



Common Sense Initiative

Mike DeWine, *Governor*
Jim Tressel, *Lt. Governor*

Joseph Baker, *Director*

MEMORANDUM

TO: Ron Puff, Ohio Department of Children and Youth

FROM: Jacob Ritzenthaler, Business Advocate

DATE: October 15, 2025

RE: CSI Review – Substitute Care and Children’s Residential Centers (OAC 5180:3-13-65, 5180:3-13-65.2, 5180:3-13-66, 5180:3-13-66.1, 5180:3-13-90, 5180:2-9-07, 5180:2-9-34, 5180:2-9-37, 5180:2-9-38, 5180:2-42-65, 5180:2-42-66, 5180:2-42-66.1, 5180:2-42-90, 5180:2-9-07, 5180:2-9-34, 5180:2-9-37, and 5180:2-9-38)

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This rule package consists of nine new rules and eight rescinded rules proposed by the Ohio Department of Children and Youth (DCY). This rule package was submitted to the CSI Office on September 11, 2025, and the public comment period was held open through September 19, 2025. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on September 11, 2025.

Ohio Administrative Code (OAC) Chapter 5180:2-9 establishes requirements for children’s residential centers, group homes, and residential parenting facilities. The rules in this package are proposed for rescission and replacement with new rules that carry over the previous rule’s content. OAC 5180:2-9-07 establishes requirements for emergency planning and preparedness. In addition to

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reorganization, the rule includes new language that requires residential facilities to have a 24-hour emergency on-call procedure to respond to hospitals, police, and medical first responders. OAC 5180:2-9-34 sets forth requirements for the approval of residential buildings, including timeframes for securing building approval and issuing permits. The rule includes updates that introduce guidance for obtaining a building occupancy permit. OAC 5180:2-9-37 requires new residential facilities to submit information to all counties, municipalities, townships, law enforcement agencies, emergency management agencies, and fire departments with jurisdiction over the facility. The rule is amended to require that residential facilities provide details and changes to emergency planning and community engagement plans to law enforcement, emergency, and fire departments. OAC 5180:2-9-38 establishes requirements for community engagement plans and includes updates that require the inclusion of DCY contact information. OAC 5180:3-13-65 sets forth requirements for caseworker visits and contact with children in substitute care. The rule includes updates to remove visitation requirements that are being moved to another rule. OAC 5180:3-13-65.2 is a new rule that provides requirements for visitation and placement review for children in residential facilities. OAC 5180:3-13-66 sets forth administrative procedures for comprehensive health care for children in placement. The rule includes amendments that require a 24-hour emergency on-call line. OAC 5180:3-13-66.1 sets forth requirements for the provision of comprehensive child care for children in placement and includes requirements found previously in OAC 5180:2-42-66. The rule is updated to require agencies to reply within four hours of contact from the emergency department or hospital when a child is admitted. OAC 5180:3-13-90 establishes guidance for the types of information provided to children, caregivers, school districts, and juvenile courts. The rule is updated to provide information regarding children placed in a residential facility attend a new school district.

During early stakeholder outreach, DCY sent the proposed rules to industry stakeholders for feedback, including the Public Children Services Association of Ohio, the Ohio Children's Alliance, and other interested parties. During that time, DCY amended the proposed rules to remove neighborhood associations from community engagement plan requirements, update residential facility terminology, define mandatory placement review, remove incorrect citations, and update a DCY form concerning educational information. In response to stakeholder feedback received during the CSI public comment period, DCY included a clarifying definition of "satisfactory level of care" and revised language to clarify requirements concerning child vulnerability. DCY also provided clarification regarding out-of-state placements, substance use disorder residential facilities, and the Q&A format of the rules.

The business community impacted by the rules includes eighty-eight public foster care and adoption agencies and over one hundred private agencies. The adverse impacts created by the rules include requirements for visitation, information provision, development of emergency and community engagement plans, documenting child case records, responding to medical facilities, coordinating care and applying for building approval. DCY notes that the size and staffing at each agency can

cause the time spent achieving rule compliance vary. DCY states that the adverse impacts created by the rules are necessary to ensure the safety and well-being of children in substitute care and to implement new statutory changes.

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.