

**MEMORANDUM**

TO: Trudy Rammon, Ohio Department of Job and Family Services

FROM: Sarah JanTausch, Lt. Governor's Office

DATE: March 29, 2017

RE: **CSI Review – OFC-Adoption Matching (OAC 5101:2-48-16)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) § 107.54, CSI has reviewed the abovementioned administrative rules and associated Business Impact Analysis (BIA). This memo represents CSI's comments to the Agency as provided for in ORC § 107.54.

Analysis

The Ohio Department of Job and Family Services (ODJFS) submitted a draft rule package consisting of one amended rule to the CSI Office as part of the five-year rule review requirement contained in Ohio statute. The rule package was submitted February 8, 2017 and the CSI public comment period closed February 15, 2017.

ODJFS intends to set standards for agencies to follow in preparing all parties and carrying out all steps required in an adoption, from recruitment through finalization. The rules contain guidance to agencies in the matching and placement of children in permanent custody. The rule was revised to remove any inconsistencies in policies and to update language. The rules also clarify that pre-adoptive staffing and matching conferences may be held prior to the birth of the child in private agency infant adoptions and that the prospective adoptive family shall be invited to the pre-adoptive staffing, if the local agency deems it to be appropriate. Additionally, the rules have been clarified to indicate that the pre-adoptive staffing meeting will now be a one-time only occurrence. These changes have been made as to not delay a permanent placement for a child. Lastly, the rules allow for additional flexibility for the local agencies with regard to policy and implementation to better serve the adoptive children and families.

During early stakeholder outreach, the rules were reviewed by the adoption workgroup that was

created out of Ohio's Diligent Recruitment Plan as part of the Child and Family Services Plan in 2014. The group consists of agency managers, assessors, attorneys, and state staff. Additionally, the rules were provided to the Public Children Services Association of Ohio (PCSAO), the Ohio Association of Child Caring Agencies (OACCA), the Ohio Adoption Planning Group (OAPG), the Foster/Adopt/Kinship workgroup through the Institute for Human Services (IHS), and at the public and private agency coordinators meetings at the Central Ohio Regional Training Center. Through the early stakeholder outreach, the rules were revised and revisions were sent to all adoption contacts at the public and private agencies and the rules were posted for rule review on the ODJFS website during the fall of 2016. Lastly, the rules were posted in the Ohio Rule Review website during the fall of 2016 and they completed the ODJFS internal and external clearance processes. A total of five comments were received and the rules were revised further for clarification purposes, according to the BIA. During the CSI public comment period, no comments were received.

These rules impact up to 35 private child placing agencies (PCPA). The impact includes some cost in terms of time associated with compliance and implementation of policies and procedures, as well as changes due to the rule revisions. The BIA states that to ensure the most appropriate placement selection for the child into a permanent, safe, and loving home the requirements of these rules are necessary. The success of these regulations will be seen in the placement of children with families who are prepared and equipped to provide adequate care for them.

Following review of the draft rules, the BIA, and stakeholder outreach, it has been determined that the standards espoused by the CSI Office have been met, and the adverse impacts of the draft rules are justified.

Recommendations

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Ohio Department of Job and Family Services should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.