



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

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

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: November 24, 2020

RE: **CSI Review – Adoption and Multiethnic Placement Act Rules (OAC 5101:2-33-03, 5101:2-33-11, 5101:2-33-13, and 5101:2-33-70)**

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 four amended rules proposed by the Ohio Department of Job and Family Services (ODJFS). This rule package was submitted to the CSI Office on October 20, 2020, and the public comment period was held open through October 27, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on October 20, 2020.

Ohio Administrative Code (OAC) Chapter 5101:2-33 establishes administrative requirements for adoption agencies. OAC 5101:2-33-03 describes the procedures for agencies when receiving a complaint of discrimination. The rule is amended to remove revision dates for the various forms referenced in the rule. OAC 5101:2-33-11 establishes administrative requirements concerning the Multiethnic Placement Act (MEPA) and is amended to remove requirements for completing a MEPA Biennial Comprehensive Self-Assessment and to include an annual review of the foster care and adoption recruitment plan through the Statewide Automated Child Welfare Information System (SACWIS). OAC 5101:2-33-13 establishes procedures for an agency when it receives false statements or documents and is amended to replace the term “adoptive parent” with “adoptive

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family.” OAC 5101:2-33-70 concerns agency access to SACWIS and is amended to remove redundant access requirements and to permit “30 Days to Family” specialists to access the SACWIS.

During early stakeholder outreach, ODJFS sent the rules to relevant stakeholders for feedback. During this time, ODJFS received comments that requested clarification of rule language, which ODJFS provided. No comments were received during the CSI public comment period.

The business community impacted by these rules includes public and private adoption agencies operating in Ohio. The adverse impact is primarily the administrative effort required by the rules, including providing documentation, completing annual reviews, investigating false submissions, and accessing the SACWIS. ODJFS notes in the BIA that adherence to the rule requirements is necessary to maintain agency certification.

Recommendations

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

Conclusion

The CSI Office concludes that the Ohio Department of Job and Family Services should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.