

5101:1-23-10

Ohio works first: assistance group determination.**(A) Conflict with Revised Code**

- (1) Section (5) of Amended Substitute Senate Bill 238 of the 126th General Assembly (09/06) sets forth the following provision: Not later than September 30, 2006, the director of job and family services shall adopt rules as necessary for the state to comply with 42 U.S.C. 607(i)(2) (08/96). If necessary to bring the state into compliance with 42 U.S.C. 607(i) (2) (08/96), the rules may deviate from Chapter 5107. of the Revised Code. Rules adopted under this section that govern financial and other administrative requirements applicable to the department of job and family services and county departments of job and family services shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules. All other rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.
- (2) The county agency shall administer the penalty provisions under the Ohio works first (OWF) program in accordance with the requirements contained in this rule and not in accordance with section 5107.36 of the Revised Code.
- (3) All applicable requirements contained in the Revised Code section referenced in paragraph (A) (2) of this rule have been incorporated in this rule.

(B) Who must be included in the assistance group determination?

The following individuals must be included in the assistance group when residing in the same household, unless ineligible or excluded in accordance with paragraph (E) or (F) of this rule:

- (1) A minor child who is determined eligible for OWF;
- (2) All natural or adoptive parents of the minor child; and
- (3) All minor siblings living with the minor child.

(C) What are the required living arrangements for minor parents to receive OWF?

A minor parent with a child may be eligible if they are residing in one of the following living arrangements:

- (1) A minor parent and his or her eligible dependent child(ren) living independently.
 - (a) The minor parent may be eligible only if the minor parent has been or is married; or
 - (b) Residing in an approved adult-supervised living arrangement as set forth

in section 5107.24 of the Revised Code.

(2) A minor parent and his or her eligible dependent child(ren) residing with the minor parent's parent(s).

(a) When the minor parent's parent(s) is either receiving or is requesting OWF, there shall be one OWF assistance group that consists of the eligible child(ren), minor parent and minor parent's parent(s) and dependent siblings of the minor parent.

(b) When the minor parent's parent(s) is self-sufficient or is not requesting assistance, the assistance group shall consist of the minor parent and his or her child(ren). The income of the minor parent's parent(s) is allocated when determining eligibility for the assistance group as set forth in rule 5101:1-23-20.2 of the Administrative Code.

(D) When may a specified relative be included in an assistance group?

(1) A specified relative may be included in the assistance group when he or she has no eligible children of his or her own, resides with a child(ren) who meets a degree of relationship as set forth in section 5107.02 of the Revised Code, and chooses to be included in the assistance group with the child(ren).

(a) When a specified relative chooses to be included in the assistance group with the child(ren), the specified relative's income is considered in determining the eligibility of the assistance group as set forth in rule 5101:1-23-20 of the Administrative Code.

(b) When the specified relative has a spouse, the spouse cannot be included in the assistance group. The income of the spouse must be allocated to the assistance group consisting of the specified relative and child(ren) as set forth in rule 5101:1-23-20.2 of the Administrative Code.

(2) A specified relative who resides with both his or her biological or adoptive child(ren) and the child(ren) who meets a degree of relationship, as set forth in section 5107.02 of the Revised Code, shall only be included in the assistance group with his or her child(ren).

(a) OWF eligibility for the assistance group containing the other related child(ren) shall be determined separately and independently of the assistance group containing the specified relative and his or her biological or adoptive child(ren). Income of the specified relative shall not be considered in determining eligibility of the assistance group with the related child(ren).

(b) When the children who meet a degree of relationship are half-siblings to the specified relative's child(ren) there must be two separate assistance

groups: one containing the specified relative and his or her child(ren); and one containing the child(ren) who meets a degree of relationship.

(E) Who is ineligible to be included in the assistance group?

The individuals in this paragraph are ineligible to be included in the assistance group, but their income is used in determining the benefit amount as set forth in rules 5101:1-23-20 and 5101:1-23-20.2 of the Administrative Code. Individuals listed in this paragraph may be a required work eligible individual as defined in paragraph (B) of rule 5101:1-3-12 of the Administrative Code.

(1) Aliens who fail to meet the citizenship requirement as set forth in rule 5101:1-2-30 of the Administrative Code.

(2) Aliens ineligible due to sponsor income as set forth in rule 5101:1-2-35 of the Administrative Code.

(3) Individuals disqualified from OWF due to an intentional program violation for as long as the disqualification period is applied as set forth in Chapter 5101:6-20 of the Administrative Code, if the disqualification period began prior to July 1, 1998. Individuals serving an intentional program violation which began prior to July 1, 1998, will continue to serve out the entire disqualification period, including individuals permanently disqualified.

(4) Fugitive felons as set forth in section 5101.26 of the Revised Code.

(5) Individuals who are violating a condition of probation, a community control sanction, parole, or a post-release control sanction imposed under a federal or state law.

(6) Individuals convicted in federal or state court for residency fraud as set forth in rule 5101:1-3-14 of the Administrative Code.

