

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5180:2-48-11

Rule Type: Rescission

Rule Title/Tagline: Approval of a foster home for adoptive placement.

Agency Name: Department of Children and Youth

Division: Licensing and Certification

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I. Rule Summary

- 1. Is this a five year rule review? Yes**
 - A. What is the rule's five year review date? 8/22/2025**
- 2. Is this rule the result of recent legislation? Yes**
 - A. If so, what is the bill number, General Assembly and Sponsor? HB 96 - 136
- Brian Stewart**
- 3. What statute is this rule being promulgated under? 119.03**
- 4. What statute(s) grant rule writing authority? 3107.031, 3107.032, 3107.033, 5153.166**
- 5. What statute(s) does the rule implement or amplify? 3107.031, 3107.032, 3107.033**
- 6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No**
 - A. If so, what is the citation to the federal law or rule? Not Applicable**
- 7. What are the reasons for proposing the rule?**

OAC rule 5180:2-48-11 entitled "Approval of a foster home for adoptive placement" is being rescinded in accordance with HB 33 of the 135th General Assembly, due to opening the rule for amendments required from HB 96 of the 136th General Assembly. It is being replaced by 5180:7-1-11.

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

OAC rule 5180:7-1-11, entitled "Foster Caregiver Adoption Approval," provides guidance to agencies for persons wanting to add adoption approval to an existing foster care certification.

9. Does the rule incorporate material by reference? Yes

10. 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 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 121.75(A)(1)(a).

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).

11. 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. Fiscal Analysis

12. 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.

\$0.00

Not Applicable.

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

No new costs. Agencies must adhere to specific requirements when a foster caregiver who is not an approved adoptive parent through the joint homestudy process expresses an interest in being approved as an adoptive parent. There are multiple requirements that would result in a cost to an agency simply by the time involved for an employee to compile and review documentation from the foster home record and assess the appropriateness of the foster caregiver as an adoptive placement. The homestudy assessment is required to be completed by an assessor who must evaluate the home for compliance for approval which includes things such as criminal background checks, medical evaluations, safety audits and financial stability.

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

16. 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

17. Was this rule filed with the Common Sense Initiative Office? Yes

18. 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 Children and Youth 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

Lack of compliance can result in revocation of an agency's certification or denial of re-certification.

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

When a foster caregiver who is not an approved adoptive parent through the joint homestudy process expresses an interest in being approved as an adoptive parent, agencies must follow the procedures and guidelines for determining the foster caregiver is appropriate for adoptive placement.

- 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

No changes in revenue or expenses.

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

- 19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95?** No

- A. How many new regulatory restrictions do you propose adding to this rule?**

Not Applicable

- B. How many existing regulatory restrictions do you propose removing from this rule?**

Not Applicable

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable

- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable