process.

OAC rule 5101:2-5-24, entitled "Foster Home Recertification Procedure" is being rescinded and replaced with a rule of the same number entitled "Foster Home Recertifications." This rule provides guidance to agencies regarding the requirements of recertifying a foster home. For the most part, language was changed and moved to different paragraphs to align foster care and adoption rules, and to flow better with the recertification and update process. Paragraph (C) now allows agencies to send out the JFS 01331 form up to 150 days prior to the expiration of the current foster care certificate. This change will allow agencies and families additional time to meet the requirements of the recertification. Paragraph (E)(4) was added to align with adoption, but simply requires the agency to review the most current financial statement, and allows the agency to require a new statement if there have been significant financial changes. Paragraph (E)(8) was revised to clarify when criminal background checks are required for existing residents

of the household who turn 18, including children placed in the home. Language in paragraphs (G) and (H) were changed to remove the ability for a lapse in licenses and to clarify that the caregiver must submit the reapplication at least 30 days prior to expiration of the certificate or approval. If the family reapplies less than 30 days prior, the agency is able to complete the recertification or update if they are able to, but are not required to. This change will allow agencies the time necessary to complete the assessment of the family and not wait until the last minute in the event the family reapplies late. Paragraph (I) of the foster care rule allows a thirty day lapse in the foster care certifications only for those due within 90 days of the effective date of the rule, in order to allow agencies and families time to implement the new standards. Paragraph (J) was brought over from the homestudy rule, as it should be applicable the entire time a home is licensed for foster care.

OAC rule 5101:2-5-30, entitled "Change in Household Occupancy; Change in Marital Status; Change of Address" is being rescinded and replaced with a rule of the same number entitled "Foster Home Amendments," and gives guidance to agencies when there have been changes in the home of the foster parent, such as a new household member or change of address. The vast majority of the changes made to the rule were for paragraph and language alignment between foster care and adoption, as well as clarification and ease of the reader. One change across the rule was to allow agencies more time to complete requirements if the agency was not notified of the change in a timely manner. New language was added to paragraph (C) regarding how the agency processes the amendment. This is not a new requirement in regards to practice, but it was not previously explicit in rule. Paragraph (D) was changed to align with initial homestudy requirements for a new household member or spouse.

OAC rule 5101:2-5-31, entitled "Sharing or Transfer of a Foster Home" is being rescinded and replaced with a rule of the same number entitled "Sharing or Transferring a Foster Home." This rule gives agencies guidance on the requirements for sharing or transferring a foster home. Changes made to this rule were a result of paragraph and language alignment between foster care and adoption. Paragraph (B) was added to this rule to align it with the adoption requirements. New language was added to paragraph (G) to specify that the most recent alleged perpetrator check of child abuse and neglect must be shared with the new agency, along with the rest of the foster care file. This change is a result of guidance from our legal staff, to ensure that a complete copy of the file is shared. New language was added to paragraph (H) to specify that new references must be received for adult children of the foster parents, as references are not to be shared with the receiving agency. Language in (K) was revised to reflect current practice and allow for agencies to complete the transfer process in the statewide automated child welfare information system (SACWIS) when SACWIS allows them to do so.

OAC rule 5101:2-48-11.1, entitled "Foster Caregiver Adoption of a Foster Child who has Resided with the Caregiver for at Least Six Consecutive Months" is being amended and retitled "Foster Caregiver Adoption of a Foster Child or Sibling Group who has Resided with the Caregiver for at Least Six Consecutive Months." The change in title, as well as the changes throughout the rule were made to clarify that one JFS 01692 form could be used for more than

one foster child, as long as the children were siblings and placed with the caregiver for at least six months. Paragraphs (C), (E), and (F) were revised to align with similar requirements in other rules in this transmittal letter. Paragraph (J) was revised to clarify that the information listed is to be reviewed as part of the adoption assessment, rather than having a new requirement placed on the foster caregiver, in conjunction with ORC 3107.012. Paragraph (K) was added to align with the requirement in 5101:2-48-11 regarding timelines for forwarding required documentation to the agency completing the adoption homestudy approval.

OAC rule 5101:2-48-12, entitled "Completion of the Homestudy" is being rescinded and replaced with a rule of the same number entitled "Completion of the Adoption Homestudy." The rule gives guidance to agencies on how to complete an adoption homestudy. For the most part, language was changed and moved to different paragraphs to align foster care and adoption and to flow with the homestudy process. Paragraph (D) is a new requirement for adoption and was brought over to align with the existing foster care requirement. The caveat in paragraph (G)(3) was added to both foster care and adoption rules that if an applicant decides to add the other program (a foster applicant decides to add adoption, or vice versa) then they will not be required to duplicate documentation or training simply because there is a new application date. Paragraph (M) was revised for clarity, and the request for information on third-party investigations was removed. Paragraph (N) was revised to specify that the PCSA that receives the notification letter must respond, even if they have no relevant information. Paragraph (P) was expanded to include that if the agency determines the applicant knowingly provided false information for the application, the homestudy, or any document during the homestudy process, they need to follow the procedures outlined in 5101:2-33-13. Paragraph (Q)(4) was revised to allow for when private agencies obtain access to SACWIS, and the language regarding the summary report was removed as this was an ODJFS requirement. Paragraph (Q)(6) was revised to clarify when the Large Family Assessment is required to be completed. Paragraph (Q)(7)(d) was added to align with foster care requirements. Paragraph (Q)(10) includes a new requirement to obtain references from any agency the applicant has previously applied to for foster care or adoption and obtain references from adult children of the applicants. Paragraph (Q)(13) was revised to align with foster care in that a well inspection is required for well water. Paragraph (S) was added to align with foster care requirements. A timeframe was added to paragraph (V) in response to an internal comment received from monitoring staff. Many of these were recommendations from the Partners for Ohio's Families' (PFOF) rule review process that included many public and private agency partners, as well as foster and adoptive parents.

OAC rule 5101:2-48-12.1, entitled "Completion of Adoption Homestudy Updates" is being rescinded and replaced with a rule of the same number entitled "Adoption Homestudy Updates" and provides guidance to agencies regarding how to update the adoption homestudy every two years. For the most part, language was changed and moved to different paragraphs to align foster care and adoption and flow with the homestudy update process. Paragraph (C) now allows agencies to send out the JFS 01331 form up to 150 days prior to the expiration of the current adoption homestudy approval. This change will allow agencies and families additional time to meet the requirements of the update. Paragraph (E)(7) was added to ensure that if the large

family assessment had not already been required when the original homestudy was completed, and is required at the time of update, then the agency shall complete the JFS 01530 form at the time of update. This paragraph also requires that if the family's situation has changed significantly since the previous JFS 01530, a new one shall be completed at the time of update. Paragraph (E)(8) was aligned with foster care to specify that agencies must complete the safety audit within six months prior to the update. Paragraph (E)(9) was revised for clarity regarding when background checks are to be completed on existing household residents who turn eighteen. Paragraph (E)(10) was revised to specify that it is only required if the family is only approved for adoption, and not also foster parents. Paragraph (G) was revised to clarify that the adoptive family must send in the re-application timely in order for the agency to have ample time to complete the update.

OAC rule 5101:2-48-12.2, entitled "Completion of Adoption Homestudy Amendments" is being rescinded and replaced with a rule of the same number entitled "Required Notification and Adoption Homestudy Amendments" and gives guidance to adoptive families regarding when they need to notify the agency of certain changes, and gives guidance to agencies regarding how to complete amendments. For the most part, language was changed and moved to different paragraphs to align foster care and adoption and to flow better with the amendment process. One change across the rule was to allow agencies more time to complete requirements if the agency was not notified of the change in a timely manner. New language was added to paragraph (D) regarding how the agency processes the amendment. This is not a new requirement in regards to practice, but it was not previously explicit in rule. Paragraph (E) was changed to align with initial homestudy requirements for a new household member or spouse. Paragraph (G) is a new requirement that aligns with the homestudy approval and update approval process. The rule states that agencies shall provide written notice to adoptive parents of the approval or denial of the amendment. This allows agencies the opportunity to deny an amendment and end the homestudy approval span if the change that occurred in the family calls for such an action.

