



## 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:** February 18, 2021

**RE:** **CSI Review – Termination of Substitute Care and Custody of a Child (OAC 5101:2-42-87)**

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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 one new rule proposed by the Ohio Department of Job and Family Services (ODJFS). This rule package was submitted to the CSI Office on February 3, 2021 and the public comment period was held open through February 10, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on February 3, 2021.

Ohio Administrative Code (OAC) 5101:2-42-87 establishes requirements for child placing agencies to determine the necessity of continuing or terminating the custody of a child in a placement setting. Agencies are required to complete a determination every three months and must provide services to prepare the child, parents, or guardians for the return home. The rule also establishes requirements for when custody may be terminated and supplying necessary records. The rule is amended to establish that custody evaluations will not begin before the child has been in a placement setting for thirty days, as well as updating references to other ODJFS rules regarding child case reviews and reunification assessments.

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During early stakeholder outreach, ODJFS reviewed the proposed rule during meetings of the Public Children Services Association of Ohio and sent the rule to interested parties via email. Stakeholders suggested that the rule be amended to reflect reunification assessment and case review guidelines found in other rules. No comments were received during the CSI public comment period.

The business community impacted by the rule includes approximately 26 private child placing agencies and 141 private non-custodial agencies currently operating in Ohio. The adverse cost created by the rule is primarily the cost to agencies to adhere to the requirements of the rule, including the time and effort spent by agencies to complete custody reviews, provide parents with a child's health care record, and notify the county department of job and family services when custody is terminated and a child is returned home. ODJFS states that the rule is necessary to ensure the safety of children in custody and to provide a regular assessment of whether custody is necessary.

### **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.