

**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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**5101:2-48-16**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Pre-adoptive staffing, matching and placement procedures.****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? **No**

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: **5101.141, 5103.03, 5153.166**

5. Statute(s) the rule, as filed, amplifies or implements: **5103.03, 3107.10, 5153.16**

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

This rule is being proposed for amendment to clarify adoption policy and to incorporate provisions of rule 5101:2-48-14 which is being rescinded.

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 pre-adoptive staffing, matching and placement procedures for

public children services agencies (PCSA) and private child placing agencies (PCPA). This rule was amended to clarify that the PCSA or PCPA may conduct the initial matching conference in conjunction with the pre-adoptive staffing when the permanent surrender or the file stamp date of the permanent custody order is not under appeal. The requirement was added to invite the court appointed special advocate to the pre-adoptive staffing and to the matching conference. This rule was also amended to require the agency to demonstrate and document how it engages in diligent and child specific recruitment efforts for a child when the agency elects to not search the statewide automated child welfare information system (SACWIS) and to provide examples of diligent recruitment efforts. OAC 5101:2-48-14 "Preparation of child for adoptive placement" was rescinded and the language regarding procedures an agency must take in preparing a child for adoptive placement have been placed in this rule.

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 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).

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).

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:

2/26/2009 revise filing.

The following revisions have been made:

In paragraphs (U)(3) and (EE)(1) the references to the JFS 01685 "Child Study Inventory (CSI) Facesheet" have been removed from this rule. The JFS 01685 is being made obsolete as it requests the same information as the JFS 01667 "Adoption Information Disclosure."

In paragraph (OO) the words "or attorney arranging an adoption" have been added to this sentence as they are also required to notify of impending placement.

Paragraphs (PP) and (QQ) have been revised for clarity and to reference paragraphs (NN) and (OO).

11/24/2008 revise filing.

The following revision has been made:

The revised date of the JFS 01685 "Child Study Inventory (CSI) Facesheet" referenced in this rule has been changed to 12/2008.

9/30/2008 revise filing.

The following revisions have been made:

Paragraph (B): added "If the order is under appeal, the agency shall assign as assessor to work with the child on adoption planning issues and adoption placement within forty-five days of the issuance of the final decision."

Paragraph (C) was added.

Paragraph (M): added "If the order is under appeal the agency shall hold the initial matching conference no later than ninety days after the issuance of the final decision."

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 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:

No additional costs are anticipated.

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**