

**MEMORANDUM**

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

FROM: Danielle Dillard, Regulatory Policy Advocate

DATE: August 8, 2018

RE: **CSI Review – Substitute Care Five-Year Review (OAC 5101:2-42-06, 5101:2-42-07 and 5101:2-42-19.1)**

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, CSI has reviewed the abovementioned administrative rules and associated Business Impact Analysis (BIA). This memo represents CSI's comments to the Agency as provided for in ORC § 107.54.

Analysis

This rule package consists of one amended rule and two no-change rules submitted by the Ohio Department of Job and Family Services (ODJFS) as part of the statutorily required five-year rule review. The rules were submitted on July 17, 2018 and the CSI public comment period closed on July 24, 2018. No comments were received during this time.

Ohio Administrative Code (OAC) 5101:2-42-06 outlines the responsibilities of a public children service agency (PCSA), or a private child placing agency (PCPA) to hold temporary custody of a child. Likewise, it compels the parent, guardian, or custodian to accept that responsibility as specified on the *Agreement for Temporary Custody of Child* form. The Department is not making changes to this rule. OAC 5101:2-42-07 creates an optional thirty-day extension for an agreement for temporary custody of a child between the PCSA or PCPA, and the parents, guardians, or custodians. The Department is not making amendments to this rule.

OAC 5101:2-42-19.1 sets forth the requirements of independent living arrangements for independent youth in custody. Specifically, it details what PCSAs and PCPAs must do when placing a youth in its custody for an independent living arrangement. The rule is being amended to clarify the age requirements pertaining to independent living arrangements. The change is

being made based on federal requirements.

As part of early stakeholder outreach, the Department conducted a clearance process prior to submitting the rules to CSI, where public comments were received and reviewed. One concern was raised during the clearance period about OAC 5101:2-42-19.1. The commenter requested that there be a definition for “semi-supervised” added to the rules, as the phrase is vague and ambiguous in its current context. The Department explained that the federal government has left this term open to interpretation, and each county may determine its level of supervision as it sees fit. No comments were received during the CSI public comment period.

The rules impact PCSAs and PCPAs. These groups must utilize the Agreement for Temporary Custody of Child form, get the proper approval for a time extension if necessary, and make appropriate arrangements for independent youth under their care. The impact is administrative, and is due to the time spent adhering to the regulations and reporting information to ODJFS. Noncompliance will result in the PCSA or PCPA losing state certification. The Department justifies any adverse impact because the regulations ensure the safety of children in substitute care.

Recommendations

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

Conclusion

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