



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: January 8, 2021

RE: **CSI Review – Child Information to Caregivers and Prospective Adoptive Parents (OAC 5101:2-42-90 and 5101:2-48-15)**

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 three 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 December 15, 2020, and the public comment period was held open through December 22, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on December 15, 2020.

The rules in this package set forth requirements for providing information to adoptive families and caregivers and the creation of child custody inventories. Ohio Administrative Code (OAC) 5101:2-42-90 concerns information provided by public children services agencies (PCSA) and private child placing agencies (PCPA) to children, caregivers, school districts, and juvenile courts regarding the child's health and special needs, schooling requirements, and other relevant information. The rule is amended to clarify requirements for PCSAs and PCPAs submitting information to caregivers and schools in another county and to update requirements for Individual Child Care Agreement Forms. OAC 5101:2-48-15 requires information to be submitted to prospective adoptive parents who have been matched with a specific child. The rule is amended to

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revise the language that requires completing a psychological examination for children adjudicated as delinquent, among other portions of the rule, to ensure ease of comprehension. OAC 5101:2-48-21 concerns the child study inventory which is produced by the agency. The rule is amended to reorganize rule requirements and to remove revision dates from the forms listed in the rule.

During early stakeholder outreach, ODJFS conducted meetings with relevant industry stakeholders, including the Ohio Children's Alliance, Public Children Services Association of Ohio, the Ohio Youth Advisory Board, and local child placement agencies. ODJFS states that feedback and suggested changes from stakeholders were incorporated into the rules. No comments were received during the CSI public comment period.

The business community impacted by these rules includes all public and private child placement agencies. ODJFS states that there are 23 certified private agencies operating in Ohio. The adverse impact created by the rule is primarily the administrative effort necessary to document and distribute the required information on children who are placed for adoption. ODJFS states in the BIA that the rules are necessary to ensure the safety of children placed in substitute care and with adoptive families.

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.