

5101:1-1-01

Temporary assistance for needy families definitions.

The definitions described in this rule are contained in federal regulations related to the temporary assistance for needy families (TANF) program. There are also definitions included in this rule that are set forth in the Revised Code.

(A) "Adult" is defined in 45 C.F.R. 260.30 (10/1999) as an individual who is not a minor child, as defined in this rule.

(B) "Assistance" is defined in 45 C.F.R. 260.31 (10/1999) as described below:

(1) Assistance includes cash, payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs for food, clothing, shelter, utilities, household goods, personal care items and general incidental items. Except as provided in paragraph (B)(2) of this rule, assistance includes supportive services such as transportation and child care provided to families who are not employed. It includes such benefits even when they are:

(a) Provided in the form of payments by a TANF agency or other agency on its behalf, to individual recipients; and

(b) Conditioned on participation in work experience or community service, or any other activity under 45 C.F.R. 261.30 (10/1999), that defines work activities as: unsubsidized employment, subsidized private-sector employment; subsidized public-sector employment; work experience when sufficient private-sector employment is not available; on-the-job training (OJT); job search and job readiness assistance; community service programs; vocational educational training; job skills training directly related to employment; education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency; satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate; and providing child care services to an individual who is participating in a community service program.

(2) Assistance excludes:

(a) Nonrecurrent, short-term benefits that:

(i) Are designed to deal with a specific crisis situation or episode of need;

- (ii) Are not intended to meet recurrent or ongoing needs; and
 - (iii) Will not extend beyond four months.
 - (b) Work subsidies - payments to employers or third parties to help cover the costs of employee wages, benefits, supervision and training;
 - (c) Supportive services such as child care and transportation provided to families who are employed;
 - (d) Refundable earned income tax credits;
 - (e) Contributions to, and distributions from individual development accounts (IDA);
 - (f) Services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support; and
 - (g) Transportation benefits provided under a job access or reverse commute project to an individual who is not otherwise receiving assistance.
- (C) "Assistance group" means those persons potentially eligible or determined eligible to receive benefits together under one assistance group name. This was formerly referred to as the food assistance household. The assistance group is also known as the standard filing unit (SFU) in the statewide automated eligibility system.
- (D) "Case" means all assistance groups who live in the same household.
- (E) "Cash assistance", when provided to Ohio works first (OWF) participants has the meaning described in paragraph (B) of this rule and in rule 5101:1-23-01 of the Administrative Code.
- (F) "Commingled State TANF expenditures" means expenditures of state funds that are made within the TANF program and commingled with federal TANF funds.
- (G) "Custodian" as defined in section 5107.02 of the Revised Code means, an individual who has legal custody, as defined in section 2151.011 of the Revised Code, of a minor child or comparable status over a minor child created by a court of

competent jurisdiction in another state.

- (H) "Erroneous payment" as defined in section 5107.76 of the Revised Code and rule 5101:1-23-70 of the Administrative Code, means payments of cash assistance under OWF to assistance groups not eligible to receive the assistance, including assistance paid as a result of misrepresentation or fraud and assistance paid due to an error by a member of an assistance group or a county agency.
- (I) "Fraudulent assistance" as defined in section 5101.83 of the Revised Code and rule 5101:1-23-75 of the Administrative Code, means assistance and services, including cash assistance provided under OWF established under Chapter 5107. of the Revised Code, or benefits and services provided under prevention, retention and contingency (PRC) as provided in Chapter 5108. of the Revised Code, to or on behalf of an assistance group that is provided as a result of fraud by a member of the assistance group, including an intentional violation of the program's requirement. Fraudulent assistance does not include assistance or services to or on behalf of an assistance group that is provided as a result of an error that is the fault of the county agency or the Ohio department of job and family services (ODJFS).
- (J) "Guardian" as defined in section 5107.02 of the Revised Code means, an individual that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code, or a court of competent jurisdiction in another state, to exercise parental rights over a minor child to the extent provided in the court's order and subject to residual parental rights of the minor child's parents.
- (K) "Indian" as defined in 25 U.S.C. ~~450b (12/2000)~~5304 (10/1994) of the United States Code, means a person who is a member of an Indian tribe.
- (L) "Indian country", as defined in 18 U.S.C. 1151 (5/1976) of the United States Code, means:
- (1) All land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent and, including rights-of-way running through the reservation;
 - (2) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and
 - (3) All Indian allotments, the Indian titles that have not been extinguished, including rights-of-way running through the same.

