



## 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 24, 2020

**RE:** **CSI Review – Adoption Rules (OAC 5101:2-48-03, 5101:2-48-06, and 5101:2-48-08 through 5101:48-12.2)**

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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 ten amended rules proposed by the Ohio Department of Job and Family Services (ODJFS). This rule package was submitted to the CSI Office on October 21, 2020, and the public comment period was held open through October 28, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on October 21, 2020.

Ohio Administrative Code (OAC) Chapter 5101:2-48 establishes requirements for adoption. OAC 5101:2-48-03 and 5101:2-48-06 establish requirements for adoption agencies to obtain the social and medical history of the biological parents of children placed for adoption and responsibilities of assessors. The rules are amended to remove revision dates. OAC 5101:2-48-08 and 5101:2-48-09 set forth procedures for adoption inquiries and applications and include amendments that require agencies to search the national sex offender registry for adoptive applicants and other household adults. OAC 5101:2-48-10 provides restrictions for the provision of adoptive services regarding criminal background checks and is amended to update the name of the Bureau of Criminal Investigation, remove redundant language, and clarify rehabilitation standards. OAC 5101:2-48-11

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and 5101:2-48-11.1 provide guidelines for foster caregivers who wish to become adoptive parents. The rules are amended to require a search of the prospective adoptive parent through the national sex offender registry. OAC 5101:2-48-12, 5101:2-48-12.1, and 5101:2-48-12.2 concern adoption home studies and include amendments that require searches of the national sex offender registry, remove requirements that have been made redundant through the implementation of the Statewide Automated Child Welfare Information System (SACWIS), and update adoptive parent interview and safety guidelines.

During early stakeholder outreach, ODJFS sent the rules to industry stakeholders for feedback, including the Ohio Children's Alliance, Public Children Services Association of Ohio, and local agencies. Stakeholders submitted comments that resulted in clarifying amendments to background check requirements. No comments were received during the CSI public comment period.

The business community impacted by these rules includes approximately 122 public and private adoption agencies. The adverse impact created by the rules is primarily the administrative time and effort spent by agency employees adhering to the requirements, including recordkeeping, training, and managing submissions through SACWIS. ODJFS states in the BIA that the adverse impact created by the rule is necessary to ensure that children placed in adoptive homes are in a safe environment.

### **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.