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**TITLE 470 DIVISION OF FAMILY AND CHILDREN**

LSA Document #02-74

To: Honorable Luke Kenley, Chairperson  
c/o Ms. Susan Kennell  
The Administrative Rules Oversight Committee

From: Joy A. Heim, Staff Attorney  
Office of General Counsel  
Family and Social Services Administration

Re: LSA #02-74, Amendments to First Steps Early Intervention Rule

Date: November 8, 2002

CC: Susan Kennell, Legislative Services Agency  
Howard Stevenson, General Counsel, FSSA  
Beth Eiler, Deputy Director, DFC/BCD  
Lanier DeGrella, First Steps Manager, DFC/BCD

On behalf of the Family and Social Services Administration, Division of Family and Children, Bureau of Child Development, I am submitting this notice to the Administrative Rules Oversight Committee in compliance with IC 4-22-2-25, because the division has determined that the promulgation of the captioned rule may not be completed within one year after publication of the notice of intent to adopt a rule.

The division published its notice of intent to adopt a rule for the captioned document on April 1, 2002 (25 IR 2279). Its proposed rule was published on October 1, 2002 (26 IR 167). This rule amends the First Steps Early Intervention Rule to include as a funding source cost participation by the recipients of this program. There was a delay before the publication of the proposed rule to develop procedures for implementation of this cost participation plan. Three public hearings were held on October 28, 2002, where a total of three persons provided testimony. Additionally, one person has provided written comments to the rule. The division is now reviewing those comments and anticipate that the Final Rule will be adopted by the Division Director no later than December 9, 2002.

However, any rule adopted by the division must be approved by the Family and Social Services Committee (see IC 12-8-3), a committee that meets only once per month. The committee currently has one vacancy and it is often the case where a monthly meeting could occur without a quorum and therefore no action can be taken on an adopted rule. This would mean delayed approval until the next monthly meeting of the committee and presence of a quorum, if there is a quorum that month. Following approval by the FSSA Committee, the rule must be submitted to the Attorney General's Office, Pursuant to IC 4-22-2-32, the Attorney General has forty-five days to complete his review of a rule. Whether a quorum is present at a monthly meeting of the FSSA Committee and the Attorney General's time frame for rule review are outside of the division's control. Although the division intends to have this rule approved by the governor by April 1, 2003, which would be within one year of that date of publication of the notice of intent, this notice is being forwarded to the Administrative Rules Oversight Committee as a precaution since the attendance of a quorum at the Family and Social Services Committee cannot be assured on any given month. Thus, the division expects that the rule can be approved by the governor by October 31, 2003.

This notice setting forth the expected date of approval of LSA #02-74 by October 31, 2003, is being submitted in a timely manner. December 6, 2002, is the two hundred fiftieth day after publication of the notice of intent to adopt a rule.