

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

Agency Name

**Division of Social Services**

Division

**Mike Lynch**

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**5101:2-48-05**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Agency adoption policy and recruitment plan.****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? **Yes**

Bill Number: **SB238**General Assembly: **126**Sponsor: **Niehaus**

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: **3107.032, 5153.166**

5. Statute(s) the rule, as filed, amplifies or implements: **3107.031, 3107.032**

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

This rule is being proposed to implement Sections 3107.014, 3107.031, 3107.032 and 3107.033 of Sub. SB 238 and replaces the rescinded rule of the same name and number.

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 requires Public Children Services Agencies (PCSAs), Private Child Placing Agencies (PCPAs) and Private Noncustodial Agencies (PNAs) operating an adoption program to include the following information in their adoption policy: non-discrimination requirements for foster care and adoptive placements, a procedure to provide access to approved homestudies and related documents, a procedure for maintaining approved homestudies received from other agencies in the same manner that other adoptive homestudies that were approved by the receiving agency, statements of assurance indicating the agency will comply with the provisions of the Adoption and Safe Families Act of 1997, the Indian Child Welfare Act of 1978, the Multiethnic Placement Act as amended by Section 1808 of the Small Business Job Protection Act of 1996, and Title VI of the Civil Rights Act of 1964.

This rule also requires agencies to submit annual recruitment plans May first of each year and to establish a complaint process pursuant to OAC rule 5101:2-33-03 and standards of conduct pursuant to OAC rule 5101:2-33-11.

This new rule includes additional criteria for matching adoptive parents to available children and includes language that agencies will be notified within sixty days when their adoption and recruitment policies are found to be in compliance. This was not included in the rescinded rule. In addition, this new rule requires agencies to include procedures for: Reporting when an applicant in the homestudy process falsifies information; Carrying out the provisions of falsification when a child has been placed in an approved adoptive home; Conducting multiple children/large family assessments; Notifying PCSAs of impending adoptive placements; Notifying PCSAs of the initiation of a homestudy; and County agency reviews.

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:

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 ORC 121.71 to 121.74 pursuant to ORC 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 generally available to persons affected by this rule via the "Info Center" link on the ODJFS website (<http://jfs.ohio.gov/>) in accordance with OFC 121.75(E).

This rule incorporates one or more references to the Ohio Revised Code. This

question is not applicable to any incorporation by reference to the ORC because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 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 dated references to the U.S. Code. This question is not applicable to any dated incorporation by reference to the U.S. Code because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(A).

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:

This section is not applicable to this rule.

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:

This rule has been revised to remove "geographical location" from paragraph's (A)(2)(e) and (f). Paragraph (A)(2)(g) was added to indicate that an agency cannot use the geographical location of a family as basis for delaying or denying a child's adoptive placement.

(A)(4) The term "special needs" has been removed so the sentence only indicates child.

Paragraph (D)(3) and (4), language was added to reflect "approved adoptive applicants."

The RSFA has been revised to correct reference to statute. Statue(s) authorizing agency to adopt the rule reflects 5151.16 being deleted and 5153.166 being added.

The RSFA has been revised to correct reference to statute. ORC 3107.15 and an

extra reference of ORC 3107.031 was deleted and ORC 3107.32 was added.

Question (6) on the RSFA was corrected to delete the reference to ORC 3107.015.

Paragraph (A)(19) was revised to inform agencies of the requirement, when applicable fees apply and multiple births are involved a statement to such affect must be included in the agency's policy.

12. 119.032 Rule Review Date:

(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

The proposed rule will not change the agencies projected budget during the current biennium.

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

This question is not applicable to this rule.

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 and PCPA may incur minimum costs for training staff to complete internal investigations related to falsification of information knowingly given by a foster/adoptive applicant or other household member(s).

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**