OAC rule 5101:2-48-19, entitled "Sharing and Transferring Adoptive Homestudies" is being rescinded and replaced with a rule of the same number entitled "Sharing and Transferring an Adoptive Homestudy" and gives agencies guidance on how to share homestudies and process the transfer of an adoptive homestudy approval. For the most part, language was changed and moved to different paragraphs to align foster care and adoption and to flow better with the transfer process. Paragraphs (D) and (F) include new language that if a supporting document contains a false statement knowingly made by the adoptive parent, then the agency shall not release a copy of it to another agency or consider that homestudy in a matching conference or transfer. Paragraph (E) includes new language that the most recent alleged perpetrator check of child abuse and neglect must be shared with the new agency, along with the rest of the adoptive parent file. This change is a result of guidance from our legal staff, to ensure that a complete copy of the file is shared. Paragraph (H) includes the new requirement that adult children of the adoptive parent must be contacted for a reference. Paragraphs (I) and (J) were revised to align with foster care transfer requirements. Language in paragraph (K) was revised to reflect current

practice and allow for agencies to complete the transfer process in SACWIS when SACWIS allows them to do so.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

Rule Number	Statutory Authority
Rule 5101:2-5-20	ORC 5103.03, 3107.033
Rule 5101:2-5-21	ORC 5103.03, 3107.033
Rule 5101:2-5-24	ORC 5103.03, 5103.18
Rule 5101:2-5-30	ORC 5103.03, 3107.033
Rule 5101:2-5-31	ORC 5103.03, 3107.033
Rule 5101:2-48-11.1	ORC 3107.032, 3107.033, 5153.166
Rule 5101:2-48-12	ORC 3107.032, 3107.033, 5103.03, 5153.166
Rule 5101:2-48-12.1	ORC 5103.03, 5153.166, 3107.033
Rule 5101:2-48-12.2	ORC 5103.03, 5153.166, 3107.033
Rule 5101:2-48-19	ORC 3107.033, 5153.166

3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?
If yes, please briefly explain the source and substance of the federal requirement.

Rule 5101:2-5-20 and 5101:2-48-12 enforce the Multiethnic Placement Act of 1994 and Title VI of the Civil Rights Act of 1964, which states that agencies shall not deny any person the opportunity to become a foster caregiver on the basis of race, color or national origin of that person, or of the child involved. 5101:2-5-20 and 5101:2-48-12 also enforce the Americans with Disabilities Act, which states that you cannot discriminate in recommending an applicant for foster care or adoption on the basis of a disability. Rule 5101:2-5-20, in addition to 5101:2-5-24, 5101:2-5-30, 5101:2-48-11.1, 5101:2-48-12, 5101:2-48-12.1, and 5101:2-48-12.2 include requirements that are derived from the Adam Walsh Act, federal legislation that requires criminal background checks for prospective foster and adoptive parents.

4. **If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

The other rules in this package are not written as a requirement of Federal Law, nor do they exceed any Federal requirements.

5. **What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

The rules, which are promulgated pursuant to the requirements of the Revised Code, establish regulations for the minimum standards to ensure the safety and well-being of children placed in adoptive homes.

OAC rule 5101:2-5-20 ensures all foster care homestudies are completed pursuant to the minimum standards set by rules. This continuity of standards helps to ensure that children are placed in safe stable homes.

OAC rule 5101:2-5-24 ensures that all agencies complete recertifications of foster care homestudies pursuant to the minimum standards set by rules. This level of standards helps to ensure children continue to be placed in safe stable homes.

OAC rule 5101:2-5-30 ensures that all agencies assess changes that occur in a foster home pursuant to the minimum standards set by rules. This continuity of standards helps to ensure that children are placed in safe stable homes.

OAC rule 5101:2-5-31 ensures that when a foster parent wishes to transfer their foster care certificate to a new agency, that the new agency completes specific requirements in assessing the foster home before deciding whether or not they will accept the transfer.

