

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-49-03

Rule Type: Amendment

Rule Title/Tagline: Special needs criteria for Title IV-E adoption assistance (AA).

Agency Name: Department of Job and Family Services

Division: Division of Social Services

Address: 30 E Broad Street Columbus OH 43215

Contact: Michael Lynch **Phone:** 614-466-4605

Email: Michael.Lynch@jfs.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 7/1/2024
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?** 5101.141
5. **What statute(s) does the rule implement or amplify?** 5101.11, 5101.141
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 as a result of the five-year review.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

OAC rule 5101:2-49-03 entitled "Special Needs Criteria for Title IV-E Adoption Assistance (AA)" outlines the criteria for a child with special needs to be eligible for the AA program. Inclusion of religion or cultural heritage language added to the rule as a special need factor or condition making it difficult to place a child with an adoptive parent(s) without the provision of AA in paragraph (A)(2)(b). Clarification to paragraph (2)(e) and (2)(g) regarding a culturally competent qualified professional for assessments and documentation of a child's diagnoses. Further clarification was added to the rule when adopting a child without AA and documentation requirements in paragraph (A)(3)(a). The rule has been amended to remove the revision date from the form(s) referenced in the rule.

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 another rule or rules of the Ohio Administrative Code (OAC). 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)(d).

This rule incorporates one or more references to the Ohio Revised Code (ORC). This question is not applicable to any incorporation by reference to the ORC 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 dated references to an ODJFS form or forms. Each cited ODJFS form is dated and is generally available to persons affected by this rule via the inner-web at <http://innerapp.odjfs.state.oh.us/forms/inner.asp> or on the inter-net at <http://www.odjfs.state.oh.us/forms/inter.asp> in accordance with RC 121.75(B)(4).

This rule incorporates one or more dated references to the Code of Federal Regulations (CFR). This question is not applicable to any dated incorporation by reference to the CFR because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(A)(2)(d).

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.

0.00

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? 11

5101:2-49-03(A) Pursuant to RC 121.95(F). (A)Prior to the finalization of adoption, the public children services agency (PCSA) shall

5101:2-49-03(A)(2)(b) Pursuant to RC 121.95(F). (A)(2)(b)However, if the child is between the age of newborn and twelve months the child shall

5101:2-49-03(A)(2)(e) Pursuant to RC 121.95(F). (A)(2)(e) The emotional ties shall

5101:2-49-03(A)(2)(g)(ii) Pursuant to RC 121.95(F). (A)(2)(g)(ii) The qualified professional shall

5101:2-49-03(A)(2)(g)(ii) Pursuant to RC 121.95(F). (A)(2)(g)(ii) This statement shall

5101:2-49-03(A)(3)(h) Pursuant to RC 121.95(F). (A)(3)(h) A qualified professional shall

5101:2-49-03(A)(3) Pursuant to RC 121.95(F). (A)(3) Reasonable, but unsuccessful, efforts to place the child without AA shall

5101:2-49-03(A)(3)(a) Pursuant to RC 121.95(F). (A)(3)(a) Except as described in paragraph (A)(3)(b) of this rule, the PCSA shall

5101:2-49-03(B) Pursuant to RC 121.95(F). (B) If all other eligibility criteria are met, and the only special needs factor is the child has been determined to be

at substantial risk, with no manifestation of a special needs factor or condition, a JFS 01453 "Title IV-E Adoption Assistance Agreement" (rev. 7/2019) with no payment shall

5101:2-49-03(B) Pursuant to RC 121.95(F). (B) The PCSA shall

5101:2-49-03(B)(2) Pursuant to RC 121.95(F). (B)(2) This statement shall

- 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