5101:2-16-08 **County agency responsibilities for the administration and determination of eligibility for publicly funded child care.**

(A) How shall the county agency, in accordance with Chapter 5104. of the Revised Code, manage the publicly funded child care program?

(1) The county agency shall accept any gift, grant, or other funds from public or private sources offered unconditionally or under conditions which are, in the judgment of the Ohio department of job and family services (ODJFS), proper and consistent with Chapter 5104. of the Revised Code and deposit such funds in the county public assistance fund established by section 5101.161 of the Revised Code.

(2) The county agency shall submit a plan to ODJFS for approval that assures the application process is as accessible to the public as possible and complies with section 5104.33 of the Revised Code. The county agency shall submit any revisions of the plan to ODJFS. The plan shall:

(a) Assure that alternative methods for application are available to families through telephone, fax, agency computer, the ODJFS child care web site and other means that are convenient and accessible for families. These shall include but are not limited to the following:

(i) To the extent permitted by federal law, the county agency may contract with child care providers, resource and referral organizations, or an outside entity to make all or any part of the eligibility determinations.

(ii) To the extent permitted by federal law, the county agency may contract with child care providers, resource and referral organizations, or an outside entity to collect information for use by the county agency in determining eligibility for child care benefits.

(iii) The county agency may use and accept electronic records and electronic signatures as specified in Chapter 1306. of the Revised Code.

(b) Station county agency employees at various sites in the county for the purpose of assisting applicants in completing the application process and for eligibility determinations at those locations.

(c) Extend county agency hours and assigning county agency employees to hours of employment outside the normal working hours of the county

agency to collect information relevant to applications for publicly funded child care and to make eligibility determinations.

(d) Provide training and technical assistance to individuals or agencies so they may assist families in completing the application process and, where applicable, in making eligibility determinations.

(3) The county agency shall provide caretakers with complete written explanations of the following:

(a) Instructions on how to apply for publicly funded child care.

(b) Factors used in determining eligibility including family income, family size, ages of family members and the caretaker's hours of employment, training or education.

(c) The caretaker's responsibility for reporting changes of information that may affect eligibility.

(d) The consequences to the caretaker for failure to accurately and completely report information or changes, including:

(i) A repayment of child care benefits pursuant to rule 5101:2-16-07 of the Administrative Code.

(ii) Termination or denial of child care benefits.

(iii) Penalty of fine and/or imprisonment if a court action renders a finding that the caretaker fraudulently received child care benefits for which the caretaker was not eligible.

(4) The county agency shall report to ODJFS any known or suspected violations of Chapter 5104. of the Revised Code or the rules promulgated pursuant to that chapter regarding licensed child care centers, licensed family child care homes, Ohio department of education licensed preschool or school-age child programs, or approved child day camps.

(5) The county agency shall cooperate and participate in all reviews including but not limited to, fiscal, programming, records, and other monitoring activities regarding publicly funded child care.

(6) The county agency shall comply with the National Voter Registration Act of 1993 which requires each state to provide voter registration services at designated government agencies that provide public assistance.

(a) The county agency shall distribute voter registration applications with applications for publicly funded child care, defined in rule 5101:2-16-02 of the Administrative Code.

(b) The county agency shall follow procedures outlined in rule 5101:1-2-15 of the Administrative Code for the acceptance of voter registration applications.

(7) The county agency shall cooperate with ODJFS for the recruitment of providers to meet the need for publicly funded child care in the county.

(B) What is the record retention requirement for the county agency?

(1) The county agency shall maintain records in accordance with Chapter 149. of the Revised Code.

(2) Records shall be maintained a minimum of three years or until an audit is completed, if one has been initiated within a three-year period, to document compliance with child care requirements.

(C) What is the county agency responsibility in the utilization of ~~the child care information data system (CCIDS) or Ohio benefits (OB~~ the Ohio benefits integrated eligibility system~~)~~?

The county agency shall limit access to and use of ~~CCIDS or OB~~the Ohio benefits integrated eligibility system, to the extent necessary to meet the requirements of the publicly funded child care program under the Child Care and Development Block Grant Act (CCDBG) of 1990, established in section 5082 of the Omnibus Budget Reconciliation Act of 1990, 104 Stat. 1388-236 (1990), 42 U.S.C. 9858, (11/2014) and reauthorized by the CCDBG Act of 2014.

(1) Personnel having access to ~~CCIDS or OB~~ the Ohio benefits integrated eligibility system shall be limited to those who have been trained in the confidentiality requirements of ODJFS, who are informed of all penalties, who have been trained in security procedures and who have signed the JFS 07078 "Code of Responsibility."

(2) The county agency shall monitor access to and use of ~~CCIDS or OB~~the Ohio benefits integrated eligibility system to prevent and promptly identify any unauthorized use.

(3) The county agency shall ensure that all personnel who have access to, may have access to or are required to use ~~CCIDS or OB~~the Ohio benefits integrated

eligibility system are informed of applicable requirements and penalties and have been trained in security procedures.

(D) What is the county agency responsibility to migrant families?

The county agency shall assist migrant families in obtaining appropriate documentation in order to expedite the migrant family's determination of eligibility for child care benefits.

(E) What is the county agency responsibility for the determination of eligibility for publicly funded child care?

(1) The county agency shall document the date a valid application for publicly funded child care, defined in rule 5101:2-16-02 of the Administrative Code, is received.

(2) The county agency shall determine eligibility no later than thirty calendar days from the date the county agency receives the valid application. The complete application and all required supporting documentation shall be retained in the agency's files.

(3) The county agency shall not require a face-to-face interview with the caretaker if the information required for determining the caretaker's eligibility for child care is already on file with the county agency and/or the required information can be obtained through other methods.

(4) If the county agency determines a caretaker is eligible for child care benefits, the eligibility period may begin on the date the county agency received the valid application, pursuant to rule 5101:2-16-02 of the Administrative Code. The county agency shall send the caretaker a notice of approval for child care benefits by the JFS 04074 "Notice of Approval of Your Application for Assistance" or its computer-generated equivalent.

(5) The county agency is to deny or terminate a caretaker's eligibility for child care benefits, after providing hearing notice rights as required by applicable rules in division 5101:6 of the Administrative Code, if the caretaker does any of the following:

(a) Does not meet current eligibility, unless the caretaker is approved for continuing eligibility pursuant to rule 5101:2-16-02 of the Administrative Code.

(b) Has another adult caretaker available in the family who can provide care for the child, and no written verification has been provided to the county agency from a licensed physician, licensed psychologist, licensed

psychiatrist or public children services agency (PCSA) that the caretaker cannot provide care for the child pursuant to rule 5101:2-16-02 of the Administrative Code.

(c) Does not cooperate in determining eligibility for current or for past benefits.

(d) Does not enter into or comply with an agreement with the county agency or ODJFS to repay a child care overpayment. If an initial application is received from a caretaker who owes an overpayment from a previous PFCC benefit period, the application shall be denied unless the caretaker enters into an agreement with the county agency or ODJFS to repay the overpayment.

(e) Does not pay the required child care copayment unless the family makes arrangements to pay delinquent copayments.

(f) Owes delinquent copayments to a child care provider, unless satisfactory arrangements are made to pay such delinquent copayments.

(g) Requests to discontinue receiving PFCC benefits.

(6) If the county agency determines a caretaker ineligible for child care benefits the county agency shall deny the application. The county agency shall:

(a) Provide the caretaker with a notice of denial of an application for child care benefits by the JFS 07334 "Notice of Denial of Your Application for Assistance" or its computer-generated equivalent.

(b) Authorize child care for a full time category of care pursuant to rule 5101:2-16-06 of the Administrative Code for the period of time between the date the county agency receives the valid application and the date of denial plus five days. Authorization for payment after denial shall not be approved if a caretaker received paid services after denial in the previous twelve months from the date of the valid application. The caretaker is not to be assigned a copayment for a payment after denial authorization.

(7) The county agency may terminate a caretaker's eligibility for child care benefits, after providing hearing notice rights as required by applicable rules in division 5101:6 of the Administrative Code. The county agency shall propose termination of child care benefits using the JFS 04065 "Prior Notice of Right to a State Hearing" or its computer-generated equivalent at least fifteen calendar days prior to the date of the proposed action if any of the following occur:

(a) The county agency determines the family is no longer eligible, and the family does not qualify for continuing eligibility pursuant to rule 5101:2-16-02 of the Administrative Code.

(b) The caretaker does not comply with the automated child care system, which includes but is not limited to use of the automated system and approval of edited attendance as necessary.

(c) The caretaker does not comply with a review conducted by ODJFS pursuant to rule 5101:2-16-12 of the Administrative Code.

(8) The county agency shall not terminate child care benefits pursuant to paragraph (E)(5) of this rule if any of the following apply:

(a) A caretaker has not participated in an education or training activity which prepares the caretaker for paid employment due to a scheduled break in the education or training activity. This scheduled break cannot exceed one quarter or one semester.

(b) A caretaker has not utilized child care benefits.

(9) The county agency shall use the procedures outlined by ODJFS for transferring cases between counties when the caretaker relocates to another county.

(10) ~~For counties utilizing OB for child care determinations, when~~When the child care application is signed with a telephonic signature, the county agency is to provide the caretaker a written copy of the summary of the information attested to on the telephonic application along with instructions on how to correct errors or omissions.

(F) What is the county agency responsibility for informing caretakers of available child care providers?