OAC rule 5101:2-48-11.1 ensures that foster parents who later wish to add adoption approval to their homestudy have to go through specific requirements and have documents reviewed or completed before the agency is able to approve the family for adoption.

OAC rule 5101:2-48-12 ensures all adoption homestudies are completed pursuant to the minimum standards set by rules. This continuity of standards helps to ensure that children are placed for adoption in safe stable homes.

OAC rule 5101:2-48-12.1 ensures that all agencies complete two year adoption updates in a similar manner, requiring the same minimum standards to be met and documented every two years to ensure children continue to be placed in safe stable homes.

OAC rule 5101:2-48-12.2 ensures that all agencies assess changes that occur in an approved adoptive home in essentially the same manner, to be certain that children continue to be placed in safe stable homes. The rule helps to ensure child safety by

requiring the agency to meet certain minimum requirements when there is a new household member, a new adoptive parent, or a change in address.

OAC rule 5101:2-48-19 ensures that when an approved adoptive parent wishes to transfer their adoption approval to a new agency, that the new agency completes specific requirements in assessing the home before deciding whether or not they will accept the transfer.

6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

The success of these regulations will be measured against the criteria specific to the content in each rule in assuring the safe placement of children into foster and adoptive homes.

Development of the Regulation

7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.
If applicable, please include the date and medium by which the stakeholders were initially contacted.

The rules were presented to several interest groups including the Ohio Association of Child Caring Agencies (OACCA), the Ohio Family Care Association, representatives from county agencies and the Ohio Council of Behavioral Health and Family Services Providers. They were also presented in a training/feedback format to groups of private and public stakeholders, as well as the Ohio Adoption Planning Group (OAPG), the Institute for Human Services (IHS), OACCA, the public and private coordinator's meetings at the Central Ohio Regional Training Center, as well as being posted on the ODJFS YouTube channel. Many of these interest groups were part of the Partners for Ohio Families (PFOF) meetings that the Office of Families and Children (OFC) conducted during 2011-2012. The meetings were held in person and also allowed for online input toward rule suggestions and changes. Every rule was discussed. The rules were posted on the Ohio Rule Review website in 2014, and went through the internal and external clearance process in January 2015. Several comments were made from internal and external stakeholders, and the vast majority of those recommendations were accepted into the rules and forms.

8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

The rules were reviewed and updated with involvement from OACCA, OFCA, OAPG, IHS, several public and private agency staff, internal licensing specialists, as well as other policy

developers. Language was developed that was agreeable to all. All comments that could be accepted were accepted. The only comments that were not accepted were recommendations that would have violated existing law or rule.

9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

Not applicable.

10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

There were no other alternatives considered for these rules as all parties involved in the PFOF, training, and clearance processes were satisfied with rule language outcomes and because the rules are driven by statute.

11. Did the Agency specifically consider a performance-based regulation? Please explain. ***Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.***

No. ODJFS did not consider a performance based initiative, but rather followed statutory language prescribing that the department set minimum standards to ensure the safety and well-being of all children entering foster and adoptive homes.

12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

Rule 5101:2-5-21 was rescinded because it was largely duplicative. Requirements that were not found in other rules were moved into 5101:2-5-20. There is no duplication in other rules in this package as they are specific to foster care and adoption agencies and no other rules address these specific issues. The rules in this package were reviewed by internal and external partners, as well as the PFOF Rule Review Board, for duplication and approval. The rule revisions were also reviewed by the internal legal staff at ODJFS prior to the clearance process to ensure they do not duplicate any existing Ohio regulations.

13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

ODJFS licensing specialists and technical assistance specialists monitor agencies to ensure the regulations are applied consistently. PFOF regional teams have also been developed to offer technical assistance and improve consistency statewide. Additional training opportunities are planned for private and public agencies as the effective date of the rules and forms gets closer.

Adverse Impact to Business

14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

- **a. Identify the scope of the impacted business community;**
- **b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**
- **c. Quantify the expected adverse impact from the regulation.**
  The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a "representative business." Please include the source for your information/estimated impact.

The rules of the Administrative Code in Chapters 5101:2-5 and 5101:2-48 contain requirements for foster care and adoption agencies that include public and private agencies. Requirements must be met to obtain and/or maintain certification.

The adverse impact on the business community involves approximately 128 private agencies:

5101:2-5-20- The adverse impact would be based on the time and resources it takes for an agency to complete a homestudy. This would include the time to review the application and other documents submitted for the homestudy, the time to interview the applicants, as well as any other household members, complete a safety audit of the home, send in requests for abuse and neglect searches to be completed on adults in the home, send reference letters, and the time to communicate with the applicants regarding any additional documentation or concerns with the homestudy. Depending on the individual family circumstances and the level of experience the assessor has, this may take anywhere from 8 hours to 15 hours. Additional monetary costs would include the cost of completing criminal background checks, which is approximately $60 for a combined BCI and FBI checks for each adult member of the home, the cost of the fire inspection, which varies among jurisdictions, and the cost of a well inspection, if the applicants have well water. This cost also varies among jurisdictions. Once all documentation has been received and reviewed, the final timeframe would include how long it takes the assessor to actually complete the homestudy document and either entering the information into SACWIS if the agency has the needed access, or submitting the JFS 01317 recommendation and JFS 01318 to ODJFS if they do not have the needed access. This time will depend on how much experience the assessor has in completing homestudies and how well they have gotten to know the family.

5101:2-5-21- This rule is being rescinded as it was largely duplicative. Any requirements located in this rule that were not covered elsewhere previously have been added to rule 5101:2-5-20, therefore rescinding this rule has no adverse impact on the business community.

5101:2-5-24- The adverse impact for this rule would be based on the time and resources it takes an agency to complete a recertification of a foster home. This would include the time to send the notice to the family to reapply, and the time it would take to review the file to ensure the family has the required training and documentation in their file. Timeframes would also include the time it would take agencies to send in the request for a child abuse and neglect search from ODJFS, as well as the time to go to the foster home to conduct a safety audit and interview the foster family. Depending on the individual family circumstances and the level of experience the assessor has, this may take anywhere from 2 hours to 6 hours. Annual well inspections are required for those foster families with well water, but again, those costs vary among jurisdictions. BCI criminal record checks are required at every other recertification, therefore the cost is approximately $34 for each adult in the home every four years. Once all documentation has been received and the record has been reviewed, the final cost would be the timeframe involved in completing the recertification document and either entering the information into SACWIS if the agency has the needed access, or submitting the JFS 01317 recommendation and JFS 01318 to ODJFS if they do not have the needed access. This time would vary based on the assessor's level of experience and the number of placements the family has had during the certification period.

5101:2-5-30- The adverse impact for this rule would first depend on how many changes the foster family has gone through that require amendments. Many families may not have any significant changes requiring an amendment to be completed. Some families may have frequent moves or changes in the composition of the foster family. Depending on why the amendment is needed, the adverse impact would vary in costs. An address change would require the timeframe involved in completing a safety audit, requesting a fire inspection, and possibly requesting a well inspection if the new home has well water. Additional costs would be the actual fire inspection and well inspection, which both vary by jurisdiction. An amendment to add a household member would require the timeframe to interview the new household member, review their medical statement, as well as the criminal records check and child abuse and neglect check, if the new household member is an adult. Depending on the individual family circumstances and the level of experience the assessor has, this may take anywhere from 2 hours to 5 hours. As stated earlier, the criminal records check, if required, would be approximately $60 for both BCI and FBI records checks. An amendment for a new spouse or co-parent would require the

documentation and records checks already mentioned, as well as additional time spent interviewing the new co-parent and collecting references from the new co-parent's adult children, if applicable. Depending on the individual family circumstances and the level of experience the assessor has, this may take anywhere from 3 hours to 6 hours.

