

**MEMORANDUM**

TO: Michael Lynch, Ohio Department of Job and Family Services

FROM: Sydney King, Regulatory Policy Advocate

DATE: April 9, 2014

RE: **CSI Review – Agency adoption policy and recruitment plan, Adoption pre-placement and placement procedures (OAC 5101:2-48-05 and 5101:2-48-16)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of two amended rules being proposed by the Ohio Department of Job and Family Services (ODJFS) pursuant to the five-year review requirement of ORC 119.032. The rule package was filed with the CSI Office on February 13, 2014 and the comment period for the rule closed on February 20, 2014. One comment was received during the public comment period.

The proposed rules provide the requirements for policies addressing adoption and adoption recruitment plans. It also contains requirements for an adoptive agency when placing children for adoption. This includes following court orders, assessing and matching a child with the most appropriate family, and setting standards for adoption recruitment.

According to the revised BIA, the rule package was reviewed during the Midwest Child Welfare Implementation Center (MCWIC) meetings. ODJFS engaged with representatives from 88 county public children service agencies (PCSAs), private child placing agencies (PCPAs), and private non-custodial agencies (PNAs) to review the rule package. ODJFS also provided a clearance

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comment period to receive feedback from stakeholders during drafting and amended the rules based on feedback. One comment was received during the CSI public comment period and ODJFS amended the rule package in response.

The BIA identifies the adverse impacts and focuses on the impact to PCPAs because the PCSAs, as public entities, are not businesses. The BIA states the adverse impacts are the costs associated with the administrative time needed to complete required forms. The CSI office inquired about additional unidentified adverse impacts and estimated costs. These unidentified adverse impacts include notification requirements, written policy requirements, maintenance of records, documentation requirements, and submission of information to other PCPAs, PCSAs, and PNAs. ODJFS estimates the cost is the administrative time needed to be compliant and states there have not been any issues with the requirements. ODJFS monitors the agencies to ensure compliance with the rules.

The BIA states the rules are necessary to ensure the safety and well-being of the child. The rules provide standards to agencies for adoption placements and recruitment. These standards allow a child to be matched with the appropriate adoptive families who meet the child's individual needs.

After reviewing the proposed rules and the BIA, the CSI Office has determined that the rule package satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rules is justified.

Recommendation

For the reasons explained above this office does not have any recommendations regarding this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Department should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office