

**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

**NEW**

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 new rule is being proposed to provide clarity related to an adoptive placement process. It replaces a rescinded rule of the same name and number.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 outlines the matching process and requires public children services

agencies (PCSAs) and private child placing agencies (PCPAs) to conduct a pre-adoptive staffing within forty-five days after the execution of the permanent surrender or of the file stamp date of the permanent custody order of a child.

Language has been added that requires PCSAs and PCPAs to notify the Ohio Department Of Job and Family Services'(ODJFS) External MEPA monitor via e-mail transmission when matching conference is scheduled by the agency. Language has also been added requiring custodial agencies to search for potential families in the statewide automated child welfare information system when no families have been identified for the child at any matching conference after the initial conference. Agencies must also consider the multiple child assessment during the pre-adoptive staffing and the matching conference, if applicable.

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 we site (<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 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:

The RSFA has been revised to correct reference to statute. ORC 5153.16 has been deleted and replaced with ORC 5153.166. ORC 2152.72 has been deleted and ORC 3107.10 has been added.

Removed all references to "adoption" when referencing an assessor.

In paragraph (C) language has been added requiring agencies to notify invitees at least seven days prior to the pre-adoptive staffing.

Language has been added to in paragraph (E)(3) to identify specific recruitment efforts to find a permanent home for the child.

In paragraph (J) language has been added requiring agencies to notify invitees at least seven days prior to the matching conference.

In paragraph (L) added a requirement that other custodial agency staff who participate in a matching conference when the agency does not have the number of adoption program staff available must have a minimum basic knowledge related to special needs adoption and permanency planning in order to participate in the placement decision-making process.

Paragraph (Q) has been revised to correct the reference from paragraph "Q" to paragraph "S."

In paragraph (T) "permanent custody" has been added to limit the rule to situations in which the PCSA receives permanent custody.

In paragraph (V) "PNA" has been removed from the list of agencies which make an adoptive placement when that agency has permanent custody of a child.

Paragraph (BB) has been revised to include timeframes for notifying agencies when a child is placed with an Ohio family by another Ohio placing agency. New language requires notification no later than ten days prior to the placement and can be made prior to the birth of a child for infant adoptions.

The language in paragraph (CC) has been removed, language has been added to identify specific recruitment efforts to find a permanent home for a child.

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

This new rule will have no impact on revenues and expenditures.

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

This section 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 additional administrative costs as a result of the preadoptive staffing meetings.

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**