(1) The county agency shall allow eligible caretakers a choice from all available child care providers who are certified, licensed or approved to provide publicly funded child care.

(2) The county agency shall make available a current list of all certified, licensed or approved providers in the county. The county agency shall provide selected portions of the list or the complete list as requested by the caretaker to facilitate parental choice. Such lists shall include, but are not limited to:

(a) Reasonable access to the child's home or school.

(b) Reasonable access to the caretaker's place of employment, education or training.

(c) Reasonable access to special child care needs as specified by the family.

(G) What is the county agency responsibility for reporting all information required by ODJFS data and payment information systems?

(1) The county agency shall transmit all data regarding child care eligibility and authorizations on a daily basis as required in ~~the CCIDS or OB~~ the Ohio benefits integrated eligibility system or other data systems required by ODJFS.

(2) The county agency shall provide caretakers with a verification checklist no later than ten calendar days following the receipt of a valid application for publicly funded child care as defined in rule 5101:2-16-02 of the Administrative Code, with notification of the requirements needed to complete the eligibility determination process.

(3) The county agency shall submit eligibility data no later than five calendar days following the date eligibility is determined or no later than five calendar days following any reported changes to a case that affect eligibility or authorizations.

~~(4) The county agency shall assign each family a payment code according to the family's programmatic eligibility for publicly funded child care benefits, if the county agency is utilizing CCIDS for child care determinations.~~

~~(5)~~(4) The county agency shall issue a notice of change in child care benefits to the caretaker within ten calendar days from the date the change of circumstances was reported by the caretaker.

(H) What is the responsibility of the county agency in the ~~re-determination/~~recertification process?

(1) In the event a caretaker requests a copy of the ~~the re-determination/~~recertification application, the county agency shall provide both of the following:

(a) The ~~JFS 01124 if the county agency is utilizing CCIDS for child care determinations, or the~~ JFS 07204 "Request to Reapply for Cash Assistance, SNAP and/or Child Care" ~~if the county agency is utilizing OB for child care determinations;~~ and

(b) The voter registration application pursuant to this rule.

(2) The county agency shall determine if eligibility may be recertified for a new eligibility period by the last day of the current eligibility period.

(a) If the county agency determines the caretaker is eligible for benefits for a new eligibility period, the new period shall begin on the date following the last day of the current eligibility period. The county agency shall provide notice of approval for benefits using the JFS 04074 "Notice of Approval of Your Application for Assistance" or its computer-generated equivalent.

(b) If the county agency determines the caretaker is ineligible for benefits for a new eligibility period, the county agency shall provide notice of denial of the application for benefits using the JFS 07334 "Notice of Denial of Your Application for Assistance" or its computer-generated equivalent. The eligibility shall end on the last day of the current eligibility period.

(c) The county agency is to propose the expiration ~~termination~~ of benefits on or after the first day of the next-to-last month of eligibility, but before the first day of the last month of eligibility using the JFS 04065 or its computer-generated equivalent. Benefits will expire if the caretaker fails to submit any of the following ~~fifteen calendar days~~ prior to the end of the current eligibility period:

~~(i) The JFS 01124 if the county agency is utilizing CCIDS for child care determinations; or~~

~~(ii)~~(i) The JFS 07204 ~~if the county agency is utilizing OB for child care determinations~~; and

~~(iii)~~(ii) Household income verification and any other required supporting documentation.

(I) What is the county agency responsibility regarding the authorized representative as defined in rule 5101:2-16-01 of the Administrative Code?

(1) When the caretaker provides written notification identifying an authorized representative, the county agency is to record the name of the authorized representative in the case file.

(2) The county agency is to inform the caretaker that the family will be held liable for any overpayments issued as a result of erroneous or ~~fraudulant~~ fraudulent information given by the authorized representative.

(J) How does the county agency process a PFCC application when the caretaker is also applying for ~~food~~SNAP, cash and/or medical assistance?

(1) All PFCC joint applications~~ for county agencies utilizing OB for child care determinations, or separate applications,~~ for all county agencies, are to be processed in accordance with Chapter 5104. of the Revised Code and Chapter 5101:2-16 of the Administrative Code.

(2) No caretaker is to have PFCC benefits denied solely on the basis that an application to participate in another program has been denied or benefits under another program have been terminated without a separate determination that the caretaker failed to satisfy a PFCC eligibility requirement.

(3) The process for a caretaker that simultaneously requests PFCC and another program~~ in OB~~ includes the following:

(a) If a caretaker is denied benefits for the other program, the caretaker is not required to resubmit another application for PFCC; and

(b) PFCC eligibility is to be determined in accordance with PFCC processing time frames from the date the joint application was initially accepted by the county agency.

(4) To facilitate participation in the program, the county agency is to notify caretakers who are applying for other types of assistance that they may file a separate application for PFCC benefits independent of the application for benefits of any other program.

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