



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Michael Lynch, Ohio Department of Job and Family Services

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: July 15, 2021

RE: **CSI Review – Assessment to Determine Child’s Placement into a Qualified Residential Treatment Program (OAC 5101:2-42-12)**

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 one new rule proposed by the Ohio Department of Job and Family Services (ODJFS). This rule package was submitted to the CSI Office on June 24, 2021, and the public comment period was held open through July 1, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on June 24, 2021.

Ohio Administrative Code 5101:2-42-12 is a new rule that establishes requirements for the assessment of a child that is to be placed in a qualified residential treatment program (QRTP). The Child and Adolescent Needs and Strengths (CANS) Assessment must state whether a child may be placed with family, kin, a foster home, or if the child’s needs are such that placement in a QRTP is the recommended setting. The rule also sets forth requirements for the individual conducting the assessment, which help ensure objectivity in determining the proper placement for a child. ODJFS states that the rule is proposed to comply with provisions of the federal Family First Prevention Services Act (FFPSA).

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During early stakeholder outreach, ODJFS reviewed the proposed rule during meetings of a workgroup composed of public and private child welfare agencies, foster parents, advocacy groups, and state agencies. The rule was also discussed during meetings of the Family First Prevention Services Act Leadership Advisory Committee and the Public Children Services Association Rule Review Committee. Stakeholder comments received during that time prompted changes that recognize placement with a child's family, collaborative court actions, and assessor notification. ODJFS did not make changes in cases where the suggestions diverged from FFPSA requirements. One comment was received during the CSI public comment period that has prompted further discussion between ODJFS and the stakeholder regarding public agencies.

The business community impacted by the rule includes 23 private child placing agencies operating in Ohio. The adverse impact created by the rule is primarily the time spent by assessors and agencies in completing the CANS assessment and documenting information. Certification as a CANS assessor costs approximately \$10 annually but is not required, as employees of agencies can be otherwise approved to complete assessments. ODJFS states that the rule establishes minimum standards to ensure the safety and wellbeing of children being placed in substitute care.

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.