



**MIKE DEWINE**  
GOVERNOR  
STATE OF OHIO

**Executive Order 2023-09D**

The Emergency Adoption of Rule 5101:2-44-15 and Emergency Amendment of Rules 5101:2-44-06, 5101:2-44-08, and 5101:2-40-04 of the Ohio Administrative Code by the Ohio Department of Job and Family Services

**WHEREAS**, improving Ohio's children services system to better service Ohio's families and increasing the number of adoptions of children who are in foster care have been priorities of the DeWine Husted Administration; and

**WHEREAS**, I created the Governor's Children's Initiative, in part, to focus on reaching the goals of improving Ohio's children services system and increasing the number of adoptions of children who are in foster care; and

**WHEREAS**, the Children Services Transformation Advisory Council was formed to develop a set of recommendations, after consultation with experts in the field and those with lived experience in the children services and adoption systems, to improve Ohio's children services system; and

**WHEREAS**, the Children Services Transformation Advisory Council wrote a report that made 37 recommendations to improve the state's children services system; and

**WHEREAS**, the 37 recommendations by the Children Services Transformation Advisory Council to improve Ohio's children services have all been partially or fully implemented; and

**WHEREAS**, the Children Services Transformation Advisory Council's recommendations recognize the need to remove barriers to permanency by increasing the pool of prospective adoptive families; and

**WHEREAS**, on January 6, 2023, I signed House Bill 45 of the 134<sup>th</sup> General Assembly; and

**WHEREAS**, the Ohio Adoption Grant Program was created as a part of House Bill 45, with an effective date of April 7, 2023; and

**WHEREAS**, the Office of Families and Children, within the Ohio Department of Job and Family Services (ODJFS), supervises Ohio's children services system, including implementing programs for adoptive families and children; and

**WHEREAS**, numerous children are adopted internationally or privately by loving Ohio families each year; and

**WHEREAS**, roughly 1,600 children are adopted from the Ohio foster care system each year; and

**WHEREAS**, over 3,000 additional children in foster care are available for adoption on any given day in Ohio and are in need of a loving adoptive family; and

**WHEREAS**, the Ohio Adoption Grant Program will encourage more Ohio families to consider growing their family through adoption; and

**WHEREAS**, Section 5101.193 of the Ohio Revised Code authorizes ODJFS to adopt rules to administer and implement the Ohio Adoption Grant Program, and Sections 5101.02, 5101.35, 5101.801, 5101.802, and 5153.163 authorize ODJFS to adopt rules to administer and/or implement the benefits appeal process, the kinship permanency incentive program, and the kinship guardian assistance program; and

**WHEREAS**, Section 119.03(G) 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 specific rules when an emergency exists necessitating the immediate adoption, amendment, or rescission of such rules. When such a determination is made, the agency may immediately adopt, amend, or rescind such rules, but the rules are only valid for one hundred and twenty (120) days; and

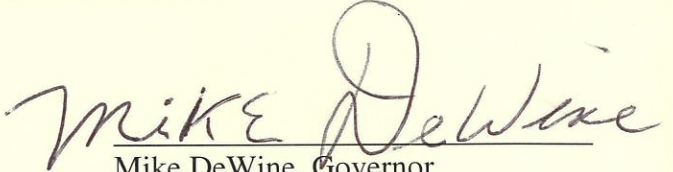
**WHEREAS**, ODJFS has requested a determination whether an emergency exists that requires the adoption of rule 5101:2-44-15 and the amendment of rules 5101:2-44-06, 5101:2-44-08, and 5101:2-40-04 of the Ohio Administrative Code on an emergency basis and that would therefore permit ODJFS, pursuant to Sections 5101.193, 5101.02, 5101.35, 5101.801, 5101.802, and 5153.163 of the Ohio Revised Code, to immediately adopt and amend these rules.

**NOW THEREFORE**, I, Mike DeWine, Governor of the State of Ohio, have determined, upon the request of ODJFS, that an emergency exists requiring the immediate adoption of rule 5101:2-44-15 and the immediate amendment of rules 5101:2-44-06, 5101:2-44-08, and 5101:2-40-04 of the Ohio Administrative Code.

I hereby order that the procedures prescribed by Section 119.03 of the Ohio Revised Code with respect to the adoption and amendment of the specified rules be suspended and that ODJFS be permitted to adopt and amend the rules immediately by filing them electronically with the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review (JCARR).

Furthermore, I hereby order that this Executive Order be filed in electronic form with ODJFS, the Secretary of State, the Director of the Legislative Service Commission, and JCARR.

I signed this Executive Order on April 7, 2023, in Columbus, Ohio, and it will expire one hundred and twenty (120) days from the effective date of the emergency rules, or upon the adoption of the rules through the normal JCARR process, whichever is sooner.

  
Mike DeWine, Governor

ATTEST:

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Frank LaRose, Secretary of State

