

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-52-10

Rule Type: Amendment

Rule Title/Tagline: Interstate placement requirements for Ohio courts, parents, or legal guardians when placing a child in a residential placement in another state or territory.

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?** 5103.23
5. **What statute(s) does the rule implement or amplify?** 2151.39, 5103.23
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 is a 5-year review.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule provides guidance to courts and individuals on requirements for placing a child into a residential facility in another state. Language was changed throughout to clarify all documents are sent electronically. In paragraph B (1) the requirement to indicate monthly supervisory reports are requested was removed. In paragraph B (3) the requirement to document the other parent's consent to place was removed and the time frame for notification of placement was corrected to 30 days.

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 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? 10

5101: 2-52-10 (A) Removed "court shall"

5101: 2-52-10 (A) (2) (g) Removed "child shall"

5101: 2-52-10 (B) Removed "guardian shall"

5101: 2-52-10 (B) (1) Removed "form shall"

5101: 2-52-10 (B) (1) Removed requirement to indicate monthly supervisory reports are requested

5101: 2-52-10 (C) Removed "court shall not"

5101: 2-52-10 (D) Removed "shall"

5101: 2-52-10 (E) Removed "court shall"

5101: 2-52-10 (F) Removed "court shall arrange"

5101: 2-52-10 (F) Removed "costs...shall be"

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