

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-44-09

Rule Type: Amendment

Rule Title/Tagline: Requirements for the state adoption special services subsidy program approved before July 1, 2004.

Agency Name: Department of Job and Family Services

Division: Division of Social Services

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 7/24/2024
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 5153.163
5. **What statute(s) does the rule implement or amplify?** 5153.16, 5153.163
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

This rule is proposed for amendment due to a five year review. This rule governs the administration of the State Adoption Maintenance Subsidy (SAMS) program which provides adoption subsidy to qualifying children that do not meet the criteria for Title IV-E.

- 8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

OAC 5101:2-44-09 entitled Requirements for the state adoption special services subsidy program approved before July 1, 2004, details the eligibility requirements and the reason for suspension and termination of state adoption special services subsidy approved before July 1, 2004. The revision dates were removed.

- 9. Does the rule incorporate material by reference? Yes**
- 10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(a).

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code. This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(d).

This rule incorporates one or more references to a form or a digital application into which data is entered. This question is not applicable to any incorporation by reference to forms or digital data applications because such reference is exempt from compliance with RC 121.75 to 121.74 pursuant to RC 121.75(B)(4).

- 11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0

Not applicable

13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

No new costs

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not applicable

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? No

18. Does this rule have an adverse impact on business? No

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No

C. Does this rule require specific expenditures or the report of information as a condition of compliance? No

D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

A. How many new regulatory restrictions do you propose adding to this rule? 0

B. How many existing regulatory restrictions do you propose removing from this rule? 7

(B) If the PCSA elects to continue the state adoption special services subsidy program, as outlined in rule 5101:2-44-03 of the Administrative Code, for approvals in effect before July 1, 2004, the PCSA shall redetermine the state adoption special services subsidy under the following circumstances:

(C) To redetermine or amend the state adoption special services subsidy the PCSA shall:

(D) The adoptive parent shall provide the PCSA with a completed and updated JFS 01681 in order to redetermine the state adoption special services subsidy.

(E) The PCSA shall suspend the state adoption special services subsidy if the adoptive parent fails to comply with the requirements of a redetermination as described in this rule.

(F) The PCSA shall terminate the state adoption special services subsidy if six months have elapsed from the redetermination date and the adoptive parent still fails to comply with the requirements as described in this rule.

(G) If the PCSA elects to discontinue the state adoption special services subsidy program for approvals entered into before July 1, 2004, the PCSA shall:

(I) If the redetermination results in a decrease, suspension or termination of the state adoption special services subsidy, the PCSA shall use the JFS 04065 "Prior Notice of Right to a State Hearing" (rev. 5/2001) to inform the adoptive parent of the reason for the action, its effective date and the right to a state hearing pursuant to section 5101.35 of the Revised Code and division 5101:6 of the Administrative Code.

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable