



Common Sense Initiative

Mike DeWine, Governor
Jim Tressel, Lt. Governor

Joseph Baker, Director

MEMORANDUM

TO: Ron Puff, Ohio Department of Children and Youth

FROM: Michael Bender, Business Advocate

DATE: August 11, 2025

RE: **CSI Review – Foster Caregiver Adoption Approval (OAC 5180:2-48-11, 5180:2-48-11.1, and 5180:7-1-11)**

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This rule package consists of one new rule and two rescinded rules proposed by the Ohio Department of Children and Youth (DCY) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on July 14, 2025, and the public comment period was held open through July 21, 2025. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on July 14, 2025.

Ohio Administrative Code (OAC) 5180:2-48-11 and 5180:2-48-11.1 are proposed for rescission, with their contents consolidated into new rule OAC 5180:7-1-11. The new rule provides guidance to public children services agencies, private child placing agencies (PCPAs), and private non-custodial agencies (PNAs) in cases where a foster caregiver wants to add adoption approval to an existing foster home certification or where a foster caregiver seeks approval to be an adoptive parent for a foster child or sibling group that is already placed in the home. Compared to the rescinded rules, the new rule is revised to be restructured and remove the requirement for a foster child or sibling group

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to be placed in the home for six consecutive months before the foster caregiver can apply to be their adoptive parent.

During early stakeholder outreach, DCY met with the Ohio Children's Alliance, the Public Children Services Association of Ohio, the Ohio Adoption Planning Group, and other representatives from county and private agencies in various regional meetings and listening sessions throughout 2024 and 2025 to discuss proposed changes to adoption rules that would align with foster care certification, reorganize and consolidate provisions, and comply with requirements in House Bill (HB) 96 of the 136th General Assembly. These discussions were held in person, over the phone, and through email correspondence. Consensus was reached among the interested parties to combine the contents of OAC 5180:2-48-11 and 5180:2-48-11.1 into a new rule, OAC 5180:7-1-11. DCY then put the rules through its public clearance process from July 3, 2025, through July 10, 2025, making them available on its website for interested parties to submit feedback. DCY received no comments during this time period or during the CSI public comment period.

The business community impacted by the rules includes Ohio adoption agencies, namely PCPAs and PNAs. The adverse impacts created by the rules include the time and costs needed to obtain and/or maintain foster care certification and the timeframes involved in compiling and reviewing information from foster parent files and applicants to add adoption homestudy approval to a foster care homestudy. According to DCY, the actual cost and amount of time of these impacts depend on a variety of factors such as caseload, the length of time the adoption applicants have been foster parents, and the size of the foster care file. DCY estimates that the average length of time to add adoption to an existing foster home certificate ranges from one to three months. DCY also estimates that it may take an assessor anywhere from two to four hours to compile and review documentation during a homestudy, depending on the individual family circumstances and the assessor's own level of experience. If an adoption homestudy is approved, then the adoption agency is required to mail an approval letter to the family, which DCY states would only take a few moments to complete. DCY points out that the changes required by HB 96 removing the six month placement requirement for a foster caregiver seeking to adopt a child already placed in the home will allow for faster permanency for the child and could result in less workload and a lower cost of placement to the custodial agency. DCY states that the adverse impacts to business are justified to comply with statutory requirements and ensure the safety and wellbeing of foster children who may become available for adoption.

Recommendations

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

Conclusion

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