5101:2-5-31- The adverse impact would primarily be the responsibility of the agency the family is wanting to transfer their foster home certificate to. The exception to this would be the time and costs involved in the sending agency being required to copy the foster care file and send it to the receiving agency. This cost would vary depending on how large the file was, though it could be lessened by scanning the file and emailing the copy to the receiving agency. The sending agency is able, pursuant to this rule, to charge the receiving agency a reasonable fee for copying the record, therefore that cost may be recouped. The adverse impact for the receiving agency would be the timeframes involved in reviewing the foster care record, interviewing the foster family, completing the safety audit of the home, requesting and reviewing new personal references, new criminal background checks, and obtaining the signatures of all applicable parties on the transfer document. As noted earlier, the criminal records checks would cost approximately $60, while the other requirements would simply be the time spent completing the tasks.

5101:2-48-11.1- The adverse impact for this rule would primarily involve the timeframes to review existing documentation in a foster home file in order to add an adoption approval to the current homestudy when a family intends to adopt a child or sibling group who has been in their home for at least six months. Depending on the individual family circumstances and the level of experience the assessor has, this may take anywhere from 2 hours to 4 hours. If the foster family has several children in the home, or is open to adopt several more children, then the primary cost would be the time it would take to complete the large family assessment form. Once the review of documentation was complete, as well as the completion of the large family assessment, if applicable, then the final cost would be the time it would take the agency to complete the expedited homestudy form for adding adoption approval in cases such as these. This time would largely depend on the level of experience of the assessor, as well as the number of children the family currently has living in the home. If the adoption homestudy is approved, then the agency would be required to send an approval letter to the family, which would take only a few moments to complete and mail to the family.

5101:2-48-12- The adverse impact for this rule would be consistent with the impact of 5101:2-5-20, as these two rules have been aligned with each other as much as possible. The adverse impact would be based on the time and resources it takes for an agency to complete a homestudy. This would include the time to review the application and other documents submitted for the homestudy, the time to interview the applicants, as well as any other household members, complete a safety audit of the home, send in requests for abuse and neglect searches to be completed on adults in the home, send reference letters, and the time to communicate with the applicants regarding any additional documentation or concerns with the homestudy. If the family has many household members, then there would be additional time needed to complete the large family assessment. Depending on the individual family circumstances and the level of experience the assessor has, this may take anywhere from 8 hours to 15 hours. Additional monetary costs would include the price of completing criminal background checks, which is approximately $60 for a combined BCII and FBI checks for each adult member of the home, the cost of the fire inspection, which varies among jurisdictions, and the cost of a well inspection, if the applicants have well water. This cost also varies among jurisdictions. Once all documentation has been received and reviewed, the final timeframe would include how long it takes the assessor to actually complete the homestudy document and either enter the information into SACWIS if the agency has the needed access, or submit the JFS 01317 recommendation and JFS 01318 to ODJFS if they do not have the needed access. This time will depend on how much experience the assessor has in completing homestudies and how well they have gotten to know the family. If the homestudy is approved, then the assessor would also be required to send an approval letter to the family, which would take minimal time to complete and send to the adoptive parents.

5101:2-48-12.1- The adverse impact for this rule would be consistent with the impact of 5101:2-5-24, as these two rules mirror each other for foster care and adoption. The adverse impact would be based on the time it takes the agency to send the notice to the family to reapply, and the time it would take to review the documentation in the file. Depending on the individual family circumstances and the level of experience the assessor has, this may take anywhere from 2 hours to 6 hours. Once the notice to reapply is received then the adverse impact would also be the timeframes to send in the request for a child abuse and neglect search from ODJFS, as well as go to the home to conduct a safety audit and interview the adoptive family including all members of the household. BCI criminal record checks are required at every other update, therefore the cost is approximately $34 for each adult in the home every four years. Once all documentation has been received and the record has been reviewed, the final cost would be the timeframe involved in completing the update document and either entering the information into SACWIS if the agency has the needed access, or submitting the JFS 01317 recommendation and JFS 01318 to

ODJFS if they do not have the needed access.. Additional costs could include the timeframe to update the large family assessment, if changes occurring over the last two years require an updated assessment. The timeframes required to complete all of these things would depend greatly on the assessor's level of experience, as well as how many household members there are and what has happened in the two year approval span that must be summarized.