(7) Individuals who fail to cooperate with an eligibility requirement for which there is no penalty, such as a failure to:

(a) Provide information about a family member required to be included in an assistance group;

(b) Comply with an initial eligibility requirement, such as enumeration, or

(c) Comply with the living arrangement requirement.

(8) A teen parent who is under the age of eighteen, and:

(a) Has a child in his or her care at least twelve weeks of age;

(b) Has not successfully completed high school or the equivalent; and

(c) Is not participating in educational activities that are devoted to the receipt of a high school diploma or its equivalent, or an alternative educational training program defined by the county agency.

(F) Who is excluded from the assistance group?

The following individuals and their income are not considered when determining the assistance group and benefit amount, except for individuals listed in paragraph (F)(5) of this rule:

- (1) As set forth in section 5107.11 of the Revised Code, legal guardians or custodians who do not meet the definition of specified relative, as set forth in section 5107.02 of the Revised Code, and individuals not related by blood or adoption, residing with an eligible child(ren). This also applies when a legal guardian or custodian and his or her child(ren) are eligible for OWF, and the adult is also the legal guardian or custodian of another child(ren) who, while not related to the adult, is a half-sibling to the adult's child(ren). In this situation, there must be two assistance groups: one containing the adult and his or her child(ren); and one containing the child(ren) for whom the adult is the legal guardian or custodian.
- (2) The father of an unborn child, living with the pregnant mother, with no other eligible children. The father cannot be included in the assistance group until the child is born.
- (3) Parents or children receiving supplemental security income (SSI). A recipient of SSI shall have the choice of receiving OWF, if eligible, or continuing to receive SSI, but shall not receive both OWF and SSI at the same time.
- (4) Stepbrothers and stepsisters.
- (5) Stepparents, unless there is a common child. The income of a stepparent is allocated in determining the payment amount as set forth in rule 5101:1-23-20.2 of the Administrative Code.
- (6) Parents or children in receipt of federal, state or local foster care maintenance payments.
- (7) Parents or children in receipt of federal, state or local adoption assistance payments. The exclusion of the individual receiving the payments shall not result in lower benefits to the assistance group than the benefits that the family would receive if the individual and his or her income were included in the assistance group.

(8) An adoptive or blood-related sibling to a child for whom assistance is requested and who is living in the home but does not meet the living arrangement requirement as defined in rule 5101:1-3-03 of the Administrative Code.

(G) What are the steps in determining the assistance group?

(1) Identify which minor child(ren), as defined in section 5107.02 of the Revised Code, for whom assistance is being requested. Include minor children who are temporarily absent from the home as set forth in rule 5101:1-3-04 of the Administrative Code.

(2) Add siblings to the minor child living in the household and who also meet the definition of "minor child." "Sibling" means any and all blood-related or adoptive brothers and sisters who are not specifically excluded. Include siblings who meet the temporary absence provision as set forth in rule 5101:1-3-04 of the Administrative Code.

(3) Add the natural or adoptive parents of the minor child(ren) living in the household who are not specifically excluded as set forth in paragraph (F) of this rule.

(a) When the child resides with a specified relative who is in need and requesting assistance instead of a parent, and the specified relative has no eligible biological or adoptive children, add that individual to the assistance group.

(b) Include a parent or specified relative in need who meets the temporary absence provision as set forth in rule 5101:1-3-04 of the Administrative Code.

(c) Include a parent or specified relative in need in the household with the minor child(ren) who is serving house arrest as defined in section 2929.01 of the Revised Code.

(4) This is the assistance group. If a person(s) is required to be in more than one assistance group within the same household, then the assistance groups must be combined, except as provided in paragraphs (D)(2) and (F)(1) of this rule.

(5) Eligibility is determined for the assistance group as a whole. The income provisions as set forth in rules 5101:1-23-20, 5101:1-23-20.1, and 5101:1-23-20.2 of the Administrative Code shall be applied in determining eligibility and the benefit amount.

Replaces: 5101:1-23-10
Effective: 03/01/2012
R.C. 119.032 review dates: 02/01/2017

CERTIFIED ELECTRONICALLY

Certification

02/08/2012

Date

Promulgated Under: 119.03
Statutory Authority: 5107.05, Section 5 of Amended Substitute Senate Bill 238 of the 126th General Assembly
Rule Amplifies: 5107.05
Prior Effective Dates: 1/1/74, 12/31/77, 10/26/78, 5/1/79, 9/21/79, 10/1/81, 10/1/84 (Emer.), 12/27/84, 8/1/86 (Emer.), 10/3/86, 7/1/88 (Emer.), 9/25/88, 10/1/89 (Emer.), 12/16/89, 10/1/90, 7/12/91 (Emer.), 9/22/91, 9/1/93, 9/1/94, 10/1/96 (Emer.), 12/15/96, 10/1/97 (Emer.), 12/30/97, 7/1/98, 10/1/99, 7/1/01, 12/1/02, 8/29/03 (Emer.), 11/1/03, 9/26/06 (Emer.), 12/29/06