



TED STRICKLAND
GOVERNOR
STATE OF OHIO

Executive Order 2009 – 15S

**Immediate Amendment of Rules Regarding
the Payment of Certain Adoption Expenses**

1. **The Administration of Programs to Encourage the Adoption of Special Needs Children.** Two programs administered by the Ohio Department of Job and Family Services ("ODJFS"), in conjunction with county public children services agencies, help families with their expenses associated with the adoption of a special needs child. The first is Ohio's state adoption maintenance subsidy ("SAMS") program which uses state funds to help adoptive parents of special needs children pay for ongoing expenses. The second, established by the federal government, uses a combination of federal, state and local funds to pay for non-recurring (one-time) expenses associated with the adoption of a special needs child. ODJFS is responsible for establishing the rules associated with the administration of these two programs.
2. **Ohio is Facing Significant Economic Challenges.** The national economic recession has imposed many hardships on the people of Ohio. Declining tax revenues realized by the State have made it more and more challenging for the State to provide the educational, health, and other services its people deserve. Difficult decisions have been made by the General Assembly to reduce or eliminate funding for a range of various beneficial and desirable programs which rely in whole or in part on state tax revenues. Among the programs for which funding has been reduced are the two programs discussed above aimed at encouraging the adoption of special needs children.
3. **Making the Amendment of Rules Effective on August 10, 2009.** Ohio's new two-year budget law became effective Friday, July 17, 2009. That law reduced the amount of funding available for the two programs discussed above. In order to for reduced spending levels in the new law to begin, new implementing rules need to be effective immediately.

4. **Procedure for Immediate Enactment of Rule Changes.** Section 119.03(F) of the Ohio Revised Code authorizes the Governor, on the request of a state agency, to suspend the normal rule-making procedures with respect to a specific rule when an emergency exists necessitating the immediate adoption, amendment or rescission of the rule. When such a determination is made, the agency may immediately adopt, amend or rescind a rule, but the rule is valid for only ninety (90) days.
5. **Determination of an Emergency.** I believe that an emergency exists justifying the suspension of the normal rule-making process when the failure to act immediately would negatively impact the citizens of Ohio. ODJFS has asked me to determine, and I have determined, that the failure to immediately amend rules addressing regarding the payments to adoptive parents discussed above will require the state, over the next two fiscal years, to spend funds on the two programs discussed above at a rate which would exceed the amount appropriated for them by the General Assembly. Spending at that rate would result in available funds for these programs running out before the end of the two-year state budget period, causing an abrupt, unacceptable elimination of services to Ohioans before the end of that two-year period. Therefore, an emergency exists necessitating the immediate amendment of the administrative rules regarding these programs.
6. **Authorization for Immediate Rule Implementation.** Accordingly, the normal rule-making procedures are suspended with respect to the amendment of rules 5101:2-44-06, 5101:2-44-08, and 5101:2-49-21 in the Ohio Administrative Code. These rules will be electronically filed by ODJFS with the Ohio Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review. ODJFS may, therefore, amend these rules immediately.
7. I signed this Executive Order on August 10, 2009 in Columbus, Ohio, and it will expire at the end of the ninetieth day it is in effect, November 9, 2009.



ATTEST:


Ted Strickland, Governor

Jennifer Brunner, Secretary of State