

Rule Summary and Fiscal Analysis (Part A)**Department of Job and Family Services**

Agency Name

Division of Social Services

Division

Mike Lynch

Contact

**30 E. Broad St., 31st Floor ODJFS, Office of Legal
Services Columbus OH 43215-3414**

Agency Mailing Address (Plus Zip)

466-4605

Phone

752-8298

Fax

5101:2-33-11

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

**Multiethnic Placement Act (MEPA) agency administrative
requirements.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **5101.141, 5103.03, 5153.166**

5. Statute(s) the rule, as filed, amplifies or implements: **5103.03, 5153.16**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being proposed to clarify and update the administrative rule requirements involving the Multiethnic Placement Act (MEPA), as amended, the federal Corrective Action and Resolution Plan (CARP) for MEPA.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule sets forth the requirements of the public children services agencies (PCSAs) and private child placing agencies (PCPAs) to designate a MEPA monitor, and the private non-custodial agencies (PNAs) to refer cases to the child's custodial agency for assessment when race, color, or national origin (RCNO) may be a factor in the placement decision. This rule also requires PCSAs, PCPAs, and PNAs to complete the JFS 01668 "MEPA Biennial Comprehensive Self-Assessment Report" and develop written standards of conduct that will govern the performance of employees and contractors, the rule also states that no PCSA, PCPA, or PNA shall require workers to justify a proposed placement based on RCNO of the child or foster caregiver/adoptive family involved. This rule is being amended to include the revision dates of the ODJFS forms referenced.

This rule is being amended to identify the review period for the PCSAs, PCPAs and PNAs when completing the JFS 01668. The rule was also amended to clarify that the PCSA and PCPA MEPA monitors shall review and monitor foster care and adoptive placement decisions when the current JFS 01688 "Individualized Child Assessment" is in effect. In addition, PCSAs and PCPAs will be required to collect aggregate data using the JFS 01420 "Multiethnic Placement Act Corrective Action and Resolution Plan Data Collection Requirements" on children being accepted or rejected by families for which they were matched for adoptive placement, and time frames for reporting that data.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

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

The rule incorporates one or more references to another rule or rules of the United States Code (USC). This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.75(A).

The rule incorporates one or more 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 "Info Center" link on the ODJFS web site (<http://jfs.ohio.gov/>) in accordance with ORC 121.75 (E).

9. If the rule incorporates a text or other material by reference, and it was

infeasible for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not Applicable

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Question 4 of the RSFA has been revised to change ORC 5153.16 to ORC 5153.166.

Paragraph (E) of the rule has been revised to reflect the dates agencies must resubmit 2004 and 2005 data.

12. 119.032 Rule Review Date: **11/1/2009**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0.00

Not Applicable.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not Applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

The PCSA or PCPA may incur minimal expenses if the agency does not have software necessary to generate the aggregate data required by this rule. A minimal expense may be incurred due to resources and time spent pulling the data collection required.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**