



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: March 16, 2021

RE: **CSI Review – Kinship Home Assessments (OAC 5101:2-42-18)**

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 amended rule proposed by the Ohio Department of Job and Family Services (ODJFS). This rule package was submitted to the CSI Office on February 9, 2021, and the public comment period was held open through February 16, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on February 9, 2021.

Ohio Administrative Code 5101:2-42-18 establishes requirements for public children services agency (PCSA) or private child placing agency (PCPA) approval of child placements with relatives and non-relative caregivers. The rule requires agencies to complete procedures before placement is approved, including searching the Statewide Automated Child Welfare and Information System and other databases for household members, completing a safety assessment of the placement home, providing health and other relevant information, and requiring notification from households. The rule also includes timelines for approval, reasons for denying approval, home assessments, and documentation policies. Appendices to the rule include the list of disqualifying offenses for caregivers, the documentation and instructions for assessments, and the

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

list of offenses for which a caregiver must notify the agency when a child has been adjudicated to have committed certain offenses. The rule is being amended to require a search of the national sex offender registry for prospective caregivers, notify caregivers of their right to be heard in court cases and foster certification, give information on the kinship support program, and additional updates to the list of offenses in rule and appendices.

During early stakeholder outreach, ODJFS reviewed the rule during meetings of the model foster care licensing standards stakeholder workgroup, which involved PCSAs, PCPAs, foster caregivers, the Ohio Child Welfare Training Program, Public Children Services Association of Ohio, and Ohio Children's Alliance. The workgroup concluded that the rule should reflect standards for foster care and adoptive homes, which was included through amendments. No comments were received during the ODJFS clearance process or during the CSI public comment period.

The business community impacted by the rule includes 23 certified private agencies operating in Ohio. The adverse impacts created by the rules include the collection and dispensing of information, time and effort spent assessing the safety of houses and family members, and background check requirements. ODJFS notes that the cost of completing background checks on individuals is \$66 and that it may be covered by the Department. ODJFS states that the rule is necessary to ensure the safety of children placed with kinship caregivers.

Recommendations

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

Conclusion

The CSI Office concludes that the Department should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.