



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

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

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: April 16, 2019

RE: **CSI Review – Adoption Assistance (OAC 5105:2-49-01, 5101:2-49-17, and 5101:2-49-21)**

On behalf of Lt. Governor Jon Husted, 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 three amended rules proposed by the Ohio Department of Job and Family Services (JFS) as part of the statutorily required five-year review requirements. JFS submitted the rule package to the CSI Office on March 6, 2019 and held the public comment period open through March 13, 2019. The Department's response to comments was submitted to the CSI Office on March 14, 2019.

The rules in this package set forth requirements for the Title IV-E Adoption Assistance Program. Ohio Administrative Code (OAC) 5101:2-49-01 establishes the requirements for the administration of the program by public children services agencies (PCSA) and private child placing agencies (PCPA). The rule is being amended to update dates and terms found throughout the rule and to provide clarification regarding certain forms and systems used by the program. OAC 5105:2-49-17 details the requirements for case records for each adoption assistance case. The rule is being amended to include language regarding eligibility documentation and to remove references to the adoption assistance connection, which are now located in a different OAC Chapter. OAC 5101:2-49-21 sets forth requirements for reimbursement of nonrecurring adoption expenses for children

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with special needs. These include adoption fees, court costs, and attorney fees, and it is required for PCPAs to alert adoptive families about their availability for reimbursement. Amendments to the rule include the addition of clarifying language, including submission requirements and final decrees of adoption by a foreign country.

During early stakeholder outreach, JFS held meetings with relevant stakeholders and convened a workgroup to review adoption rules that were approaching their five-year review date. During this time, JFS received input from several stakeholders, which resulted in many of the amendments made to the rules. During the CSI public comment period, one comment was received that addressed the inclusion of attorney fees, eligibility criteria, and program administration. JFS amended the rules in response to concerns of eligibility but did not amend the rules to address additional comments, offering clarification pointing to existing language that addressed the concerns that were raised.

The business community impacted by these rules includes 58 private child placing agencies currently operating in Ohio. The adverse impact created by these rules includes the time and effort spent by PCPAs providing adoptive parents with necessary information and maintaining case records. If JFS receives complaints regarding the conduct of a PCPA, JFS may require the organization to complete a corrective action plan. JFS states in the BIA that these rules benefit adoptive parents by requiring PCPAs to disclose information about the adoption assistance program and maintain compliance with federal requirements.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Ohio Department of Job and Family Services should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.