



# Common Sense Initiative

Mike DeWine, Governor  
Jim Tressel, Lt. Governor

Joseph Baker, Director

## Business Impact Analysis

Agency, Board, or Commission Name:

Ohio Department of Children and Youth

Rule Contact Name and Contact Information:

Ron Puff – Ron.Puff@childrenandyouth.ohio.gov

Regulation/Package Title (a general description of the rules' substantive content):

Foster Caregiver Adoption Approval

Rule Number(s):

5180:7-1-11, 5180:2-48-11, and 5180:2-48-11.1

Date of Submission for CSI Review: July 14, 2025

Public Comment Period End Date: July 21, 2025

**Rule Type/Number of Rules:**

New/ 1 rules (FYR? No)

No Change/      rules (FYR?     )

Amended/      rules (FYR?     )

Rescinded/ 2 rules (FYR? Yes)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

### **Reason for Submission**

1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a. ☒ Requires a license, permit, or any other prior authorization to engage in or operate a line of business.
- b. ☒ Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.
- c. ☒ Requires specific expenditures or the report of information as a condition of compliance.
- d. ☐ Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.

### **Regulatory Intent**

2. Please briefly describe the draft regulation in plain language.  
*Please include the key provisions of the regulation as well as any proposed amendments.*

OAC rules 5180:2-48-11 and 5180:2-48-11.1 are being rescinded and consolidated into new rule 5180:7-1-11

OAC rule 5180:2-48-11 entitled "Approval of a foster home for adoptive placement" provides guidance to agencies for foster caregivers wanting to add adoption approval to an existing foster home certification.

OAC rule 5180:2-48-11.1 entitled "Foster caregiver adoption of a foster child or sibling group who has resided with the caregiver for at least six consecutive months" provides guidance to agencies for foster caregivers who are seeking approval to be an adoptive parent for a foster child or sibling group who is placed in their home for at least six months.

OAC rule 5180:7-1-11 entitled "Foster Caregiver Adoption Approval," is being adopted as new rule and paragraphs within are in question-and-answer format. This rule provides guidance to agencies for foster caregivers wanting to add adoption approval to an existing foster home certification and provides guidance to agencies for foster caregivers who are seeking approval to be an adoptive parent for a foster child or sibling group who is placed in their home. The requirement that the foster child or sibling group must be placed in the home for six months before the foster caregiver can apply to be their adoptive parent has been removed.

3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.

ORC 2151.86, 3107.011, 3107.012, 3107.03, 3107.031, 3107.032, 3107.033, 5153.166

4. **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.*

Yes, rule 5180:7-1-11 is being adopted to maintain approval to administer and enforce provisions of the Family First Prevention Services Act (FFPSA). The FFPSA required states to document whether their foster care requirements aligned with federal model standards.

5. **If the regulation implements a federal requirement, but includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

Rules 5180:7-1-11 does not exceed any Federal requirements.

6. **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)?**

The rule, which is promulgated pursuant to the requirements of the Revised Code, establishes regulations for the minimum standards to ensure the safety and well-being of foster children who may become available for adoption. This rule prescribes the requirements and process for adding adoption approval to an existing foster care homestudy, including instances when the foster child or sibling group is residing in that foster caregiver's home.

7. **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 in assuring the safe placement of children into adoptive homes.

8. **Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?**

*If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.*

No.

#### **Development of the Regulation**

9. **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.*

DCY met with Ohio Children's Alliance (OCA), the Public Children Services Association of Ohio (PCSAO), the Ohio Adoption Planning Group and other representatives from county and private agencies through regional meetings and listening sessions on several occasions during 2024 and 2025 to discuss proposed changes to OAC Chapter 48 adoption rules to align with foster care certification, to make the adoption rules more concise by combining and reordering, and to include changes required by HB 96 of the 136<sup>th</sup> General Assembly. Discussions were held in person, by phone, and through email communication. The rules went through the external clearance process from July 3, 2025 to July 10<sup>th</sup>, 2025.

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

The consensus from stakeholder input was agreement of the proposed changes to reorder and combine rules from chapter 48, including the proposal to combine rule 5180:2-48-11 and 51080:-48-11.1 into rule 5180:7-1-11. The rules went through the external clearance process from July 3, 2025 to July 10<sup>th</sup>, 2025 with no comments received from stakeholders.

**10. 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.

**11. 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? *Alternative regulations may include performance-based regulations, which define the required outcome, but do not dictate the process the regulated stakeholders must use to comply.***

There were no other alternatives considered for rule 5180:7-1-11 as all parties involved were satisfied with the rule and because the rule is driven by statute.

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

There is no duplication as the rule is specific to adoption agencies and no other rules address these specific issues. DCY legal staff reviewed the rule to ensure there is no duplicative regulation in the Administrative Code.

**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.**

DCY licensing specialists and technical assistance specialists monitor agencies to ensure the regulations are applied consistently.

**Adverse Impact to Business**

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

**a. Identify the scope of the impacted business community, and**

The rule contains requirements for Ohio adoption agencies which include public and private agencies. Requirements must be met to obtain and/or maintain certification.

**b. Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).**

*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 adverse impact involves:

5180:7-1-11 – The timeframes involved in compiling and reviewing information from the foster parent file and the applicants to add adoption homestudy approval to a foster care homestudy, including when a family intends to adopt a foster child or sibling child who is residing in the home. The amount of time and cost to carry out this requirement would be dependent on several factors, such as caseload, length of time the adoption applicants have been foster parents, the size of the foster care file, etc. The average length of time to add adoption to an existing foster home certificate could range from one to three months. Depending on the individual family circumstances and the level of experience the assessor has, this may take anywhere from 2 hours to 4 hours. If the foster family has several children in the home, or is open to adopt several more children, then the primary cost would be the time it would take to complete the large family assessment form. Once the review of documentation was complete, as well as the completion of the large family assessment, if applicable, then the final cost would be the time it would take the agency to complete the expedited homestudy form for adding adoption approval in cases such as these. This time would largely depend on the level of experience of the assessor, as well as the number of children the family currently has living in the home. If the adoption homestudy is approved, then the agency would be required to send an approval letter to the family, which would take only a few moments to complete and mail to the family.

- 15. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify. (*Reductions in regulatory burden may include streamlining reporting processes, simplifying rules to improve readability, eliminating requirements, reducing compliance time or fees, or other related factors*).**

Rule 5180:7-1-11 includes amendments required by HB 96 of the 136<sup>th</sup> General Assembly to remove the six month requirement for placement for a foster caregiver seeking to adopt a child placed in their home. Reducing this timeline allows for faster permanency for the children and could result in less workload and cost of placement to the custodial agency.

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

To ensure the safety of children in adoptive placements and to comply with statutory requirements, the adverse impact of these rules is necessary.

#### **Regulatory Flexibility**

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

No, there is no alternative means of compliance.

- 18. 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?**

Not applicable.

- 19. What resources are available to assist small businesses with compliance of the regulation?**

DCY has regional technical assistance specialists and licensing specialists that will be able to assist agencies in completing adoption homestudies and providing required supervision visits and postfinalization services. Policy developers are also available to give technical assistance regarding the requirements of these rules.