5101:2-48-12.2- The adverse impact for this rule would be consistent with the foster care rule 5101:2-5-30, as the two mirror each other for foster care and adoption. The adverse impact would depend on how many changes the adoptive family has gone through that would require an amendment. Many families may not have any significant changes requiring an amendment to be completed. Some families may have frequent moves or changes in the composition of the adoptive family. Depending on why the amendment is needed, the adverse impact would vary in costs. An address change would require the timeframe involved in completing a safety audit, requesting a fire inspection, and possibly requesting a well inspection if the new home has well water. Additional costs would be the actual fire inspection and well inspection, which both vary by jurisdiction. An amendment to add a household member would require the timeframe to interview the new household member, review their medical statement, as well as the criminal records check and child abuse and neglect check, if the new household member is an adult. Depending on the individual family circumstances and the level of experience the assessor has, this may take anywhere from 2 hours to 5 hours. As stated earlier, the criminal records check, if required, would be approximately $60 for both BCI and FBI records checks. An amendment for a new spouse or co-parent would require the documentation and records checks already mentioned, as well as additional time spent interviewing the new co-parent and collecting references from the new co-parent's adult children, if applicable. The final timeframe would be how long it would take the assessor to complete the documentation of the amendment, as well as how long it takes to enter the information into SACWIS if the agency has the needed access, or submit the needed documents to ODJFS if they do not have the appropriate access.

5101:2-48-19- The adverse impact for this rule would be consistent with the foster care rule 5101:2-5-31, as the two transfer rules mirror each other as much as possible. The adverse impact would primarily fall on the agency the family wants to transfer their adoption approval to. The exception to this would be the time and resources involved in the sending agency being required to copy the adoption file and send it to the new receiving agency. This cost would depend on the size of the file and the method for sending, as it would lessen the cost to scan and email the file rather than make a paper copy and mail the documents. Depending on the individual family circumstances and the level of experience the assessor has, this may take anywhere from 2 hours

to 3 hours. The adverse impact for the receiving agency would be the timeframes involved in reviewing the adoption record, interviewing the adoptive family, completing the safety audit of the home, requesting and reviewing new personal references, new criminal background checks, and obtaining the signatures of all applicable parties on the transfer document. Depending on the individual family circumstances and the level of experience the assessor has, this may take anywhere from 5 hours to 8 hours. As noted earlier, the criminal records checks would cost approximately $60 per adult household member, while the other requirements would simply be the time spent completing the tasks.

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

To ensure the safety and well-being of children in temporary foster homes and permanent adoptive placements, the adverse impact of these rules is necessary. The requirements set forth in the rules provide safety nets for children in out of home care by:

- Ensuring that families and children are not discriminated against in regards to their race, color, or national origin (RCNO) or disability.
- Ensuring that all homes approved to be resources for children comply with the federally mandated Adam Walsh Act, which requires criminal background checks for all household members over the age of 18 at initial homestudy and every other recertification or update.
- Ensuring that children are placed in safe homes with people who have been appropriately vetted and assessed through the same homestudy process for all applicants.
- Ensuring that all foster and adoptive homes go through the same processes for homestudies, recertifications/updates, amendments, and transfers, pursuant to section 3107.033 of the Revised Code which states that 'The director shall ensure that rules adopted under this section align the home study content, time period, and process with any foster care home study content, time period, and process required by rules adopted under section 5103.03 of the Revised Code.'

Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

No, there are no alternative means of compliance.

17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

For these rules there are no fines or civil penalties for non-compliance from ODJFS, though there is a possibility of financial sanctions against the state of Ohio for not following the Multiethnic Placement Act or Title VI of the Civil Rights Act of 1964 or the Adam Walsh Act, resulting in a possible loss of federal funding.

18. What resources are available to assist small businesses with compliance of the regulation?

ODJFS has regional offices with technical assistance specialists and licensing specialists that will be able to assist agencies in completing adoption homestudies and providing required supervision visits and postfinalization services. Policy developers are also available to give technical assistance regarding the requirements of these rules. These rule revisions were presented at several different meetings over the last year, including a rules training held in July 2014, several OAPG meetings, OACCA meetings, and another policy meeting for public and private agencies on August 21, 2014.