

**MEMORANDUM**

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

FROM: Sydney King, Regulatory Policy Advocate

DATE: July 24, 2015

RE: **CSI Review – Necessity for Continued Substitute Care Placement; Court Reviews and Hearing Requirements (OAC 5101:2-42-68)**

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 June 26, 2015 and the comment period closed on July 3, 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. Rule 5101:2-42-68 requires PCSAs and PCPAs to evaluate the substitute care arrangement of a child in custody and determine if the arrangement continues to be necessary. The amendments regulate the PCSAs' actions with regard to children being placed in a planned permanent living arrangement (PPLA).

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

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input received from stakeholder outreach in the BIA and amended the rule based on the input. One public comment was received during the CSI public comment period. ODJFS responded to the comment providing clarity and information on the requirements.

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 rule, as a whole, creates adverse impacts for private and public agencies. The BIA states the draft amendments only regulate the PCSAs, the public agencies. Therefore, the amendments do not create additional adverse impacts for the PCPAs, the private agencies. ODJFS states the amendments 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