

5101:1-5-10

DADFA: nonfinancial eligibility requirements.

(A) Residence

- (1) The individual must be physically present in the state of Ohio with the intent to remain. An individual must apply for and receive assistance from the county in which he resides.
- (2) Absence from the county for more than thirty days constitutes evidence of intent to establish residence elsewhere, unless a written statement has been submitted to indicate intent to return to the county. The statement must be retained in the case record. The CDJFS shall consider such written statement as acceptable proof of intent to return to the county if the statement includes the reason for the absence and the expected date of return. However, a written statement is not considered acceptable proof of intent to return to the county when the individual contradicts the statement by applying for public assistance in another county or state.

(B) Citizenship/alien status

The provisions as set forth in rules 5101:1-2-30 and 5101:1-2-35 of the Administrative Code regarding citizenship and sponsored aliens are applicable for DADFA.

(C) Living arrangement

- (1) DADFA may be given to individuals living in their own homes or other suitable quarters, but shall not be given to individuals who reside in a county home, city infirmary, jail, or public institution.
- (2) DADFA shall not be given to an unemancipated child unless the child lives with his parent, guardian, or other individual standing in place of a parent and that person is at least eighteen or emancipated. Pregnant minors are subject to this requirement. A child is emancipated if he is married, serving in the armed forces, or has been emancipated by court order. Emancipation is irrevocable, unless the marriage which emancipated the minor is annulled. In order for a child to be eligible for DFA, the child must meet one of the conditions as set forth in paragraphs (D)(1) (a) to (D)(1)(b) of rule 5101:1-5-01.
- (3) An individual residing in a residential treatment center certified by the Ohio department of alcohol and drug addiction services meets the living arrangement requirement.
- (4) An individual residing in an Ohio department of mental health or Ohio

department of mental retardation and developmental disabilities licensed or supervised home is eligible for DADFA provided that all other eligibility requirements are met.

- (5) An individual residing in a mental health institution, with an anticipated date of release is potentially eligible. The CDJFS processes the application, even though the living arrangement requirement is not met at the time of application.
- (a) The application for assistance is filed in the county in which the applicant will reside upon release from the mental health facility. The applicant will be assisted through the application process by a social worker in a mental health institution or a case manager from a community mental health agency.
 - (b) If all eligibility factors for DADFA, with the exception of living arrangements have been met, the CDJFS shall approve the DADFA, but have the check directed to the CDJFS, pending release of the applicant from the mental health facility.
 - (c) The beginning date of cash ~~and medical~~ assistance will be the date of release from the mental health facility, as all eligibility factors will be met on that date. The mental health workers are being instructed to provide the CDJFS with the latest possible date of release for the individual. If the release occurs earlier than the given date, any underpayment will be provided to the individual.
 - (d) The initial DADFA warrant shall be picked up at the CDJFS upon the individual's release from the mental health facility. If the individual so chooses, the warrant may be mailed to the residence upon the notification of the individual's release. Subsequent warrants shall be forwarded to the assistance group's residence as is done with all other DADFA assistance groups.
 - (e) If during the application process, the CDJFS determines that the individual will not be released into the community, the CDJFS shall terminate the DADFA and cancel the warrant.
 - (f) Many of the individuals applying for DADFA will also be applying for SSI. For those individuals, the interim assistance provisions as set forth in rule 5101:1-5-70 of the Administrative Code must be followed.

~~(D) DA medical and the Health Insurance Portability and Accountability Act (HIPAA).~~

~~The requirements set forth in rule 5101:1-2-99 of the Administrative Code regarding HIPPA are applicable when DA medical benefits are terminated.~~

~~(E) Third party and medical support~~

~~The requirements set forth in rule 5101:1-38-02.2 of the Administrative Code regarding the assignment of third party and medical support payments and the right of recovery are applicable for the DA medical program.~~

Effective: 07/01/2003

CERTIFIED ELECTRONICALLY

Certification

06/27/2003

Date

Promulgated Under: 111.15
Statutory Authority: 5115.03
Rule Amplifies: 5115.03
Prior Effective Dates: 7/1/76, 10/10/83 (Temp.),
12/22/83, 9/15/84 (Emer.),
12/15/84, 8/1/85 (Emer.),
10/17/85, 4/1/86, 1/1/89,
1/3/89 (Emer.), 4/1/89,
5/28/89, 4/1/90, 10/1/91
(Emer.), 12/20/91, 12/30/93
(Emer.), 3/18/94, 8/1/95
(Emer.), 10/30/95, 3/1/96
(Emer.), 5/30/96, 10/1/96
(Emer.), 12/15/96, 7/1/98,
7/1/99, 1/1/03