

**MEMORANDUM**

**TO:** Trudy Rammon, Ohio Department of Job and Family Services

**FROM:** Emily Kaylor, Regulatory Policy Advocate

**DATE:** November 1, 2016

**RE:** **CSI Review – Amendments to Children Services Licensing (OAC 5101:2-5-09.1, 5101:2-5-26, 5101:2-5-28, 5101:2-5-32, and 5101:2-5-35)**

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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) section 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 five amended rules submitted by the Ohio Department of Job and Family Services (ODJFS) for their five-year rule review. The rule was submitted to the CSI Office on September 27, 2016 and the comment period ended on October 4. No comments were received during the CSI review period.

The rules in this package establish requirements for criminal records checks, denial criteria of foster home certificates, occupancy limitations in foster homes, and rights of children in foster care. Amendments are proposed to generally clarify the rules and make updates to code references.

The BIA explains that 158 agencies are impacted by these rules. According to OAC 5101:2-1-01 an agency means a public children services agency, private child placing agency, or private non-custodial agency certified by ODJFS. If they do not follow the rules, they risk losing their ODJFS certification. Specifically, these rules will take agency employees' time to gather the information

needed for a background check, process foster home denials, monitor occupancy limits, and approve alternative caregivers. Background checks cost an agency \$50 per applicant, and ODJFS estimates that a clerical employee would spend 10-12 hours reviewing and requesting the proper information from prospective employees and foster caregivers.

In addition to the ODJFS clearance process, these rules were presented to several interested groups at regional meetings. From these two early stakeholder outreach processes, ODJFS received two comments and made changes to the rules accordingly. The CSI public comment period received no comments.

After reviewing the proposed rules and the BIA, the CSI Office has determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the rule package is justified.

### **Recommendations**

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that ODJFS should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.