



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: August 26, 2021

RE: **CSI Review – Chapter 5101:2-5 Budget Changes (OAC 5101:2-5-09, 5101:2-5-15, and 5101:2-5-35)**

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This rule package consists of two amended rules, one new rule, and one rescinded rule proposed by the Ohio Department of Job and Family Services (ODJFS). This rule package was submitted to the CSI Office on July 23, 2021, and the public comment period was held open through July 30, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on July 23, 2021.

Ohio Administrative Code (OAC) Chapter 5101:2-5 establishes licensing requirements for child services agencies. OAC 5101:2-5-09 sets forth requirements for personnel hiring and convictions that would prohibit an individual's hiring. The rule is amended to include subcontractors, interns, and volunteers in requirements for alleged perpetrator and conviction searches through the Statewide Automated Child Welfare Information System (SACWIS) and national sex offender public website. OAC 5101:2-5-15 concerns volunteers and interns who perform similar duties to child care staff and is amended to include subcontractors. OAC 5101:2-5-35 is currently titled "Children's rights" and is being replaced by a new rule due to the number of revisions. The proposed new OAC 5101:2-5-35 is titled "Foster Youth Bill of Rights" and retains many of the

77 South High Street | 30th Floor | Columbus, Ohio 43215-6117
CSIOhio@governor.ohio.gov

previous rights afforded to children in foster care, as well as expanded rights to access necessities, education, and communication.

During early stakeholder outreach, ODJFS reviewed the rules during meetings with the Ohio Children's Alliance, Public Children Services Association of Ohio, and representatives of Ohio child services agencies. Stakeholders submitted suggestions that were incorporated into the rules, including many comments regarding restructuring the foster youth bill of rights. No comments were received during the CSI public comment period.

The business community impacted by these rules includes 88 public and over 100 private agencies. The adverse impacts created by the rules include the administrative time and effort spent by agencies to complete background checks, regulate duties of additional personnel, and ensure that the rights of children in foster care are not violated. ODJFS states that the rules are necessary to comply with statute governing background check requirements and ensure the rights of children are protected.

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