



## 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 15, 2020

**RE:** **CSI Review – Emergency Removal of a Child from Substitute Care Placement (OAC 5101:2-39-03)**

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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 Department as provided for in ORC 107.54.

#### Analysis

This rule package consists of one no change rule proposed by the Ohio Department of Job and Family Services (ODJFS). This rule package was submitted to the CSI Office on September 14, 2020, and the public comment period was held open through September 21, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on September 14, 2020.

Ohio Administrative Code 5101:2-39-03 sets forth the requirements for emergency removal of a child from substitute care placement. The rule includes requirements for notification by the public children services agency (PCSA), identification of children in need of emergency removal, and amendments to the child's case plan. The rule is proposed without changes.

During early stakeholder outreach, ODJFS sent the rule to industry stakeholders for feedback, including the Public Children Services Association and Family and Youth Law Center. During this time, two comments were received that were unrelated to the content of the rule. No comments were received during the CSI public comment period.

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The business community impacted by this rule includes 28 PCSAs operating in Ohio. The adverse impact created by the rule is primarily the administrative time to comply with the requirements of the rule, which includes maintaining case plans, recordkeeping, and providing notification. ODJFS states in the BIA that the rule is necessary to ensure the safety of children in substitute care and to comply with state law regarding child placement.

### **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.