

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-16-08

Rule Type: New

Rule Title/Tagline: County agency responsibilities for the administration and determination of eligibility for publicly funded child care.

Agency Name: Department of Job and Family Services

Division: Division of Social Services

Address: OFC- 4200 E. 5th Ave., 2nd fl. L2-01 P.O. Box 183204 Columbus OH 43218-3204

Contact: Michael Lynch

Email: Michael.Lynch@jfs.ohio.gov **Phone:** 614-466-4605

I. Rule Summary

1. Is this a five year rule review? No
 - A. What is the rule's five year review date?
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 5104.38, 5104.34, 5104.30
5. What statute(s) does the rule implement or amplify? 5104.01, 5104.38, 5104.341, 5104.34, 5104.32, 5104.30
6. What are the reasons for proposing the rule?

This rule is being proposed to replace rescinded rules 5101:2-16-07, 5101:2-16-35 and 5101:2-16-36 to group regulations according to topic and to renumber the rules consecutively as part of the five year rule review.
7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule outlines the county agency responsibilities for the administration of the publicly funded child care program. The following changes were made:

- 1) The county agency responsibilities were combined from several rules into one.
- 2) The rule was changed to the question and answer format.
- 3) Clarified that the application received date is the date the county receives a valid application pursuant to 5101:2-16-02 of the Administrative Code.
- 4) Clarified that an initial application may be denied if the caretaker owes an overpayment from a previous eligibility period, unless the caretaker enters into a payment agreement with the Ohio department of job and family services or the county agency to repay the overpayment.
- 5) Clarified that eligibility can only be terminated if the family does not qualify for continuing eligibility pursuant to rule 5101:2-16-02 of the Administrative Code.
- 6) Removed the requirement that child care may be terminated if the caretaker does not use child care services for a period of thirty-one consecutive days.
- 7) Added the requirement that eligibility may not be terminated for non-utilization of benefits.

8. **Does the rule incorporate material by reference? Yes**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.76(A)(1).

This rule incorporates one or more dated references to a federal act or acts. This question is not applicable to any dated incorporation by reference to a federal act because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(C).

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code. This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.76(A)(3).

This rule incorporates one or more dated references to an ODJFS form or forms. Each cited ODJFS form is dated and is generally available to persons affected by this rule via the inner-web at <http://innerapp.odjfs.state.oh.us/forms/inner.asp> or on the inter-net at <http://www.odjfs.state.oh.us/forms/inter.asp> in accordance with RC 121.75(E).

10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

Not Applicable

II. Fiscal Analysis

11. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.

This will have no impact on revenues or expenditures.

0

The proposed rule will not have an impact on the agency's projected budget during the current biennium.

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

Not applicable.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

III. Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common Sense Initiative Office? No

16. Does this rule have an adverse impact on business? No

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No**