

**MEMORANDUM**

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

FROM: Sarah JanTausch, Lt. Governor's Office

DATE: March 22, 2017

RE: **CSI Review – OFC-FC/Adoption Policy (OAC 5101:2-5-13, 5101:2-48-05, 5101:2-48-09, 5101:2-48-12, 5101:2-48-13, and 5101:2-48-24)**

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, CSI has reviewed the abovementioned administrative rules and associated Business Impact Analysis (BIA). This memo represents CSI's comments to the Agency as provided for in ORC § 107.54.

Analysis

The Ohio Department of Job and Family Services (ODJFS) submitted a draft rule package consisting of six amended rules to the CSI Office as part of the five-year rule review requirement contained in Ohio statute. The rule package was submitted February 7, 2017 and the CSI public comment period closed February 14, 2017.

The ODJFS rules contain administrative requirements for all private and public adoption agencies in the state of Ohio; they implement Ohio law, the federal Multi-Ethnic Placement Act (MEPA), which was enacted to lessen delays in permanency for children in out-of-home care that result from race, color, or national origin (RCNO). These rules also implement the Indian Child Welfare Act (ICWA), which gave tribal governments jurisdiction over their own child custody proceedings. These rules must be met in order to obtain and maintain certification through ODJFS. These rules are being amended to allow more time for local agencies, regulated by ODJFS, to complete and submit required documentation for the local processes for adoption and foster care processes and policies. The rules update references to MEPA that increase clarity and accuracy. The changes will allow for more flexibility in the amount of time that local agencies have in order to complete necessary requirements to better serve their clients which are families and children in the adoption process. These rules will also allow ODJFS to provide

additional technical assistance to the regulated community and provide for a better notification system between the local agencies and their adoptive families. Additionally, these rules contain guidance for agencies related to application and training requirements, requirements for adoption home-studies, and guidance for agencies in proper procedures that they may take in the adoption process. Lastly, an inaccuracy was removed to clarify that adoptive families have the right to request an agency review if they believe they were denied a placement due to geographic location.

During early stakeholder outreach, the rules were reviewed by the Ohio Association of Child Caring Agencies (OACCA) and the Ohio Adoption Planning Group (OAPG). The rules were presented at the public and private agency coordinators' meeting, the foster care licensing quarterly meeting, the child and family service plan adoption subgroup meeting, and the rules were sent to all adoption contacts at public and private agencies in Ohio. Lastly, the rules were posted in the Ohio Rule Review website during the fall of 2016 and they completed the ODJFS internal and external clearance processes. During the early stakeholder outreach and the CSI public comment period, no comments were received.

These rules impact public and private agencies regulated by the ODJFS, including public children services agencies, private child placing agencies, and private non-custodial agencies. This includes approximately 110 private agencies. The adverse impacts to these agencies include the time associated with creating, modifying, adhering to, and reporting on policies and procedures, as well as compliance (e.g., home-study completion, collecting and maintaining documentation, contracting of certain services if applicable, etc.). Additionally, there is a monetary cost of each criminal background check of each adult member of the home, the cost of a fire inspection, and, if applicable, a well inspection. These costs vary based on the total number of adults in the home and the jurisdiction of the fire and well inspections. The revisions in this rule package lessen the adverse impact on these agencies.

According to the BIA, these rules and their revisions assist ODJFS in ensuring that there are policy standards and procedures for agencies to follow regarding the placement of children in substitute care that will ensure their safety and well-being is met while under the responsibility of the agencies. These policies and practices will ensure that children are safe, well cared for, and that their needs are met. The rule revisions were driven by statute or federal guidance.

Following review of the draft rules, the BIA, and stakeholder outreach, it has been determined that the standards espoused by the CSI Office have been met, and the adverse impacts of the draft rules are 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 the Ohio Department of Job and Family Services should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.