

Economic Impact Statement
LSA Document #09-168

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

The proposed rule will not impose requirements or costs on small businesses under IC 4-22-2.1-5. The proposed rule establishes eligibility requirements and procedures for youth over age 18 and under age 21, who have been in foster care under supervision of the Department of Child Services (DCS) or a juvenile court immediately before becoming age 18, to request continuation in a current foster home placement, or placement in a new foster home. This opportunity is provided under a statute enacted in 2008, IC 31-28-5.7, which requires DCS to adopt implementing rules. The proposed rule will supersede the current agency policy regarding this program that was issued on July 3, 2008.

The statute and proposed rule apply to a youth whose child in need of services or delinquency case is closed and juvenile court jurisdiction terminated after the youth has become 18 years of age, in addition to cases where the juvenile court case and jurisdiction may be kept open after the youth has become age 18. Apart from this new program, DCS does not pay for foster care after the juvenile court case is closed. Foster family homes licensed and regulated by DCS will potentially be available for a suitable continuing or new placement of an older youth through this program and payment by DCS of the regular foster care per diem rate, currently \$25.00, for care and maintenance of the youth in the home. As of July 1, 2010, there were 2,645 foster family homes licensed by DCS through its local offices in Indiana that were available for placement of children or youth who are not related to members of the foster family. An additional 39 foster family homes licensed by DCS through child placing agencies would also potentially be available for these placements.

The Department of Child Services believes that very few, if any, licensed foster family homes would be considered to be a “small business” as currently defined in IC 5-28-2-6. Few of those homes have any employees. Even if a home does have an employee, it should not be considered a “business entity” within the meaning of the statute. Further, even if a foster family home could be considered a business entity, this rule does not impose any requirements or costs on the home. It merely makes available a possible placement, on a voluntary basis, of an older youth who qualifies for foster care under this program.

The number of actual foster home placements that will occur under this statute and rule is expected to be small. Approximately 300 children per year become 18 years of age while in foster care. As of July 1, 2010, only five (5) individuals over 18 years of age whose court cases had closed had applied and been accepted for the older youth foster care program under the statute and DCS policy that the proposed rule implements, during the time since the statute became effective on July 1, 2008. As the availability of the

program becomes more widely publicized, that participation rate should increase, but DCS estimates that the number of applicants will not exceed 10% of the potentially eligible population.