



# Common Sense Initiative

Mike DeWine, *Governor*  
Jon Husted, *Lt. Governor*

Joseph Baker, *Director*

## MEMORANDUM

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

**FROM:** Jacob Ritzenthaler, Business Advocate

**DATE:** March 26, 2024

**RE:** **CSI Review – Foster Care Licensing (OAC 5101:2-5-27, 5101:2-5-29, 5101:2-5-36, 5101:2-5-37, and 5101:2-33-80)**

On behalf of Lt. Governor Jon Husted, 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 Department as provided for in ORC 107.54.

### Analysis

This rule package consists of five no-change rules proposed by the Ohio Department of Job and Family Services (ODJFS) as part of the statutory five-year review requirement. This rule package was submitted to the CSI Office on February 21, 2024, and the public comment period was held open through February 28, 2024. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on February 21, 2024.

Ohio Administrative Code (OAC) Chapter 5101:2-5 establishes requirements for the licensing of child services agencies. OAC 5101:2-5-27 provides the procedure for the voluntary termination of a foster home certificate, including notification of other agencies with a foster child placed within the home and documentation within the Statewide Automated Child Welfare and Information System (SACWIS). OAC 5101:2-5-29 requires agencies to maintain records for each foster home, including logs containing information on each child placed within a foster home, timelines for record maintenance, and SACWIS documentation. OAC 5101:2-5-36 and 5101:2-5-37 set forth additional requirements for agencies that act as representatives of ODJFS in recommending treatment foster homes and medically fragile foster homes for certification, including requirements for agencies to assign treatment teams to each child with special or exceptional needs, develop service and respite

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plans, establish occupancy limits, coordinate services, and plan for discharge. OAC 5101:2-33-80 concerns the exchange of criminal records information exchange for foster caregivers and employees.

During early stakeholder outreach, ODJFS sent the proposed rules to industry stakeholders for feedback. No comments were received during that time or during the CSI public comment period.

The business community impacted by the rules includes eighty-eight public foster care and adoption agencies and over one hundred private agencies. The adverse impacts created by these rules include properly maintaining records created for foster caregivers, recommending treatment and medically fragile foster homes for certification, and complying with the procedure for terminating a foster care certificate. ODJFS states that the adverse impacts created by the rules are necessary to ensure the safety of children in substitute care.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that ODJFS should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.