



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

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

FROM: Jacob Ritzenthaler, Business Advocate

DATE: January 28, 2022

RE: **CSI Review – Non-Discrimination (OAC 5101:2-42-18.1 and 5101:2-48-13)**

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 Department as provided for in ORC 107.54.

Analysis

This rule package consists of two amended rules proposed by the Ohio Department of Job and Family Services (ODJFS). This rule package was submitted to the CSI Office on December 17, 2021, and the public comment period was held open through December 24, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on December 17, 2021.

Ohio Administrative Code (OAC) 5101:2-42-18.1 establishes non-discrimination requirements for foster care placement by public children services agencies, private child placing agencies, and private noncustodial agencies. The rule is amended to update requirements for referring a child within ten days of completion of the individual child assessment and to remove revision dates from ODJFS forms. OAC 5101:2-48-13 establishes similar requirements for adoptive placements and is amended to update referral requirements, remove revision dates, and require that the foster care and adoption recruitment plan be entered electronically through the Statewide Automated Child Welfare Information System. These changes were made as a result of research conducted for the CSI regulatory reform project using an artificial intelligence software tool.

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During the CSI public comment period, ODJFS sent the rules to interested parties for feedback. No comments were received during that time.

The business community impacted by these rules includes 88 public agencies and over 100 private agencies. The adverse impact created by the rules includes the cost to agencies to comply with requirements for considering race, color, or national origin for the placement process. ODJFS states in the BIA that the adverse impacts help establish minimum safety requirements for the safety of children being placed and protect foster and adoptive parents from discrimination during the placement process.

Recommendations

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

Conclusion

The CSI Office concludes that JFS should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review