

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5101:2-42-87

**Rule Type:** Amendment

**Rule Title/Tagline:** Termination of substitute care and custody of a child.

**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

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#### I. Rule Summary

1. Is this a five year rule review? Yes
  - A. What is the rule's five year review date? 2/19/2021
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? 5103.03, 5153.166
5. What statute(s) does the rule implement or amplify? 5103.03, 5153.166
6. What are the reasons for proposing the rule?

The reason for proposing the rule necessitates on completing 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 provides guidance on the continuation of care or termination of a child placed in a substitute care setting and the termination of custody. Language has been added to specify the length of time a child has to be in placement before the evaluation of

remaining in care begins. The rule also references two child protection rules and the references have been changed to align with OAC 5101:2-38-09 and OAC 5101:2-37-04.

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. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

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 121.75(A)1)(d).

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. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

No fiscal effects expected on current or future budget.

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

No new costs.

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**

15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable.

### **III. Common Sense Initiative (CSI) Questions**

**16. Was this rule filed with the Common Sense Initiative Office? Yes**

**17. Does this rule have an adverse impact on business? Yes**

**A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

It is required for any private child placing agency to be licensed and follow the requirements set forth by this rule in order to conduct business.

**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? Yes**

If the agency were to fail to comply with the requirements set forth in rule the action against the agency would be license forfeiture resulting in closure of business.

**C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

This rule requires the completion of the JFS 01404 "Comprehensive Assessment Planning Model - Reunification Assessment" in conjunction with the Semi-annual Administrative Review. The reunification assessment is used as a guide to determine whether the child's parent, guardian, or custodian is available, able and willing to demonstrate protective capacities for the child. In addition, it assists in making the determination if there is a need for continued custody. The rule requires that a copy of the form be maintained in the child's case record and therefore requires time spent completing the form.

**D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

### **IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

**18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes**

- A. How many new regulatory restrictions do you propose adding? 0**
- B. How many existing regulatory restrictions do you propose removing? 2**

(A) Such assessment shall be documented in the case record.

(A) In making a determination that there is no need for continued custody, the agency shall: