

**MEMORANDUM**

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

FROM: Sydney King, Regulatory Policy Advocate

DATE: May 18, 2015

RE: **CSI Review –Substitute Care Rules (OAC 5101:2-42-87, 5101:2-42-90, and 5101:2-48-15)**

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) § 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 three amended rules being proposed by the Ohio Department of Job and Family Services (ODJFS) pursuant to the statutory five-year review requirement. The rule package was filed with the CSI Office on March 23, 2015 and the comment period closed on March 30, 2015.

ODJFS regulates Private Noncustodial Agencies (PNAs), Public Children Services Agencies (PCSAs), and Private Child Placing Agencies (PCPAs) when performing substitute care services. A child is placed in substitute care when a natural birth family has been found to no longer be an appropriate caregiver to the child. The State of Ohio facilitates placement of the child in a setting where the child's mental, physical, and emotional health is given paramount consideration. Because of the seriousness of these actions and the importance of placing a child in a healthy substitute care setting, ODFJS highly regulates the agencies to protect the child's health and well-being.

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The rule package provides requirements for PCPAs, PCSAs, and PNAs regarding the termination of a custody arrangement and the sharing of information to children, caregivers, school districts, juvenile courts, and prospective adoptive parents. ODJFS states that sharing pertinent information is essential to the care of the children in custody. Information required to share includes a child's special needs, health, behavioral characteristics, and history of criminal offenses.

According to the BIA, the rule package was reviewed during the Midwest Child Welfare Implementation Center meetings. Stakeholders included the Ohio Council, the Ohio Association of Child Caring Agencies (OACCA), the Ohio Family Care Association, and representatives from county, state, and private agencies. During the meetings, stakeholders reviewed several rule packages by group. The groups were divided by subject matter and dedicated a significant amount of time to each rule package. Stakeholders provided input on potential revisions and amendments to the rules. ODJFS also provided a clearance comment period to allow for additional input. The BIA states that recommendations during stakeholder meetings were included in the amendments. No comments were received during the CSI public comment period.

The BIA identifies the adverse impacts as the administrative costs associated with compliance but focuses on the impact to PCPAs and PNAs because the PCSAs, as public entities, are not businesses. In order to obtain and maintain certification with ODJFS, the requirements set forth in the rules must be met. The costs include preparing documentation, providing case records and sharing information to required individuals, completing forms, documenting activity in the shared database, and providing handbooks to children in custody. According to the BIA, the rules ensure the safety of children in substitute care by requiring the sharing of necessary and accurate information to the interested parties.

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