

TO BE RESCINDED

5101:1-23-40

Ohio works first: payments.

(A) General principles

- (1) "Ohio works first (OWF) payments" are those payments made to an assistance group which represent the difference between the countable income and the appropriate OWF payment standard. All payments are calculated based on a thirty-day month.
- (2) Payments are delivered unconditionally to the parent, specified relative, legal custodian or legal guardian, except as described in paragraph (J) of this rule.
- (3) When an assistance group is eligible for a certain level of assistance on the first day of the month, the assistance group is eligible for at least that level of assistance for the entire month. A change in circumstances during the month does not reduce the level of assistance for which the assistance group is eligible that month, with the exception of the following provisions:
 - (a) OWF cannot be provided for a minor child, parent or specified relative who, without good cause, has been, or is expected to be, absent from the home for a period of more than forty-five consecutive days. The period of ineligibility begins with the forty-sixth day from the date that the member left the household, unless the provision set forth in division (E)(1) of section 5107.10 of the Revised Code is met.

A parent(s) or specified relative who fails to report that the absence of a child will exceed or has exceeded forty-five consecutive days as set forth in rule 5101:1-3-04 of the Administrative Code is also ineligible for a specified period of time. The beginning date of ineligibility shall be the same day determined as the beginning day of ineligibility for the absent child. The ineligibility continues until the day that the absence was reported by the parent(s) or specified relative or was discovered by the county agency.
 - (b) A child who was eligible for, and receiving OWF benefits on the first of the month, who is removed from the assistance group during the month and placed in IV-E foster care, is not eligible to receive both OWF and IV-E foster care in that month, unless the provision set forth in division (E)(1) of section 5107.10 of the Revised Code is met.

(B) Beginning date of OWF

- (1) The "beginning date of OWF" to eligible applicants is the date all eligibility factors are met but not prior to the date of application.
- (2) The date all eligibility factors are met is not necessarily the date verifications are provided to the county agency. Verification merely establishes that an eligibility factor has been met. To have the date of application be the beginning date of OWF, verification must confirm eligibility on the date of application.
 - (a) If the verification shows that the factor was met on a date different from the date of application, the date of verification shall be used if later.
 - (b) If verification does not indicate that the eligibility factor was met, the beginning date of OWF shall be the date verification was provided to the county agency.
- (3) The following eligibility factors have special considerations that apply when determining the beginning date of OWF. The date these requirements are met will be the beginning date of OWF if all other factors were met on or before the date.
 - (a) Pregnancy as an eligibility factor is met when it is medically verified that the child is expected to be born in the month the payment is made or within the following three months, and who, if such child had been born and was living with the mother in the month of payment, would be eligible for OWF.
 - (b) The social security number requirement is met when the applicant furnishes or applies for a social security number.
 - (c) For newborns, if the social security number is applied for no later than the first day of the second month following birth or following the mother's discharge from the hospital, the social security requirement is considered met on the child's date of birth.
 - (d) The beginning date of OWF eligibility for a teen parent who is required to enroll in school as a condition of OWF pursuant to the provisions set forth in rule 5101:1-23-50 of the Administrative Code, is the date that the individual enrolls in school if all other eligibility factors were met on or before that date.

(C) Concurrent receipt of assistance

- (1) "Concurrent receipt of assistance" is defined as the receipt of assistance by an assistance group under more than one public assistance money grant in the same month. The receipt of public assistance, from two or more different states, for a duplicate time period, also constitutes concurrent receipt of assistance.
- (2) An assistance group member shall not be eligible to receive or have his needs covered by OWF in more than one assistance group or more than one county in any given month. The exception to this provision is the removal of a child by the public children services agency, as set forth in section 5107.10 of the Revised Code. In these situations, OWF could be authorized for up to six payment months for the following assistance groups:
 - (a) The OWF assistance group where the child(ren) was removed from and an OWF assistance group where the child(ren) is placed; or
 - (b) The OWF assistance group where the child(ren) was removed from and a Title IV-E foster care assistance group where the child(ren) is placed.
- (3) It is not appropriate to determine that an assistance group member is ineligible for inclusion in a new assistance group solely because that member's needs are still included in a former assistance group. The county agency must determine at what point the assistance group member became ineligible for inclusion in the first assistance group. The county agency shall then determine eligibility and authorize assistance for the new assistance group. The fact that the assistance group member's needs have not been removed from the former assistance group shall not preclude eligibility or delay the beginning date of OWF for the new assistance group.
- (4) An individual whose needs are met by the supplemental security income (SSI) program shall not be eligible to have his needs included in an OWF assistance group concurrently.
- (5) If the assistance group is receiving or is believed to be receiving cash assistance from another state, the county agency must determine at what point the assistance group became ineligible for cash assistance in the former state prior to approving OWF.

(D) Concurrent receipt of disability financial assistance (DFA) and OWF and repayment

