



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

Business Impact Analysis

Agency, Board, or Commission Name: Ohio Department of Job and Family Services

Rule Contact Name and Contact Information: Mike Lynch Michael.Lynch@jfs.ohio.gov

Regulation/Package Title (a general description of the rules' substantive content):

Interstate Compact on the Placement of Children (FYR) – Spencer

Rule Number(s): 5101:2-52-06, 5101:2-52-08

Date of Submission for CSI Review: 6/4/2024

Public Comment Period End Date: 6/11/2024

Rule Type/Number of Rules:

New/___ rules

No Change/___ rules (FYR? ___)

Amended/ 2 rules (FYR? Y)

Rescinded/___ rules (FYR? ___)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

Reason for Submission

- 1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.**

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- Requires a license, permit, or any other prior authorization to engage in or operate a line of business.**
- Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.**
- Requires specific expenditures or the report of information as a condition of compliance.**
- Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.**

Regulatory Intent

- 2. Please briefly describe the draft regulation in plain language. Please include the key provisions of the regulation as well as any proposed amendments.**

OAC 5101:2-52-06 entitled Requirements applicable to interstate placement of children when the PCPA, PNA, or court is the receiving agency provides guidance to private agencies on requirements when a child is being placed into one of the agency's licensed or approved homes from another state.

OAC 5101:2-52-08 entitled Interstate placement requirements for Ohio parents, legal guardians, or private entities when placing a child into another state or territory for adoption provides guidance regarding placement for a private or independent adoption into another state. Revision dates for forms were removed throughout. References to sending hard copies were removed throughout. Some non-substantive changes to language for clarification were made throughout.

- 3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.**

<u>Rule Number</u>	<u>Statutory Authority</u>	<u>Amplified Authority</u>
Rule 5101:2-52-06	ORC 5103.23	ORC 5103.23, 2151.39
Rule 5101:2-52-08	ORC 5103.23	ORC 5103.23, 2151.39

- 4. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program? If yes, please briefly explain the source and substance of the federal requirement.**

No

- 5. If the regulation implements a federal requirement, but includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

These rules do not exceed any federal requirements.

- 6. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

These rules are a result of the general rule writing authority regarding the Interstate Compact on the Placement of Children (ICPC) directed in section 5103.23 Article VII of the Revised Code.

For rule 5101:2-52-06, the purpose of the regulation is to provide guidance to private agencies on requirements when a child is being placed into one of the agency's licensed or approved homes from another state.

For rule 5101:2-52-08, the purpose of the regulation is to provide guidance regarding placement for a private or independent adoption into another state.

- 7. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

Rules 5101:2-52-06 and 5101:2-52-08 will be measured against the criteria specific to the rule content. The state ICPC office will monitor compliance ensuring children are placed into safe, appropriate, and approved homes and are monitored for continued safety in the home.

- 8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?**

If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.

No.

Development of the Regulation

- 9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

If applicable, please include the date and medium by which the stakeholders were initially contacted.

The rules went through the public clearance process which ended on April 12, 2024. No external comments were received.

- 10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

There were no comments received from stakeholders regarding the rules as there were only non-substantive changes made.

- 11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

Not applicable.

- 12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives? *Alternative regulations may include performance-based regulations, which define the required outcome, but do not dictate the process the regulated stakeholders must use to comply.***

There were no other alternatives considered for the rules as requirements are driven by the Interstate Compact on the Placement of Children.

- 13. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

There is no duplication as the rules are specific to compliance with the ICPC and no other rules address these specific issues. These rules were reviewed by the legal staff at ODJFS to ensure they do not duplicate any existing Ohio regulations.

- 14. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

Licensing specialists review the agencies to ensure the regulations are applied consistently and they offer technical assistance in areas of inconsistency.

Adverse Impact to Business

15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:

- a. Identify the scope of the impacted business community, and
- b. Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a representative business. Please include the source for your information/estimated impact.

- a. Scope of impacted business community:

The rules included in this BIA contain requirements for foster care and adoption agencies that include over one hundred private agencies. Requirements must be met in order to place children or accept placement of children across state lines.

- b. Quantify and identify the nature of adverse impact:

The rules require the agency to follow the proper procedure for the placement of children across state lines or acceptance of placement of children from other states. The adverse impact for each of the requirements would include the actual cost of completing each requirement, in addition it involves the time and resources it takes for an agency to complete and gather the necessary documentation and electronically send it to the state ICPC office. Most of the documentation required is not additional documentation beyond their normal adoptive placement practice and the cost of completing any additional forms and sending them electronically is negligible.

16. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify. (*Reductions in regulatory burden may include streamlining reporting processes, simplifying rules to improve readability, eliminating requirements, reducing compliance time or fees, or other related factors*).

The proposed changes do not change what is currently in place as only non-substantive changes were made to the rules.

17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

To ensure compliance with the ICPC and the safety of children placed across state lines, the adverse impact of these rules is necessary.

Regulatory Flexibility

18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

For rules 5101:2-52-06 and 5101:2-52-08 there are no apparent alternative means of compliance or possible exemptions given the nature of the rules.

19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

For rules 5101:2-52-04 and 5101:2-52-08, 5101:2-5-36 there are no fines or civil penalties for non-compliance other than the forfeiture of certification through denial or revocation if the licensing specialist determines such action is necessary.

20. What resources are available to assist small businesses with compliance of the regulation?

The Department has licensing specialists assigned to each agency to assist in the obtaining and maintaining of compliance. Specialists are available to provide technical assistance to meet the requirements of all regulations. State ICPC staff are also available for assisting with any questions or technical assistance needs.