

**MEMORANDUM**

TO: Trudy Rammon, Ohio Department of Job and Family Services

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: June 20, 2017

RE: **CSI Review – Foster Home Denial, Foster Home Occupancy, Foster Caregiver Stipend and Children’s Crisis Care Facility Requirements (OAC 5101:2-5-28, 5101:2-5-32, 5101:2-5-38, and 5101:2-9-36)**

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

The rule package contains four amended rules proposed by the Ohio Department of Job and Family Services (ODJFS), as part of the five-year rule review requirement contained in Ohio statute. The rule package was submitted to the CSI Office on May 19, 2017 and the public comment period was held open through May 27, 2017. No public comments were received during this time.

Ohio Administrative Code (OAC) 5101:2-5-28 provides guidance to agencies regarding the types of violations that could lead to denial and revocation of a foster home certificate, including child safety concerns, falsification of records, or failure to comply with authorized staff. OAC 5101:2-5-32 establishes limits to the number of children that can be placed in a foster care home, with exceptions provided for accepting related children and other special circumstances. OAC 5101:2-5-38 offers guidelines for the disbursement of foster caregiver training stipends and allowance payments following approved training sessions by recommending agencies. OAC 5101:2-9-36

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provides operation guidelines for children's crisis care facilities, which offer temporary services during times of crisis when parents would otherwise be unable to provide adequate care. These facilities provide for child safety through supervision, shelter and health care.

During early stakeholder outreach, ODJFS presented the rules to several public and private interest groups during regional meetings. Amendments to the rules were made as a response to these meetings with stakeholders. The rules also went through the clearance process during which one comment was received, supporting the rules. No comments were received during the CSI public comment period.

The business community impacted by these rules includes the 158 public and private agencies in Ohio that provide placement for foster and crisis-related care. A significant adverse impact created by these rules is the revocation or denial of a foster care certificate, which limits options for recommending agencies. ODJFS estimates that the clerical and administrative work required by these agencies to administer caregiver reviews would cost agencies between \$100 and \$120 per review. Other costs include administrative time spent monitoring caregiver compliance with the rules. The impacts are necessary to ensure that foster and crisis caregivers provide safe environments and caregiver training stipends are properly disbursed.

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

Recommendations

For the reasons described above, the CSI Office has no recommendations on this rule package.

Conclusion

Based on its review of the proposed rule package, the CSI Office recommends the Ohio Department of Job and Family Services should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.