

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Department of Job and Family Services

Regulation/Package Title: OFC: Adoption Inquiry

Rule Number(s): 5101:2-48-08

Date: 2/3/15

Rule Type:

☐ New

☒ Amended

☒ 5-Year Review

☐ Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

Please include the key provisions of the regulation as well as any proposed amendments.

OAC rule 5101:2-48-08, entitled "Adoption inquiry" provides guidance to agencies on the response required when community members call to express interest in adopting. Paragraph (B) was removed for clarity, and the requirement was

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expressed through each subsequent paragraph in the rule. The new paragraph (B)(1) was revised to allow agencies to give inquirers the link for the JFS 01675 "Ohio Adoption Guide: Handbook for Prospective Adoptive Families" (rev. 5/2014) rather than sending the hard copy. This allows agencies to save resources. Paragraphs (B)(2), (B)(5), (B)(6), and (B)(7) were removed because they are each described in detail in the JFS 01675, which is required to be given to the inquirer. Paragraph (D) was revised for clarity. Paragraph (F) was added to ensure agencies that have access to the statewide automated child welfare information system (SACWIS) know that requirements of this rule are to be captured in the SACWIS system. All changes are a result of the Partners For Ohio's Families rule review process that included public and private agencies, as well as foster and adoptive parents.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

Rule Number	Statutory Authority
Rule 5101:2-48-08	3107.032, 3107.033, 5153.16

**3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?
If yes, please briefly explain the source and substance of the federal requirement.**

No.

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

Not applicable.

5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

This rule allows the department to ensure that all individuals who express interest in the adoption process get the same accurate consistent information across the state, regardless of the agency they contact.

6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

The success of these regulations will be measured against the criteria specific to the content in the rule, assuring the required information is provided for all inquirers.

Development of the Regulation

7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

This rule was posted on the Ohio rule review website from January 5, 2015 to January 19, 2015. The rule also went through the clearance process from January 7, 2015 to January 21, 2015.

8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

No comments were received from the website or the clearance process.

9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

Not applicable.

10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

There were no other alternatives considered for this rule as all parties involved in the clearance process were satisfied with rule language outcomes.

11. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.*

No. ODJFS did not consider a performance based initiative, but rather followed statutory language prescribing that the department set minimum standards to ensure all inquirers receive the same information at the inquiry stage.

12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

There is no duplication as this rule is specific to agencies that conduct adoption homestudies and no other rules address the inquiry process. These rules were reviewed by the PFOF Rule Review Board for duplication and approval a few years ago, as well as the legal staff at ODJFS prior to the clearance process to ensure they do not duplicate any existing Ohio regulations.

13. Please describe the Agency’s plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

ODJFS licensing specialists and technical assistance specialists monitor agencies to ensure the regulations are applied consistently. Regional teams have also been developed to offer technical assistance and improve consistency statewide.

Adverse Impact to Business

14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

- a. Identify the scope of the impacted business community;**
- b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**
- c. Quantify the expected adverse impact from the regulation.**
The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.

The rules of the Administrative Code in Chapters 5101:2-48 contain requirements for adoption agencies that include public and private agencies. Requirements must be met to obtain and/or maintain certification.

The adverse impact on the business community involves approximately 70 private agencies that complete adoption homestudies and would be subject to this requirement.

5101:2-48-08 – The cost would involve the timeframes it would take for agencies to provide inquirers with the required information, and to maintain a log of the inquiries received. Agencies could utilize a template letter with the information and simply email it to inquirers, or they could choose to mail out the inquiry packet. Additional costs would include the cost for internet for the agency to email out correspondence, or the cost of postage to mail the information to inquirers. The estimated time to compile the packet would be approximately ten minutes. The number of times an agency would be required to provide the information would be difficult to quantify as there is no way to estimate how many inquiries each agency will have. This will depend on the size of the agency's recruitment area (one county vs. the entire state), as well as the effectiveness of any recruitment campaign. The estimated cost to maintain a log of the inquiries is minimal, as the majority of agencies maintain the information in a computerized spreadsheet format. As

private agencies gain additional access to SACWIS in 2015, they will have the capability to maintain the inquiry log in the system.

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

To ensure that all inquirers are receiving the same consistent accurate information, regardless of which agency they may contact at the point of inquiry, so that every individual is able to decide if they would like to continue the process based on factual information.

Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

No, there is no alternative means of compliance.

17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

For this rule there are no fines or civil penalties for non-compliance.

18. What resources are available to assist small businesses with compliance of the regulation?

ODJFS has regional offices with technical assistance specialists and licensing specialists that will be able to assist agencies in creating a template inquiry letter and compiling the inquiry packet. Policy developers are also available to give technical assistance regarding the requirements of this rule.