



TED STRICKLAND
GOVERNOR
STATE OF OHIO

Executive Order 2009 – 18S

Immediate Amendment of the Rule Regarding the Kinship Permanency Incentive Program

1. **The Administration of the Kinship Permanency Incentive program.** The Kinship Permanency Incentive program (“Kinship Program”) is a child welfare program administered by the Ohio Department of Job and Family Services (“ODJFS”) in conjunction with county public children services agencies. The Kinship Program provides financial support for children living in the homes of family or friends. These are children who would otherwise be unsafe or at risk of harm if they remained in their own homes. The financial support provided assists needy kinship caregivers who have committed to a permanent relationship with such a child by becoming the child’s guardian or legal custodian. ODJFS is responsible for establishing the rules associated with the administration of this program.
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 is the Kinship Program discussed above.
3. **Making the Amended Rule Effective Immediately.** Ohio’s new two-year budget law became effective on Friday, July 17, 2009. That law reduced the amount of funding available for the Kinship Program. Until the implementing rule for that program is modified, reduced spending levels required by Ohio’s new budget law cannot be put into effect.

4. **Procedure for Immediate Enactment of Rule Change.** 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 the rule regarding the payments to kinship caregivers discussed above will require the state, over the next two fiscal years, to spend funds on the Kinship Program at a rate which would exceed the amount appropriated for it by the General Assembly. Spending at that rate would result in available funds for this 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 rule regarding the Kinship Program.
6. **Authorization for Immediate Rule Implementation.** Accordingly, the normal rule-making procedures are suspended with respect to the amendment of rule 5101:2-40-04 in the Ohio Administrative Code. This rule 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 this rule immediately.
7. I signed this Executive Order on August 20, 2009, in Columbus, Ohio, and it will expire at the end of the ninetieth day it is in effect, November 18, 2009.



Ted Strickland
Ted Strickland, Governor

ATTEST:

Jennifer Brunner, Secretary of State