



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

MEMORANDUM

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

FROM: Michael Bender, Business Advocate

DATE: October 5, 2023

RE: **CSI Review – Language for Disabilities and Modifications When Applying for Foster Care and Adoption Homestudies (OAC 5101:2-5-20 and 5101:2-48-12)**

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 two amended rules proposed by the Ohio Department of Job and Family Services (ODJFS) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on September 8, 2023, and the public comment period was held open through September 15, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on September 8, 2023.

Ohio Administrative Code (OAC) 5101:2-5-20 provides for the completion of a foster care homestudy by a public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agency (PNA) upon receiving an application from an individual for an initial foster home certificate. The rule is amended to add the word "Ohio" to the name of the "statewide automated child welfare information system" and include statutory citations to requirements for agencies addressing persons with disabilities and modifications that may be necessary to accommodate them when applying as foster caregivers. OAC 5101:2-48-12 provides for the completion of an adoption homestudy by a PCSA, PCPA, or PNA upon receiving an application from

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an individual to become an adoptive parent. The rule is amended to correct a typo and include statutory citations to requirements for agencies addressing persons with disabilities and modifications that may be necessary to accommodate them when applying as adoptive parents.

During early stakeholder outreach, ODJFS presented the proposed changes to the rules to the Public Children Services Association of Ohio (PCSAO) on June 1, 2023, the Ohio Children's Alliance Committee on Foster Care And Adoption on June 20, 2023, and the Ohio Adoption Planning Group on May 17, 2023. No feedback was given by stakeholders at the presentations. The rules also went through the ODJFS public clearance process from June 20, 2023, through July 4, 2023. One comment of support was received from A New Leaf, while the PCSAO sought clarification about an agency's responsibility for providing support services and modifications for a person with a disability. ODJFS replied that while agencies are not solely responsible for support services and modifications, agencies must provide them if they are necessary as part of a specific request. No comments were received during the CSI public comment period.

The business community impacted by the rules includes PCSAs, PCPAs, and PNAs. The adverse impacts created by the rules include the requirement to conduct homestudies of foster care and adoptive applicants as well as the requirement to identify and provide support services to individuals with disabilities. ODJFS points out that the actual cost would vary based upon the size and staffing of each agency. Agencies will need to dedicate time to review an application and other documents, interview applicants and possibly other household members, complete a safety audit, send reference letters, and communicate with applicants. ODJFS, citing ZipRecruiter, notes that the current average wage for a social worker is \$22 per hour. ODJFS states that the adverse impacts to business are justified to implement statutory requirements and ensure the safety of children in substitute care.

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.