



## 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:** June 12, 2019

**RE:** **CSI Review – Private Child Placing Agency Procedures When a Child in Agency Custody Dies (OAC 5101:2-42-89)**

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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 one amended rule proposed by the Ohio Department of Job and Family Services (ODJFS). This rule package was submitted to the CSI Office on April 11, 2019 and the public comment period was held open through April 18, 2019.

Ohio Administrative Code (OAC) 5101:2-42-89 establishes the procedure following the death of a child in custody of a public children services agency (PCSA) or private child placing agency (PCPA). The procedure includes agencies to contact law enforcement and the child's parent or guardian, assist in planning funeral arrangements, and complete certain forms and reports. The rule is being amended to remove requirements for PCSAs, as those requirements are being added to a separate rule.

During early stakeholder outreach, ODJFS sent the rule to stakeholders for feedback, including the Public Children Services Association of Ohio and county childcare workers. No comments were received during this time or during the CSI public comment period.

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The business community impacted by this rule includes each of the 26 PCPAs currently operating in Ohio. The adverse cost created by the rule includes the time and effort spent by PCPAs to adhere to the procedures it sets forth following the death of a child in its care. ODJFS states in the BIA that the rule helps ensure that proper oversight of childcare agencies is maintained when fatal incidents occur.

### **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.