

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

5101:2-48-11

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Approval of a foster home for adoptive placement.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **SB163**General Assembly: **127**Sponsor: **Senator 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, 3107.033, 5153.166**

5. Statute(s) the rule, as filed, amplifies or implements: **3107.011, 3107.031, 3107.032, 3107.033, 3107.034, 3107.10, 5103.18**

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

This rule is proposed for amendment to implement section 5103.18 of Sub. Senate Bill 163 of the 127th General Assembly and as a result of the five year review.

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 outlines the procedures for approving a foster home for adoptive placement. This rule is proposed for amendment to include new requirements for the bureau of criminal identification and investigation (BCII) criminal background checks; include the definitions for "commencement of a homestudy" and "fully implemented;" to clarify when a search of the statewide automated child welfare information system (SACWIS) or central registry is required; and to require a search of SACWIS or the central registry if an applicant or adult member of the applicant's household resided out of state five years prior to the application. This rule is also being amended to clarify the notification procedures when a public children services agency (PCSA), private child placing agency (PCPA), private non-custodial agency (PNA) or an attorney arranging an adoption initiates a homestudy on a family residing in another county.

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 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 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 RC 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 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 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).

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:

Removed paragraphs (A) through (E) which define "fully implemented" and outline procedures for checking the statewide automated child welfare information system (SACWIS) or the central registry if SACWIS is not fully implemented. The specific requirements detailing the Central Registry Search Summary report (or SACWIS search) have been removed from this rule and are now listed in rule 5101:2-48-09. The old paragraph (G)(2) through (4) regarding notification of initiation of homestudy procedures has been removed and placed in rule 5101:2-48-12. A new paragraph (B) has been added and indicates that a SACWIS or central registry search must be conducted pursuant to the procedures outlined in rule 5101:2-48-09 and a new paragraph (C) has been added to require applicants to provide documentation that each adult household member has been a resident in Ohio for at least five years. New paragraphs (D) and (E) have been added indicating that an agency must follow the notification of initiation of a homestudy procedures outlined in rule 5101:2-48-12 and that if a PCSA contracts with a PCPA or PNA they are exempt from these notification requirements. The old paragraphs (N) and (O) regarding notification of impending placement have been removed. New paragraphs (M) and (N) have been added indicating that an agency must follow the notification of impending placement procedures outlined in rule 5101:2-48-12 and that if a PCSA contracts with a PCPA or PNA they are exempt from these notification requirements.

12. 119.032 Rule Review Date: 5/30/2008

(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

This rule will have no impact on the agency's projected budget for the current biennium.

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:

PCSAs, PCPAs, and PNAs may incur costs when requesting searches of child abuse and neglect registries from other states.

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**