



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: April 17, 2020

RE: **CSI Review – Private Child Placing Agencies Protective Supervision and Case Plans (OAC 5101:2-38-03 and 5101:2-38-06)**

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 two amended rules proposed by the Ohio Department of Job and Family Services (ODJFS) as part of the statutory five-year review requirement. This rule package was submitted to the CSI Office on March 12, 2020, and the public comment period was held open through March 19, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on March 12, 2020.

The rules in this package set forth the requirements for private child placing agencies (PCPA). OAC 5101:2-38-03 establishes guidelines for PCPAs requesting an order of protective supervision, which includes the creation and maintenance of a case plan for the requested actions and timeframes for the termination or extension of the order. The rule is being amended to remove form numbers and revision dates. OAC 5101:2-38-06 establishes requirements for PCPA case plans, including the plan's goals, necessary information, and steps for achieving the goals of the plan. The rule is being amended to make minor language updates.

During early stakeholder outreach, ODJFS sent the rules to stakeholders through the Ohio's

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Family and Children Rule Review website, which allows for direct contact with child care providers and relevant industry professionals. No comments were received during this time or during the CSI public comment period.

The business community impacted by these rules includes the 25 PCPAs currently operating in Ohio. The adverse impacts created by the rules include the time and effort spent by businesses in preparing the case plan, which can include travel and gathering of information necessary to create the plan. ODJFS states in the BIA that well-constructed case plans are necessary to provide children with proper care in cases that involve abuse or neglect.

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.