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: October 23, 2020

RE: **CSI Review – Adoption Rules (OAC 5101:2-48-02, 5101:2-48-17, 5101:2-48-18, 5101:2-48-20, 5101:2-48-22, 5101:2-48-23, and 5101:2-48-25)**

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This rule package consists of six amended rules and one rescinded rule proposed by the Ohio Department of Job and Family Services (ODJFS). This rule package was submitted to the CSI Office on September 30, 2020, and the public comment period was held open through October 7, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on September 30, 2020.

Ohio Administrative Code (OAC) Chapter 5102:2-48 establishes requirements for adoption. OAC 5102:2-48-02 sets forth guidance for the putative father registry, which facilitates notifying putative fathers when a child is placed for adoption and identifying putative fathers by an interested party. The rule is amended to update forms and website information. OAC 5102:2-48-17 addresses visits and contacts conducted by an assessor prior to adoption finalization and is being amended to update a website found in the rule. OAC 5102:2-48-18 sets forth requirements for post-finalization services and is being amended to include the use of regional Ohio Kinship and Adoption Navigator services. OAC 5102:2-48-20, 5102:2-48-22, and 5102:2-48-23 concern the release of information and adoptive family case records. The rules are being amended to remove

form revision dates from the rule language. OAC 5102:2-48-25 sets forth requirements for adoption-related data collection and is being proposed for rescission, as the methods for data collection have been transferred into the Statewide Automated Child Welfare Information System (SACWIS).

During early stakeholder outreach, ODJFS sent the proposed rules to industry stakeholders through a Department interested parties email list. ODJFS also submitted the rules for feedback during meetings of the Public Children Services Association of Ohio legislative committee. No comments were received during this time or during the CSI public comment period.

The business community impacted by these rules includes all public and private adoption agencies operating in Ohio. The adverse impacts created by the rules are primarily time and effort spent complying with the requirements of the rules. Some of the required actions, such as assessor finalization visits, can vary in time based on the length and number of visits to an adoptive family's residence. Other rule requirements may take only the amount of time necessary to gather and submit information. ODJFS notes in the BIA that the transition to widespread implementation of SACWIS can reduce the administrative burden for some businesses. ODJFS states that the rules are necessary to ensure the safety of children placed in adoptive homes, through efforts made during the finalization process and recordkeeping essential to home transitions.

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.