

## TO BE RESCINDED

5101:1-23-40

**Ohio works first (OWF): payments.**

## (A) General principles

- (1) "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 OWF payments are calculated based on a thirty-day month.
- (2) Payments are delivered unconditionally to the assistance group, custodian or legal guardian, except if a situation described in paragraph (K) of this rule is applicable.
- (3) When an assistance group is eligible for a certain level of assistance on the first day of the month, as a general rule 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 or parent/specified relative who, without good cause, has been, or is expected to be, absent from the home for a period of 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 department of job and family services (CDJFS).
  - (b) A child who was eligible for, and receiving OWF benefits on the first of the month, who is removed from the family 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. This beginning date may not precede the date of application but it may be as early as the date of application.
- (2) The date all eligibility factors are met is not necessarily the date verifications are provided to the agency. Verification merely establishes that an eligibility factor has been met. The eligibility factors of age, citizenship, living arrangements, residency, income, need, and relationship are conditions that can be verified as existing at an earlier time or on the date the application was received. To have the date of application be the beginning date of OWF, verification of these factors must confirm the existence of 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 CDJFS.
- (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 pregnancy is verified to be at least in the sixth month. It must be 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 her 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 eligibility pursuant to the provisions set forth in rules 5101:1-23-10 and 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 situation involving 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 the assistance group member's needs are still included in a former assistance group. The CDJFS must determine at what point the assistance group member became ineligible for inclusion in the first assistance group. After this determination is made, the CDJFS shall 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 CDJFS must determine at what point the assistance group became ineligible for cash assistance in the former state prior to approving OWF in Ohio.

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

- (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 method for determining the OWF payment is as follows:
  - (a) Determine the DFA prorated amount for number of days of eligibility.
  - (b) Determine the OWF prorated amount for number of days of eligibility and add to the amount in paragraph (D)(2)(a) of this rule. This is the amount that the assistance group was eligible to receive.
  - (c) Subtract the amount of DFA already issued for the month. The result is the amount of OWF that is due to the assistance group.

(E) Repayment of DFA

- (1) The amount of OWF used to repay the DFA program for the DFA provided for the month is determined by subtracting the amount in paragraph (D)(2)(a) of this rule from the amount of DFA already issued for the month.
- (2) In situations where there is a separation of the DFA assistance group and part of the group is eligible for OWF, the CDJFS 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 CDJFS shall then multiply that figure by the number of the DFA assistance group members eligible for OWF.

(F) Assistance groups eligible for less than ten dollars (minimum payment cases)

OWF shall not be authorized when the amount an assistance group is eligible to receive is more than one dollar but less than ten dollars per month. However, because the assistance group is considered in receipt of OWF, all eligibility requirements must be met, including the assignment of child support.

(G) 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 OWF to less than ten dollars, the assistance group shall be issued the amount of the OWF.

(H) 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. However, OWF may not be issued for the individual for any time period prior to the date the individual meets all eligibility requirements as set forth in paragraph (H)(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 returned to 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, including the requirements as set forth in paragraph (B)(3) of this rule; or
  - (b) The date that the change was reported to the CDJFS or the date that the CDJFS 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, including the requirements as set forth in paragraph (B)(3) of this rule.
  - (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, including the enumeration requirements as set forth in paragraph (B)(3)(c) of this rule.
  - (d) For specified relatives in need being added to the OWF case, the beginning date of OWF is the date that assistance is requested and all other eligibility factors are met, including the requirements as set forth in paragraph (B)(3) of this rule.
- (3) The CDJFS 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, including enumeration and child support assignment. 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 CDJFS on a timely basis as outlined in rule 5101:1-2-20 of the Administrative Code; and
  - (b) The assistance group cooperates with the CDJFS in satisfying all required eligibility factors.
- (5) If the assistance group fails to meet these conditions, the CDJFS shall not deem that enumeration and child support assignment requirements have been met.
- (6) When the CDJFS receives a JFS 02453 "Inpatient Hospital Admission" (rev. 4/2001) or other written notification from a hospital indicating that a child has been born, the CDJFS shall follow the provisions as set forth in paragraph (H) of this rule.

(I) Prorated payments

- (1) The CDJFS shall prorate the payment when an assistance group has eligibility for less than a full month's grant. The CDJFS issues a prorated payment for initial assistance or for OWF covering prior months. Retroactive OWF may be authorized as the result of a hearing decision or court order. Retroactive OWF may also be authorized when the CDJFS determines that 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) To calculate a prorated payment, the CDJFS shall:
  - (a) Determine the applicable payment standard for the assistance group.
  - (b) Subtract any countable income.

