

**MEMORANDUM**

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

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

**DATE:** February 27, 2014

**RE:** **CSI Review – Adoption Assistance Rules- Part 1 (OAC 5101:2-49-01)**

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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 one amended rule 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 was filed with the CSI Office on January 24, 2014 and the comment period for the rule closed on January 30, 2014. No comments were received during the public comment period.

The proposed rule provides the requirements to administer federal Title IV-E program payments for adoption assistance. The Title IV-E program is county-administered by Public Children Services Agencies (PCSAs) and supervised at the state level by ODJFS. Private Child Placing Agencies (PCPAs) are required to provide information regarding the adoption assistance program to all adoptive parents and submit 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 rule was 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 draft rule based on feedback. Explanation was provided to stakeholders if amendments were not incorporated into the rule. No comments were received during the public comment period.

The BIA identifies the rule's adverse impacts as the administrative costs associated with compliance but 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 information about the adoption assistance program to adopting parents and complete a homestudy on each adoptive family. A homestudy includes obtaining criminal background checks, domestic violence checks, social and medical information of the adoptive parents, home safety checks, fire safety checks, and bedroom capacity to determine if the family can be approved for adoption. The PCPA completes several forms as a result of a homestudy. These forms can be found online. The BIA states the rule is 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 rule and the BIA, the CSI Office has determined that the rule satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rule 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