

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5101:2-49-12

**Rule Type:** Amendment

**Rule Title/Tagline:** Amendment of the Title IV-E adoption assistance (AA) agreement.

**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?** 7/1/2024
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 5101:2-49-12 entitled "Amendment of the Title IV-E Adoption Assistance (AA) Agreement" outlines criteria to amend an AA agreement. New language included in paragraph (C) documenting the prognosis and recommendations from a culturally competent qualified professional of the child's physical/mental disability or medical condition in the last twelve months for future treatment needs. Paragraph (D), the JFS 01452 "Notice of Adverse Action for Title IV-E Adoption Assistance (AA)" is to be completed when an amendment is being requested. New language was added in paragraph (G) regarding AA payments and third parties. 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)(1)(d).

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).

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.**

This will have no impact on revenues or expenditures.

### **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? 8**

5101:2-49-12(A). Pursuant to RC 121.95 (F). (A)The amended agreement shall

5101:2-49-12(B). Pursuant to RC 121.95 (F). (B) Any request for an amendment to the AA agreement shall

5101:2-49-12(C)(1). Pursuant to RC 121.95 (F). (C)(1)The JFS 01453 shall

5101:2-49-12(C)(2). Pursuant to RC 121.95 (F). (C)(2) The PCSA and adoptive parent(s) shall

5101:2-49-12(C)(3). Pursuant to RC 121.95 (F). (C)(3) The agreement shall

5101:2-49-12(C)(4). Pursuant to RC 121.95 (F). (C)(4) The PCSA shall

5101:2-49-12(E). Pursuant to RC 121.95 (F). (E) If the adoptive parent(s) requests an amendment of the AA payment specified in an existing agreement and the PCSA denies the request, the PCSA shall

5101:2-49-12(F). Pursuant to RC 121.95 (F). (F) The PCSA 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