- (c) Divide the remainder by the number of days in the month for which the prorated payment is to be determined. This is the per diem amount. (Note: This amount is always rounded down to the whole cent.)
  - (d) Determine the actual number of days of cash eligibility by adding the beginning date of aid to the remaining number of days in the month.
  - (e) Multiply the number of days of eligibility by the per diem amount to determine the prorated payment. (Note: This amount is always rounded down to the whole dollar.)
- (4) Support services (e.g., transportation) and learning, earning and parenting (LEAP) program allowances are never prorated. The allowance is always added to the prorated payment.
- (5) To determine the prorated payment when adding an individual to an assistance group and the individual's needs must be considered for part of the month, the CDJFS shall:
- (a) Determine the recurring OWF authorized for the month, disregarding any support services or LEAP allowances in the payment.
  - (b) Determine the new recurring OWF amount with the added individual's needs included, disregarding any support services or LEAP allowances.
  - (c) Calculate the per diem amount for paragraph (I)(5)(a) of this rule.
  - (d) Determine the per diem amount for paragraph (I)(5)(b) of this rule.
  - (e) Multiply the per diem amount in paragraph (I)(5)(c) of this rule by the number of days prior to the added individual's beginning date of OWF in the assistance group.
  - (f) Multiply the per diem amount in paragraph (I)(5)(d) of this rule by the number of days the added individual has cash eligibility in the assistance group.
  - (g) Add the results determined by paragraphs (I)(5)(e) and (I)(5)(f) of this rule to determine the total OWF payment the assistance group is eligible to receive in the month.

- (h) Subtract the amount determined by paragraph (I)(5)(g) of this rule from the amount determined by paragraph (I)(5)(a) of this rule to determine the prorated payment for the month.

(J) Delivery of the OWF warrant

- (1) The warrant is delivered only to the payee or otherwise according to the payee's instructions. If the child is living with a parent, specified relative, custodian or legal guardian, the warrant shall be paid to that individual, unless there is a substitute payee designated to receive payment.
- (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 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 CDJFS shall designate another person to act as the 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.

(K) Protective payments

- (1) Protective payments are made to a third party serving as a representative (protective payee) of the assistance group. The protective payee is responsible for receiving and managing the payment on behalf of the assistance group.
- (2) Situations in which it is appropriate to have protective payments include:
  - (a) The assistance group where a member is serving a permanent disqualification penalty due to an intentional program violation.
  - (b) The assistance group consisting of 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 CDJFS 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 CDJFS director.
    - (ii) The eligibility determiner for the assistance group.
    - (iii) Any CDJFS employee responsible for any fiscal aspects of the assistance group.
    - (iv) CDJFS special investigative or resource staff.
    - (v) Landlords, grocers, or any other vendor of goods or services dealing directly with the assistance group.

Effective:

R.C. 119.032 review dates: 02/11/2010

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 5107.05  
Rule Amplifies: 5107.05  
Prior Effective Dates: /1/74, 1/1/75, 11/1/76, 12/31/77, 10/1/78, 10/26/78, 12/1/78, 5/1/79, 9/21/79, 12/1/81, 5/1/82, 7/1/83, 7/11/83, 11/1/83 (temp.), 11/11/83, 1/1/84, 6/1/84 (temp.), 6/1/84, 7/1/84, 7/15/84 (temp.), 7/15/84, 10/1/84 (temp.), 10/1/84, 10/2/84 (Emer.), 12/27/84, 1/1/85 (Emer.), 4/1/85, 7/1/85 (Emer.), 9/29/85, 4/1/86, 8/1/86 (Emer.), 10/3/86, 1/1/88, 4/1/88 (Emer.), 6/10/88, 9/1/88 (Emer.), 11/3/88, 4/1/89 (Emer.), 4/24/89, 7/1/90, 10/1/90, 5/1/91, 10/1/91 (Emer.), 12/20/91, 5/1/92, 5/1/93, 9/1/93, 9/1/94, 5/1/95, 8/1/95 (Emer.), 10/30/95, 1/1/96, 10/1/96 (Emer.), 12/15/96, 5/1/97, 10/1/97 (Emer.), 12/30/97, 7/1/98, 10/1/99, 7/7/01, 3/1/02, 08/29/03 (Emer.), 11/1/03, 7/1/07