



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

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

FROM: Jacob Ritzenthaler, Business Advocate

DATE: July 27, 2022

RE: **CSI Review – Adoption Forms and Rules (OAC 5101:2-48-05, 5101:2-48-12, 5101:2-48-13, 5101:2-48-16, and 5101:2-48-24)**

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 five amended rules proposed by the Ohio Department of Job and Family Services (ODJFS) as part of the statutory five-year review requirements. This rule package was submitted to the CSI Office on June 3, 2022, and the public comment period was held open through June 9, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on June 3, 2022.

Ohio Administrative Code (OAC) Chapter 5101:2-48 establishes requirements for adoption. OAC 5101:2-48-05 requires public children services agencies (PCSA), private child placing agencies (PCPA), and private noncustodial agencies (PNA) to maintain policies for adoption, which includes descriptions of the adoption process, notification procedures, placement homestudies, and grievance procedures, as well as policies related to adoptive parent recruitment. The rule is amended to include descriptions of state and federal post-adoption assistance, remove requirements for alternative review processes for determining post-adoption special services subsidies, and adjustments to referenced regulations and dates. OAC 5101:2-48-12 provides guidelines for the completion of adoption homestudies, including actions that avoid conflicts of

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interest, the consideration of age, gender, race, or other factors, and communication of homestudy results. The rule is amended to update identity terms, references to Title II of the Americans with Disabilities Act of 1990, and identification of the Ohio Statewide Child Welfare Information System. OAC 5101:2-48-13 prohibits discriminating actions when placing children for adoption, such as denying adoptive placement based on the race, color, or national origin of the prospective adoptive parent or child. The rule is amended to update a reference to the Indian Child Welfare Act of 1978. OAC 5101:2-48-16 establishes procedures for adoption pre-placement and placement, including assigning an assessor to the child, conducting pre-adoptive staffing and matching conferences, and preferential orders for the matching process. The rule is amended to update references. OAC 5101:2-48-24 sets forth requirements for the review of complaints from applicants and adoptive families and is amended to correct grammar.

During early stakeholder outreach, ODJFS discussed the proposed rule during meetings with stakeholders, including the Public Children Services Association of Ohio, Ohio Children's Alliance, and Ohio Adoption Planning Group. No comments were received during that time or during the CSI public comment period.

The business community impacted by the rules include 88 public child placing agencies and over 100 private agencies. The adverse impact created by the rules include requirements to complete homestudies, reviewing applications and documenting placements, and preparing children for placement. ODJFS states that the adverse impacts are necessary to ensure that children are placed into permanent and safe adoptive homes.

Recommendations

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

Conclusion

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