- (1) An assistance group may receive OWF and DFA in the same month, provided that the amount of DFA received is deducted from the OWF grant amount.
 - (2) The amount of OWF used to repay the DFA program for the DFA provided for the month is determined by subtracting the amount DFA the individual was eligible to receive from the amount of DFA already issued for the month.
 - (3) In situations where there is a separation of the DFA assistance group and part of the group is eligible for OWF, the county agency shall determine the DFA that the person was eligible for by taking the DFA grant issued and dividing by the number of persons in the DFA assistance group. The amount obtained is the DFA for one person. The county agency shall then multiply that figure by the number of the DFA assistance group members eligible for OWF.
- (E) Assistance groups eligible for less than ten dollars after recoupment of an overpayment
- When an assistance group is eligible to receive monthly recurring OWF of at least ten dollars, but recoupment of an overpayment reduces the recurring monthly amount to less than ten dollars, the assistance group shall be issued the amount of the OWF.
- (F) Adding an individual to an existing OWF assistance group
- (1) An individual is considered to be a part of the assistance group as of the date the individual becomes a required assistance group member in accordance with rule 5101:1-23-10 of the Administrative Code and meets all eligibility requirements as set forth in paragraph (F)(2) of this rule.
 - (2) If an individual is being added to the OWF case, the beginning date of OWF is:
 - (a) The date that the individual enters the home, if the reporting responsibilities as set forth in rule 5101:1-2-20 of the Administrative Code and all other eligibility factors are met; or
 - (b) The date that the change was reported to the county agency or the date that the county agency became aware of the change, if the reporting responsibilities as set forth in rule 5101:1-2-20 of the Administrative Code are not met, and all other eligibility factors are met.
 - (c) For newborns being added to the OWF case, the beginning date of OWF

is the date of birth, provided the reporting responsibilities and all other eligibility factors are met.

- (d) For specified relatives in need being added to the OWF case, the beginning date is the date that assistance is requested and all other eligibility factors are met.
- (3) The county agency determines eligibility for the assistance group using the individual's needs and income from the date the individual is a required assistance group member, or in the case of the specified relative in need, the date that assistance is requested and all other eligibility factors are met.
- (4) OWF can only be authorized for the period of time in which all eligibility factors have been met. For purposes of determining the beginning date of OWF, enumeration and child support assignment may be deemed to be met retroactive to the date the individual was a required assistance group member. The deeming of these eligibility requirements is only allowed if:
 - (a) The individual's presence in the home is reported to the county agency on a timely basis as outlined in rule 5101:1-2-20 of the Administrative Code; and
 - (b) The assistance group cooperates with the county agency in satisfying all required eligibility factors.
- (5) If the assistance group fails to meet these conditions, the county agency shall not deem that enumeration and child support assignment requirements have been met.
- (6) When the county agency receives written notification from a hospital indicating that a child has been born, the county agency shall follow the provisions as set forth in paragraph (F) of this rule.

(G) Prorated payments

- (1) The county agency shall prorate the payment when an assistance group has eligibility for less than a full month's grant. Retroactive benefits may be authorized as the result of a hearing decision or court order or if OWF was erroneously denied, terminated, or delayed and a corrective action is being taken.
- (2) A prorated payment may be required when OWF is approved during a month in

which DFA has been issued.

- (3) Time limits, as set forth in rule 5101:1-23-01 of the Administrative Code, may be applicable for any prorated or retroactive OWF payment. The assistance group has the option to decline a prorated month of benefits.
- (4) Support services (e.g., transportation) and learning, earning and parenting (LEAP) program allowances are never prorated.

(H) Delivery of the OWF benefit

- (1) The benefit is delivered only to the assistance group or protective payee. If the child is living with a parent, specified relative, custodian or legal guardian, the benefit shall be paid to that individual, unless there is a protective payee designated to receive payment as set forth in paragraph (I) of this rule.
- (2) For two-parent assistance groups, the payee will be decided by the assistance group and should be the parent who will act in the best interest of the family.
- (3) In an emergency situation which deprives an eligible dependent child of care from the parent, specified relative, custodian or legal guardian, that individual may designate another person to act as the protective payee during the emergency period, if that person is willing to be so designated. If the individual is not capable of making a choice, the county agency shall designate a protective payee.
- (4) The emergency period must not exceed a maximum of two consecutive months following the month in which the emergency occurred. If the parent, specified relative, custodian or legal guardian will not resume care of the child within that period, or if it appears doubtful, alternative plans for the child's care must be completed within that period of time.

(I) Protective payee

- (1) A protective payee is a representative of the assistance group who is responsible for receiving and managing the payment on behalf of the assistance group.
- (2) Situations in which it is appropriate to have a protective payee include:
 - (a) The assistance group where a member is serving a permanent disqualification penalty due to an intentional program violation under

the former aid to families with dependent children program.

- (b) The assistance group with a minor parent or pregnant minor, as set forth in section 5107.24 of the Revised Code. The protective payment continues until the minor marries, turns eighteen years of age, or the adult parent, specified relative, custodian or legal guardian cannot or will not continue as the protective payee. Protective payments are not required for a minor residing in an adult-supervised supportive living arrangement as set forth in section 5107.24 of the Revised Code.
- (c) The assistance group has a money mismanagement situation. "Money mismanagement" is defined as a demonstrated inability to manage funds. A determination of mismanagement shall not be made solely on the fact that bills are not paid in a timely manner. The following are examples of money mismanagement situations and are not all inclusive:
 - (i) Payments received by the parent, specified relative, custodian or legal guardian have not been or are not currently used in the best interest of the child.
 - (ii) The parent, specified relative, custodian or legal guardian has misused funds to the extent that allowing that individual to manage the OWF grant is a threat to the health and safety of the child(ren).
- (3) The selection of the protective payee shall be made by the assistance group or by the county agency with participation and consent from the assistance group. The protective payee may be a relative or friend of the assistance group, an agency providing protective services or a member of the assistance group. If no protective payee can be located, the disqualified member or minor parent can continue to receive the benefits in their name.
 - (a) Excluded from serving as the protective payee are:
 - (i) The county agency director.
 - (ii) The eligibility determiner for the assistance group.
 - (iii) Any county agency employee responsible for any fiscal aspects of the assistance group.
 - (iv) County agency special investigative or resource staff.

- (v) Landlords, grocers, or any other vendor of goods or services dealing directly with the assistance group.

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