



# Common Sense Initiative

Mike DeWine, *Governor*  
Jon Husted, *Lt. Governor*

Joseph Baker, *Director*

## MEMORANDUM

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

**FROM:** Michael Bender, Business Advocate

**DATE:** March 18, 2024

**RE:** **CSI Review – Agreement for Temporary Custody of a Child (OAC 5101:2-42-06 and 5101:2-42-07)**

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) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on February 5, 2024, and the public comment period was held open through February 12, 2024. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on February 5, 2024.

Ohio Administrative Code (OAC) 5101:2-42-06 and 5101:2-42-07 establish the JFS 01645 as the form to be used by public children services agencies (PCSAs) and private child placing agencies (PCPAs) to create an agreement of temporary custody of a child and extend such an agreement. The rules are amended to update language and remove revision dates. A copy of the JFS 01645 form is provided.

During early stakeholder outreach, ODJFS notified stakeholders of the opportunity to submit comments on the rule via its online clearance process from December 29, 2023, through January 12,

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2024. ODJFS received no comments through the online clearance process. No comments were received during the CSI public comment period.

The business community impacted by the rules includes eighty-eight PCSAs and over one hundred PCPAs. The adverse impacts created by the rules include the time and costs associated with filling out the form and possible loss of certification for failure to comply. ODJFS notes that the adverse impacts could vary based upon the size and staffing of each agency. ODJFS states that the adverse impacts to business are justified to ensure the safety of children in substitute care.

### **Recommendations**

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

### **Conclusion**

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