



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

MEMORANDUM

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

FROM: Michael Bender, Business Advocate

DATE: May 19, 2023

RE: **CSI Review – Exit Interview Requirements (OAC 5101:2-42-65.1)**

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) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on April 28, 2023, and the public comment period was held open through May 5, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on April 28, 2023.

Ohio Administrative Code (OAC) 5101:2-42-65.1 requires a Title IV-E agency or private child placing agency (PCPA) that holds custody of a child to conduct a face-to-face exit interview with the child – if the child is at least five years old – within seven days after the child's exit from a foster care placement. Follow-up action, including an investigation of the foster parent or revocation of the foster home certificate, may result if the child alleges abuse, neglect, or maltreatment during the exit interview. The rule is amended to replace the term "public children services agency" (PCSA) with "Title IV-E agency," eliminate the requirement for exit interviews to be conducted only by individuals allowed to make caseworker visits, remove the revision date of the JFS 01678, add "Ohio" before "statewide automated child welfare information system," and extend the timeframe for the exit interview requirement to become effective from less than twenty-four hours in placement

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to less than seventy hours.

During early stakeholder outreach, ODJFS received feedback through its workforce and rule relaxation review. ODJFS also presented the proposed rule to the Public Children Services Association of Ohio (PCSAO) Rule Committee, which includes PCSAs, on March 9, 2023, to obtain feedback. Additionally, the rule went through the ODJFS clearance process from March 15, 2023, through March 29, 2023, with comments received from Cuyahoga County Children and Family Services, the PCSAO, and Summit County Children Services. As a result of these efforts, ODJFS revised the rule to replace the term “public children services agency” with “Title IV-E agency,” remove the requirement that only caseworkers may complete the exit interview, and ease the timeframe for the exit interview requirement to apply. ODJFS denied a request to rescind the rule in its entirety, noting that PCSAs have stated that they receive important information through the exit interviews. No comments were received during the CSI public comment period.

The business community impacted by the rule includes over 100 public and private agencies, particularly PCSAs and PCPAs. The adverse impacts created by the rule include the time necessary to conduct the exit interview and complete the accompanying form. According to ODJFS, this can range from several minutes to about an hour. ODJFS also notes that, citing ZipRecruiter, the average wage for a social worker in Ohio is \$22.00 per hour. ODJFS states that the adverse impacts to business are justified to ensure the safety of children in foster care.

Recommendations

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

Conclusion

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