(M) "Indian tribe", as defined in 25 U.S.C. ~~450b~~5304, means any Indian tribe, band, nation, or other organized group or community, including any Alaska native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (12/2004) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; except that the term "Indian tribe" means, with respect to the state of Alaska, only the Metlakatla Indian community of the Annette islands reserve and the following Alaska native regional nonprofit corporations:

- (1) Arctic slope native association;
- (2) Kawerak, inc.;
- (3) Maniilaq association;
- (4) Association of village council presidents;
- (5) Tanana chiefs council;
- (6) Cook inlet tribal council;
- (7) Bristol bay native association;
- (8) Aleutian and Pribilof island association;
- (9) Chugachmuit;
- (10) Tlingit Haida central council;
- (11) Kodiak area native association; and
- (12) Copper river native association.

(N) "Indian Tribal Organization" or "tribal organization" as defined in 25 U.S.C. ~~405b~~5304 means, the recognized governing body of any Indian tribe; any legally established organization of Indians that is controlled, sanctioned, or chartered by such governing body or that is democratically elected by the adult members of the Indian community to be served by such organization and that includes the maximum participation of Indians in all phases of its activities provided that in any case where a contract is let or grant made to an organization to perform services

benefiting more than one Indian tribe, the approval of each such Indian tribe shall be the prerequisite to the letting or making of such contract or grant.

- (O) "Individual Development Account (IDA)" as defined in 45 C.F.R. 263.20 (10/1999) means an account established by or for an individual who is eligible for assistance under the TANF program, to allow the individual to accumulate funds for specific purposes. The funds in an IDA account shall be disregarded in determining eligibility for, or the amount of, assistance in any federal means-tested programs.
- (P) "Minor child" as defined in 45 C.F.R. 260.30 means an individual who:
- (1) Is not eighteen years of age; or
 - (2) Who has not turned nineteen years of age and is a full-time student in a secondary school (or the equivalent level of vocational or technical training).
- (Q) "Minor head of household" as defined in section 5107.02 of the Revised Code means a minor child who is either of the following:
- (1) Is married, at least six months pregnant and a member of an assistance group that does not include an adult; or
 - (2) Is married and is a parent of a child included in the same assistance group that does not include an adult.
- (R) "Ohio Works First (OWF)" as defined in section 5107.02 of the Revised Code means the program established by section 5107.03 of the Revised Code. OWF is Ohio's TANF cash assistance program. OWF is a program that provides time-limited cash assistance, as defined in paragraph (B)(1) of this rule, to eligible families.
- (S) "Payment standard" as defined in section 5107.02 of the Revised Code means the amount specified in rules adopted under section 5107.05 of the Revised Code that is the maximum amount of cash assistance an assistance group may receive under OWF from state and federal funds.
- (T) "Prevention, Retention and Contingency (PRC)" as defined in Chapter 5108. of the Revised Code means the program established under Chapter 5108. of the Revised Code and funded in part with federal TANF funds to provide non-cash benefits and services, as defined in paragraph (B)(2) of this rule, that individuals need to overcome immediate barriers to achieving or maintaining self sufficiency and personal responsibility.

