Ohio | Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

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

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: November 13, 2019

RE: **CSI Review – Reimbursement of Title IV-E Nonrecurring Adoption Expenses for a Child with Special Needs (OAC 5101:2-49-21)**

On behalf of Lt. Governor Jon Husted, 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 one amended rule proposed by the Ohio Department of Job and Family Services (ODJFS). This rule package was submitted to the CSI Office on October 11, 2019 and the public comment period was held open through October 18, 2019. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on October 11, 2019.

Ohio Administrative Code (OAC) 5101:2-49-21 establishes the requirements for reimbursement of adoption expenses for a child with special needs through Title IV-E of the Social Security Act. The rule sets forth requirements for reimbursement eligibility and includes amendments that change the timeframe for reimbursement requests from within one year of cost occurrence to within two years of the finalization of the adoption. The rule also includes minor updates to rule language.

During early stakeholder outreach, the rule was included in discussions hosted by ODJFS with county partners. The rule was also sent to interested parties for comment. During this time, ODJFS received comments from stakeholders that contributed to many of the proposed amendments to the

rule. No comments were received during the CSI public comment period.

The business community impacted by this rule includes 58 private child placing agencies. The adverse impact created by the rule includes only the time and effort spent by agencies notifying adoptive parents of the availability of funds. ODJFS states that the rule fulfills its federally mandated requirements to administer the adoption assistance program, in addition to providing families with assistance throughout the adoption process.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Ohio Department of Job and Family Services should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.