

**MEMORANDUM**

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

**FROM:** Danielle Dillard, Regulatory Policy Advocate

**DATE:** December 11, 2018

**RE:** **CSI Review – Families and Children (OAC 5101:2-5-04, 5101:2-5-13.1, 5101:2-5-27, 5101:2-5-29, 5101:2-5-36, 5101:2-5-37, 5101:2-5-40 and 5101:2-33-80)**

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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 eight amended rules submitted by the Ohio Department of Job and Family Services (Department) as part of the statutorily required five-year rule review. The rules were submitted on November 20, 2018 and the CSI public comment period closed on November 27, 2018. One comment was received during this time, and the Department's response was provided on December 3, 2018.

The rules in this package contain guidelines for foster care agencies certified by the state. The rules detail the recertification process, disaster protocols, termination of foster home certificates, recordkeeping requirements, procedures for providing care to treatment-level foster children, training programs, and background check requirements. All of the rules are being updated to remove outdated language, revise references, and reorganize provisions for clarity.

As part of early stakeholder outreach, the rules were presented to several interest groups including Ohio Children's Alliance, the Public Children Services Association of Ohio, and other representatives from county and private agencies through regional meetings conducted by the Department. The Department also conducted an additional clearance comment process for feedback prior to submitting the rule package to CSI. No comments were received during early

stakeholder outreach. One comment was received during the CSI comment period. Access for Youth Inc. asked for clarifying information regarding the recertification process which the Department was able to provide. The group did not note any issues with the amended rules.

The rules impact public and private foster care agencies in the state of Ohio. These agencies must adhere to specific requirements regarding emergency planning, terminating foster care certificates, recordkeeping, providing treatment, and the recertification process. The impact is reflected in any administrative costs related to the time spent adhering to these requirements and the personnel an agency may need to compensate for completion of activities related to compliance. The Department justifies any adverse impact because the regulations ensure the safety of children in substitute care.

### **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.