- (U) Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) is a United States federal law as defined in 45 C.F.R. 260.30, or Pub. L. No. 104-193 (8/1996). PRWORA instituted TANF.
- (V) "Specified relative" as defined in section 5107.02 of the Revised Code means the following individuals who are age eighteen and older:
- (1) The following individuals related by blood or adoption;
 - (a) Grandparents, including grandparents with the prefix "great", "great-great", or "great-great-great";
 - (b) Siblings;
 - (c) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great", "great-great", "grand", or "great-grand"; and
 - (d) First cousins and first cousins once removed.
 - (2) Stepparents and stepsiblings; and
 - (3) Spouses and former spouses of individuals named in paragraphs (V)(1) and (V)(2) of this rule.
- (W) "State TANF expenditures" as defined in 45 C.F.R. 260.30 means the expenditure of state funds within the TANF program.
- (X) "Statewide automated eligibility system" means the centralized statewide automated system that supports all eighty-eight county agencies.
- (Y) "Supplemental security income (SSI)" means cash payments made under the authority of Title XVI of the Social Security Act (8/1997), to the aged, blind, and disabled; or section 1616(a) of the Social Security Act.
- (Z) "Supplemental security income (SSI) recipient" means a person who receives SSI payments.
- (AA) "Temporary assistance for needy families (TANF)" as defined in 45 C.F.R. 260.30 is a block grant program to help move recipients into work and turn welfare into a program of temporary assistance. Under the welfare reform legislation of 1996,

TANF replaced the old welfare programs known as the aid to families with dependent children (AFDC) program, the job opportunities and basic skills training (JOBS) program, and the emergency assistance (EA) program.

- (BB) "TANF Program" as defined in 45 C.F.R. 260.30 means a state program of family assistance operated by an eligible state under its state TANF plan.
- (CC) "Title IV-A" as defined in 45 C.F.R. 260.30 means the title and part of the Social Security Act that now includes TANF, but previously included the now obsolete aid to families with dependent children (AFDC) and emergency assistance (EA) programs.
- (DD) "Title IV-A program" as defined in section 5101.80 of the Revised Code means all of the following that are funded in part with funds provided under the TANF block grant:
- (1) The OWF program established under Chapter 5107. of the Revised Code;
 - (2) The PRC program established under Chapter 5108. of the Revised Code;
 - (3) A program established by the general assembly or an executive order issued by the governor that is administered or supervised by the ODJFS; and
 - (4) A component of a Title IV-A program identified in paragraphs (DD)(1) to (DD)(3) of this rule, that the Title IV-A state plan identifies as a component.
 - (5) The kinship permanency incentive program created under section 5101.802 of the Revised Code.
 - (6) The Title IV-A demonstration program created under section 5101.803 of the Revised Code.
- (EE) "Work eligible individual" as defined in 45 C.F.R. 261.2 (10/1999) means the following:
- (1) An adult (or minor child head-of-household) receiving assistance under TANF or a separate state program or a non-recipient parent living with a child receiving such assistance unless the parent is:
 - (a) A minor parent and not the head-of-household;

- (b) A non-citizen who is ineligible to receive assistance due to his or her immigration status; or
- (c) At state option on a case-by-case basis, a recipient of supplemental security income (SSI) benefits or aid to the aged, blind or disabled in the territories.

(2) The term excludes:

- (a) A parent providing care for a disabled family member living in the home, provided that there is medical documentation to support the need for the parent to remain in the home to care for the disabled family member;
- (b) At state option on a case-by-case basis, a parent who is a recipient of social security disability insurance (SSDI) benefits; and
- (c) An individual in a family receiving maintenance-of-effort funded assistance under an approved tribal TANF program, unless the state includes the tribal family in calculating work participation rates, as permitted under 45 C.F.R. 261.25 (10/1999).

(FF) "Work participation rate" means the minimum federal work participation rates pursuant to 45 C.F.R. 261.21 (10/1999) and 45 C.F.R. 261.23 (10/1999). The minimum federal work participation rates are ninety per cent for two-parent assistance groups and fifty per cent for all family assistance groups.

(GG) For purposes of division 5101:1 of the Administrative Code:

- (1) The terms "appraisal" and "assessment" shall be read to include a comprehensive assessment conducted in accordance with division 5101:14 of the Administrative Code for work eligible individuals between the ages of fourteen and twenty-four years of age.
- (2) The terms "self sufficiency contract" and "self sufficiency contract and plan" shall be read to include an individual opportunity plan developed in accordance with division 5101:14 of the Administrative Code for work eligible individuals between the ages of fourteen and twenty-four years of age.

Effective:

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Certification

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