

**MEMORANDUM**

**OTO:** Michael Lynch, Ohio Department of Job and Family Services

**FROM:** Sophia Papadimos, Regulatory Policy Assistant

**DATE:** February 21, 2014

**RE:** **CSI Review – Office of Families and Children Chapter 5101:2-52 Rules (OAC 5101:2-52-06 and 5101:2-52-08)**

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On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

**Analysis**

This rule package consists of two amended rules being proposed by the Ohio Department of Job and Family Services (ODJFS) pursuant to the five-year review requirement of ORC 119.032. Both rules relate to the Interstate Compact on the Placement of Children (ICPC). ICPC is an agreement signed into law by all 50 states to ensure children who are placed in foster care or adopted over state lines are provided with adequate services and support.

OAC 5101:2-52-06 pertains to the requirements and responsibilities for private agencies and courts receiving children for placement across state lines. The requirements for sending an ICPC request to obtain permission to place a child in another state have been removed from this rule and placed in 5101:2-52-08 and 5101:2-52-10<sup>1</sup>. The rule was also amended to reflect the documentation required when approving a home through an ICPC request and the requirements

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<sup>1</sup> OAC 5101:2-52-10 is also being amended but does not impact business and therefore does not have to be reviewed by the CSI Office.

for submission of progress reports. Several other non-substantive changes were made for clarity.

OAC 5101:2-52-08 outlines the procedures and responsibilities for parents, legal guardians, and private entities placing children in adoptive homes across state lines. The amended rule clarifies the documentation and forms required when requesting an adoptive placement across state lines. Similar to OAC 5101:2-52-06, non-substantive changes were also made for clarity.

The BIA identifies the adverse impact as the time required to complete the necessary paperwork and documentation that must be provided to the Ohio Interstate Compact on the Placement of Children (ICPC) Office. Additionally, postage costs could be an adverse impact if an organization or agency decides to mail hard copies of the reports instead of via email. As stated in the BIA, these rules are necessary in order to comply with the Interstate Compact requirements. The rules establish guidelines and requirements in order to ensure the safe and appropriate placement of a child. Therefore, the CSI Office has determined the purpose of the rules justifies the adverse impact identified in the BIA.

### **Recommendation**

For the reasons explained above this office does not have any recommendations regarding this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Department should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office