

**MEMORANDUM**

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

**FROM:** Emily Kaylor, Director of Regulatory Policy

**DATE:** October 11, 2017

**RE:** **CSI Review – Indian Child Welfare Act Regulations (OAC 5101:2-53-02 through 5101:2-53-09)**

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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, 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**

This rule package consists of two new and six amended rules submitted by the Ohio Department of Job and Family Services (ODJFS) for their statutorily-required five-year review. The rules were submitted on September 15, 2017 and the CSI public comment period closed on September 22 with no comments received.

The two new rules clarify when Indian Child Welfare Act (ICWA) requirements apply to child custody proceedings and the notification requirements in such a scenario. The amended rules are necessary to comply with new federal regulations, remove an obsolete form, and clean up language in the rules as part of the five-year review process. The rules affect private child placing agencies, of which there are 26 certified in Ohio. Many of the requirements are procedural in nature and based on federal requirements. Some of the costs include notifying entities through registered or certified mail and providing information which will take staff time when they must implement ICWA regulations.

According to the BIA, ODJFS shared the draft rule with the legislative committee for the Public Children Services Association of Ohio and requested comment from stakeholders via the Department's clearance process. There were two comments received from county children

services agencies. Suggested grammatical edits were adopted and questions were clarified but the other issues pertained to federal requirements ODJS must comply with. During the CSI public comment period, no comments were received to indicate the rules were problematic to industry members.

### **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.