

TO BE RESCINDED

5101:1-23-10

Ohio works first (OWF): standard filing unit.

(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 department of job and family services (CDJFS) 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) Individuals included in the standard filing unit

- (1) The standard filing unit (assistance group) shall include the natural or adoptive parent(s) and all minor siblings living with a dependent child who is determined eligible for OWF. The standard filing unit provision only applies to those individuals residing in the same household. One assistance group shall be established for a standard filing unit.
- (2) A minor parent with an eligible child may be eligible for OWF. Eligibility for the minor parent is dependent upon the type of living arrangement as described in paragraphs (B)(2)(a) to (B)(2)(c) of this rule.
 - (a) An OWF assistance group shall be created for a minor parent living independently with eligible dependent child(ren) only if the minor parent has been married or is living in an approved adult-supervised living arrangement as set forth in section 5107.24 of the Revised Code.

- (b) When a minor parent and eligible dependent child(ren) reside with the minor parent's parent(s) who are either OWF recipients or are requesting OWF, there shall be one OWF assistance group. The assistance group shall consist of the eligible child(ren), minor parent and parent(s) and dependent siblings of the minor parent.
 - (c) When a minor parent and dependent child(ren) reside with the minor parent's parent(s) who are self-sufficient, the income of the minor parent's parent(s) is counted as available when determining eligibility for the assistance group, consisting of the minor parent and child(ren). The method used to allocate the income is set forth in rule 5101:1-23-20 of the Administrative Code.
- (3) An individual, with no eligible children of his or her own, who resides with child(ren) who meet a degree of relationship as set forth in section 5107.02 of the Revised Code, may choose to be included in the assistance group with the children. The specified relative's income would be considered in determining the eligibility of the assistance group, if the specified relative is included.
 - (a) When the specified relative has a spouse, the income of the spouse must be evaluated to determine the spouse's ability to support the specified relative. If the specified relative's spouse is in need, the spouse cannot be included in the assistance group.
 - (b) To determine whether the specified relative is eligible to be included in the standard filing unit with the minor child(ren), the allocation process as set forth in paragraph (G) of rule 5101:1-23-20 of the Administrative Code is applied.
- (4) An individual who resides with his or her biological or adoptive children, and children who meet a degree of relationship, as set forth in section 5107.02 of the Revised Code, shall be included in the assistance group with his or her children. OWF for the assistance group containing the other related children shall be determined separately and independently of the assistance group containing the individual and his or her biological or adoptive children. Income of the specified relative would not be considered in determining eligibility of the assistance group with the related children.
- (5) A parent or specified relative in need, who is serving house arrest as defined in section 2929.01 of the Revised Code shall be included in the standard filing unit, provided that the individual's confinement is in the household with the minor child(ren).

- (6) An individual who is temporarily absent from the home as set forth in rule 5101:1-3-04 of the Administrative Code.
- (C) Individuals required to be included, but are excluded from the standard filing unit due to an ineligibility factor.
- (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 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. No intentional program violations will begin on or after 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) Individuals who are 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 who have been convicted in federal or state court of having made a fraudulent statement or representation with respect to the place of residence in order to receive assistance under a Title IV-A program (e.g., OWF, aid to dependent children (ADC), temporary assistance for needy families (TANF)) simultaneously from two or more states 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 provide information about a family member required to be included in an assistance group; failure to comply with an initial eligibility requirement, such as enumeration, and failure to comply with a living arrangement requirement.
 - (8) A teen parent who is under the age of eighteen, and who:

- (a) Has a child in his/her care at least twelve weeks of age; and,
- (b) Has not successfully completed high school or the equivalent; and,
- (c) Is not participating in educational activities directed toward the attainment of a high school diploma or its equivalent, or an alternative educational training program defined by the county.

Individuals, otherwise eligible, who enter one of the assistance groups in paragraphs (C)(1) to (C)(8) of this rule after the date of the failure or the date that ineligibility was caused, could receive OWF for the appropriate assistance group size. The work eligible individual who is ineligible for OWF remains a required work eligible individual as defined in paragraph (B) of rule 5101:1-3-12 of the Administrative Code.

(D) Individuals not eligible to be included in the standard filing unit

- (1) As set forth in section 5107.11 of the Revised Code, a legal guardian or custodian who does not meet the definition of specified relative, as set forth in section 5107.02 of the Revised Code, who resides with an eligible child(ren), shall not be included in the standard filing unit, nor will the income of the legal guardian or custodian be used in determining the eligibility of the minor child(ren) in the filing unit.

The exclusion of the legal guardian or custodian provided in this paragraph, is also applicable when an adult individual and his/her child(ren) is 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 separate filing units; one containing the adult and his/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, is not eligible to be included in the cash grant until the birth of the child.
- (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 may not receive both OWF and SSI at the same time.
- (4) Stepbrothers and stepsisters.

- (5) Stepparents, unless there is a common child.
- (6) Parents or children for whom federal, state or local foster care maintenance payments are being made.
- (7) Parents or children for whom federal, state or local adoption assistance payments are being made, as long as the exclusion of the individual, in whose behalf the payments are being made, does not result in lower benefits to the assistance group than the benefits that the family would receive if the individual and his income was included in the filing unit.
- (8) An adoptive or blood-related sibling (to a child for whom assistance is requested as set forth in paragraph (E)(1) of this rule) living in the home who does not reside with a specified relative, legal guardian or legal custodian, must be excluded from the standard filing unit containing the child's sibling(s).

(E) Determining the standard filing unit

- (1) The standard filing unit is determined by first deciding for which child(ren) assistance is requested. The child for whom assistance is requested must meet the age requirement as set forth in section 5107.02 of the Revised Code.
- (2) Add to the standard filing unit siblings living in the household who also meet the age requirement. "Sibling" means any and all blood-related or adoptive brothers and sisters who are not specifically excluded. Include those siblings who meet the temporary absence provision as set forth in rule 5101:1-3-04 of the Administrative Code.
- (3) Add to the standard filing unit the parents living in the household who are not specifically excluded. A parent must not be added to the standard filing unit unless the child(ren) meets the age requirement. "Parents" mean any and all natural and adoptive parents who live in the household and are not specifically excluded. When the child resides with a specified relative, who is in need and has no eligible biological or adoptive children, and has chosen to be part of the assistance group, add that individual to the filing unit. Include a parent or specified relative who meets the temporary absence provision as set forth in rule 5101:1-3-04 of the Administrative Code.
- (4) This group is considered to be the standard filing unit (assistance group). If a person or persons are required to be in more than one standard filing unit within the same household, then the standard filing units must be combined,

except as provided in paragraph (D)(1) of this rule.

- (5) Eligibility is determined for the standard filing unit as a whole. The income provisions as set forth in rule 5101:1-23-20 of the Administrative Code shall be applied in determining eligibility for OWF and the amount of the payment.

Effective: 03/01/2012

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CERTIFIED ELECTRONICALLY

Certification

02/08/2012

Date

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