



# 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:** June 21, 2024

**RE:** **CSI Review – Interstate Compact on the Placement of Children (OAC 5101:2-52-06 and 5101:2-52-08)**

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 two amended rules proposed by the Ohio Department of Job and Family Services (ODJFS) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on June 4, 2024, and the public comment period was held open through June 11, 2024. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on June 4, 2024.

Ohio Administrative Code (OAC) Chapter 5101:2-52 establishes requirements concerning the interstate compact on the placement of children (ICPC), which ensures the safe placement of children across state lines. OAC 5101:2-52-06 sets forth requirements for receiving agencies, including private child placing agencies (PCPAs), private noncustodial agencies (PNAs), and courts. OAC 5101:2-52-08 concerns requirements for Ohio parents, legal guardians, or private entities that place a child into another state or territory for adoption. The rule is amended to remove unnecessary regulatory restrictions. The rule includes requirements for obtaining approval for out-of-state placement, document submission, and sending agent responsibilities. The rule is amended to remove the option to submit documents in three hard copy packets, as well as removing the revision dates for document titles and removing unnecessary regulatory restrictions.

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

The business community impacted by the rules includes over one hundred private foster care and adoption agencies. The adverse impact created by the rules is primarily the submission of documentation to Ohio ICPC offices, including information concerning home assessments, criminal background checks, or progress reports. ODJFS states that the adverse impact is necessary to ensure compliance with the ICPC and the safety of children placed across state lines.

### **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.