



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: Jacob Ritzenthaler, Business Advocate

DATE: November 21, 2023

RE: CSI Review – Independent Living Services (OAC 5101:2-42-19)

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 amended rule 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 October 20, 2023, and the public comment period was held open through October 27, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on October 20, 2023.

Ohio Administrative Code 5101:2-42-19 establishes requirements for independent living services for youths in substitute care. The rule sets forth provisions for public children services agencies (PCSAs) or private child placing agencies (PCPAs) providing independent living services, reviewing independent living plans, and creating transition plans for life after services. Amendments to the rule include requirements for PCSAs and PCPAs to complete a readiness review in the Ohio Statewide Automated Child Welfare Information System (SACWIS) at least every 180 days, provide and review with individuals the Foster Youth Rights Handbook, streamline rule requirements related to service assessments, add documentation to the youth's readiness review regarding emancipation dates that occur after the youth's eighteenth birthday, and assist youths in completing the National Youth in Transition Database survey.

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During early stakeholder outreach, ODJFS sent the proposed rule to industry stakeholders for feedback, including PCSAs, PCPAs, youths and young adults emancipated from foster care, the Public Children Services Association of Ohio, and the Ohio Children's Alliance (OCA). ODJFS reviewed the proposed rule during several listening sessions and meetings of the OCA and Ohio Independent Living Association. During that time, stakeholders submitted comments that prompted amendments to the rules that relaxed readiness review timelines from 90 days to 180 days, clarified requirements for children remaining in foster care beyond their eighteenth birthday, streamlined requirements for independent living services concepts, and required PCSAs and PCPAs to provide youths with the Foster Youth Rights Handbook. No comments were received during the CSI public comment period.

The business community impacted by the rules includes all PCSAs and PCPAs. The adverse impacts created by the rules include requirements for agencies to obtain certification and maintaining compliance with requirements for service provision, which includes providing life skill assessments, independent living and transition plans, and necessary documents. ODJFS states that the costs can vary based on factors that are unique to each business, including the structure of the business and the methods used to provide youths with services. ODJFS also notes that the proposed amendments will reduce the regulatory burden on businesses by increasing the deadline for completing readiness reviews from 90 days to 180 days, as well as allowing agencies to delay developing final transition plans for youth who do not emancipate until after they turn 18 years old. ODJFS states that the adverse impacts created by the rule are necessary to ensure the safety of children in foster care and to provide federally required independent living services.

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 rule with the Joint Committee on Agency Rule Review.