Rule Summary and Fiscal Analysis
Part A - General Questions

Rule Number:　　　　5101:2-48-13

Rule Type:　　　　　Amendment

Rule Title/Tagline:　Non-discrimination requirements for adoptive placements.

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?** No

　　A.　**What is the rule's five year review date?** 8/1/2022

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, 3107.031, 5153.166

5.　**What statute(s) does the rule implement or amplify?** 5153.16,3107.031

6.　**What are the reasons for proposing the rule?**

The changes were made at the request of the CSI office's project to identify outdated Ohio Administrative Code methods of communication. Changes were also made to improve rule clarity.

7.　**Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

OAC rule 5101:2-48-13 entitled Non-Discrimination Requirements for Adoptive Placements explains that race, color, or national origin (RCNO) may not be considered

in the placement process for an adoptive placement. It outlines what is prohibited and permitted when selecting an adoptive placement. It also details the steps that need to be taken should RCNO become a compelling factor in the placement process. Paragraph (F) was replaced with a requirement for agencies to review and update their existing recruitment plan annually which will codify current best practice. In paragraph (M)(2) language was edited to comply with the CSI project to identify outdated Ohio Administrative Code methods of communication and ORC terms that require in-person interaction. The term "SACWIS" was changed to "Ohio SACWIS." The revisions dates for forms were removed throughout.

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 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(A)(2)(c).

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).

This rule incorporates one or more references to a form or a digital application into which data is entered. This question is not applicable to any incorporation by reference to forms or digital data applications because such reference is exempt from compliance with RC 121.75 to 121.74 pursuant to RC 121.75(B)(4).

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.   <u>Fiscal Analysis</u>

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

Not Applicable

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

    The rule requires agencies to review and update their existing recruitment plan in the Statewide Automated Child Welfare Information System (SACWIS).

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

       Certification and re-certification of an agency by the Ohio Department of Job and Family Services is contingent, in part, upon compliance with this rule.

    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

       Certification and re-certification of an agency by the Ohio Department of Job and Family Services is contingent, in part, upon compliance with this rule.

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

A public children services agency (PCSA), private child placing agency (PCPA), and private noncustodial agency (PNA) is responsible for forwarding any complaint received to ODJFS-Bureau of Civil Rights within three working days of date of receipt of the complaint.

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?** 1

5101:2-48-13 (F) Each PCSA, PCPA and PNA involved in the placement of children for adoptive purposes or in the recruitment and completion of adoptive homestudies, shall complete the JFS 01668 "MEPA Biennial Comprehensive Self-Assessment Report" (rev. 8/2015).