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**TITLE 465 DEPARTMENT OF CHILD SERVICES**

**Administrative Rules Oversight Committee Notice  
One Year Requirement ([IC 4-22-2-25](#))  
LSA Document #09-163**

November 3, 2009

Representative Scott Pelath, Chairperson  
Administrative Rules Oversight Committee  
c/o Legislative Services Agency  
200 West Washington Street, Suite 301  
Indianapolis, Indiana 46204-2789  
Attn: Sarah Burkman

RE: LSA Document #09-163 – Indiana adoption program rule

Dear Representative Pelath:

On behalf of the Indiana Department of Child Services (IDCS), I am submitting this letter to the Administrative Rules Oversight Committee in compliance with [IC 4-22-2-25](#) because IDCS has determined that promulgation of the captioned rule likely will not be completed within one year after publication of the Notice of Intent to Adopt a Rule.

The IDCS published its Notice of Intent to Adopt a Rule for the above-referenced document on March 4, 2009 (DIN: [20090304-IR-465090163NIA](#)). IDCS submitted the Proposed Rule, as approved by the agency for publication, to the State Budget Agency (SBA) on August 19, 2009. IDCS had submitted to the SBA preliminary fiscal information, based on the summary contained in the notice of intent, in June 2009, and submitted additional information for the fiscal impact and cost-benefit analysis on September 22, 2009. The IDCS determined that the procedure specified in [IC 4-22-2-28\(c\)](#) for submission of a Proposed Rule directly to the Office of Management and Budget (OMB) for preparation of a fiscal impact statement does not apply to this Proposed Rule.

At this time, the SBA and OMB have not completed their review of the fiscal and cost-benefit information for this Proposed Rule. Therefore, IDCS is not yet authorized to submit the Proposed Rule to the Indiana Register for publication. Due to the time necessarily required after publication of the Proposed Rule for the publication of notice and holding of the required public hearing and final adoption of the rule, and the time provided by statute for post-adoption review of the rule by the Attorney General and Governor, it is unlikely that the rule can be approved by the Governor within one year after the date of publication of the Notice of Intent to Adopt a Rule.

The IDCS anticipates that the Final Rule can be completed and approved by the Governor no later than December 31, 2010.

This notice is being submitted within the time provided in [IC 4-22-2-25](#). The two hundred fiftieth day after publication of the Notice of Intent to Adopt a Rule under the above-referenced document is November 9, 2009.

Sincerely,

John Wood  
Deputy General Counsel  
Indiana Department of Child Services

Cc: James W. Payne – Director, Department of Child Services  
Jeffrey M. Lozer – General Counsel, Department of Child Services

*Posted: 11/18/2009 by Legislative Services Agency*  
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