

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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5101:2-48-12

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Completion of the homestudy report.**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: **Neihaus**

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, 5103.03, 5153.166**

5. Statute(s) the rule, as filed, amplifies or implements: **3107.011, 3107.33, 3107.034, 3107.032, 3107.10**

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

This rule is being proposed to implement Sections 3107.034, 3107.33, and 3107.10 of Sub SB 238. Reference to the updated homestudy has been deleted and is now referenced in rule 5101:2-48-12.1.

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 for the completion of adoption homestudies for special needs and non-special needs children by public children services agencies (PCSAs), private child placing agencies (PCPAs), and private non-custodial agencies (PNAs). This rule specifies that agencies are prohibited from using race, color, or national origin (RCNO) in making adoptive placements and prohibited from approving or disapproving a family's homestudy based upon an applicant's disability. In addition, timeframes are required for commencing and completing homestudies and agencies are required to provide written documentation when those timeframes are not met. This rule requires agencies to provide a detailed explanation of the reason for denial of a homestudy by explaining all of the reasons upon which the denial was based and requires use of the JFS 01609 "Family Permanency Planning Data Summary." This rule is being amended to include use of the JFS 01673-A "Child Characteristics Checklist for Foster Care and/or Adoption," and the JFS 01530, "Multiple Children/Large Family Assessment," as applicable. This rule also incorporates the course of actions that shall be taken by an assessor when an applicant knowingly falsifies information, initiates a homestudy or will adoptively place a child.

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)

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).

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).

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 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:

The RSFA has been revised to correct reference to statute. ORC 5101.141 has been deleted. ORC 3107.33 has been added.

New language requiring assessor's assessment to include a minimum of one face to face home visit with each member of the household has been added to paragraph (A).

Paragraph (B)(2)(b)(b) omitted one of the b's.

Paragraph (B)(2) space added between "in" and "the."

In paragraph (B)(3) all references to the word "SACWIS" have been removed.

New paragraph (C) has been added and requires an agency to provide a letter containing relevant information about an adoptive applicant to the agency in which the adoptive applicant resides when a homestudy is initiated.

The old paragraph (C) is now paragraph (D).

Additional language has been added to paragraph (O)(8) requiring the water test be completed by an "approved Ohio water testing laboratory.

Language regarding the expiration date of an initial homestudy has been reinstated in paragraph (U).

12. 119.032 Rule Review Date: **8/1/2009**

(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

This rule will have no impact on revenues or expenditures. 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 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 minimal 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**