

**MEMORANDUM**

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

**FROM:** Sydney King, Regulatory Policy Advocate

**DATE:** March 12, 2014

**RE:** **CSI Review – Adoption Assistance Rules - Part 2 (OAC 5101:2-49-17 and 5101:2-49-21)**

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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. The rule package was filed with the CSI Office on February 3, 2014 and the comment period for the rule closed on February 10, 2014. One comment was received during the public comment period.

The proposed rules provide the requirements for adoption case records and notification of reimbursement of nonrecurring adoption expenses for a child with special needs. The rules implement the Title IV-E federal program. The Title IV-E program is county-administered by Public Children Services Agencies (PCSAs) and is state-supervised. The rules require Private Child Placing Agencies (PCPAs) to provide information regarding the adoption assistance reimbursement funding to adoptive parents and provide documentation to PCSAs.

According to the BIA, the rule package was reviewed during the Partners For Ohio's Families (PFOF) Initiative. The PFOF Initiative included meetings throughout the state with public and

private agencies. During stakeholder outreach, the rules were amended based on suggestions received by the PFOF committee. ODJFS also provided a clearance comment period to receive feedback from stakeholders during drafting and again amended the rules based on feedback. Explanation was provided to stakeholders if amendments were not incorporated to the rules. One comment was received during the CSI public comment period and ODJFS amended the rule package in response.

The BIA identifies the adverse impacts and focuses on the impact to PCPAs because the PCSAs, as public entities, are not businesses. The BIA states that there are 58 PCPAs in Ohio that will be impacted by the requirements. PCPAs must provide case record documentation at the request of a PCSA, maintain adoption records, inform adoptive parents about the nonrecurring adoption expenses for reimbursement, and complete several forms. These forms can be found online. ODJFS estimates the costs associated with compliance to be administrative. If a PCPA does not notify the adoptive parents about the reimbursement information, the parents may make a complaint to the ODJFS licensing department.

The BIA states the rules are necessary in order to comply with the requirements found in Title IV-E of the Social Security Act and Ohio Revised Code 5101.141.

After reviewing the proposed rules and the BIA, the CSI Office has determined that the rule package satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rules is justified.

### **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