

5101:2-16-30

Publicly funded child care program requirements.

(A) The composition of the family for determining eligibility for child care benefits shall be one of the following:

- (1) One or more caretaker(s) and all of their minor children who reside in the same household.
- (2) Foster parent and stepparent households and children residing with an adult relative with the relative serving as the caretaker.
- (3) Minor parent(s) and his/her child(ren) and an adult caretaker, including a relative, foster parents or stepparents, when the minor parent(s) and child(ren) is living with the adult caretaker or in a supervised living arrangement.
- (4) Caretakers with shared custody of a child during the time that the child resides with the caretaker.
- (5) Unmarried parents, a common child, and other children of either parent who all reside in the same household.

~~(A)~~(B) Ohio works first (OWF) child care benefits may be provided to any ~~assistance group~~ family receiving OWF ~~financial~~ cash assistance and who meets the following conditions ~~of eligibility~~:

- (1) In accordance with the self-sufficiency contract, child care benefits are necessary in order for an OWF ~~participant~~ caretaker to:
 - (a) Accept or maintain paid employment;
 - (b) Participate in a work experience program;
 - (c) Participate in job-readiness activities;
 - (d) Participate in job search;
 - (e) Participate in self employment, including micro enterprise self-employment;
 - ~~(f) Participate in on-the-job training (OJT) for the duration of the approved OJT regardless of cash eligibility for OWF;~~
 - ~~(g)~~(f) Participate in subsidized employment program (SEP) or special-subsidized employment program (S-SEP) for the duration of the

approved activity regardless of cash eligibility for OWF;

~~(h)~~(g) Participate in the learning, earning and parenting (LEAP) program;

~~(i)~~(h) Participate in vocational education or post-secondary education, job skills training or education related to employment; or

~~(j)~~(i) Participate in adult basic and literacy education (ABLE).

- (2) Two ~~parent~~ caretaker families must participate at a minimum, fifty-five hours per week in the OWF program to be eligible for child care benefits under paragraph ~~(A)~~ (B) of this rule, unless one of the ~~parents~~ caretakers is caring for a disabled child.

~~(B)~~(C) Transitional child care benefits may be provided to any family who meets the following conditions of eligibility:

- (1) The family has ceased to be eligible for the OWF program for any reason with the exception of OWF fraud or sanction.
- (2) Child care benefits are necessary to permit a caretaker ~~parent~~ to accept or maintain employment or to participate in education and training activities, as defined in paragraph ~~(F)~~ (G) of this rule, while also being employed.
- (3) The family's gross income does not exceed the maximum per cent of the federal poverty level for continued eligibility as established by administrative order pursuant to section 5104.39 of the Revised Code.
- (4) The eligibility period for transitional child care benefits begins the ~~day~~ month following the last ~~day~~ month that the ~~assistance-group family~~ was eligible for the OWF program and may continue for twelve consecutive months.
 - (a) Families may begin to receive these benefits in any month during the twelve month eligibility period provided the family completes the application requirements in accordance with rule 5101:2-16-35 of the Administrative Code and continues to meet the eligibility requirements in accordance with paragraph ~~(B)~~ (C) of this rule.
 - (b) Child care benefits are terminated when:
 - (i) The caretaker ~~parent~~ terminates employment without just cause as

defined by section 5107.26 of the Revised Code.

(ii) The twelve month eligibility period expires, or the family's income exceeds the maximum per cent of the federal poverty level for eligibility as established by administrative order pursuant to section 5104.39 of the Revised Code.

~~(iii) The family fails to cooperate with the child support enforcement agency in establishing payments and enforcing child support obligations in accordance with rule 5101:1-3-10 of the Administrative Code.~~

(c) If the caretaker ~~parent~~ loses a job with just cause, pursuant to section 5107.26 of the Revised Code, and then finds another job, the family can qualify for the remaining portion of the consecutive twelve month eligibility period.

(d) If the family re-establishes participation in the OWF program during the twelve month transitional child care eligibility period, the family may qualify for a new twelve month period provided application and eligibility requirements are met.

~~(C)~~(D) Income eligible employment and training child care benefits may be provided to families ~~who meet the following conditions of eligibility whose gross monthly income does not exceed the maximum per cent of the federal poverty level for eligibility as established by administrative order pursuant to section 5104.39 of the Revised Code: and~~

(1) Child care benefits are necessary to permit the caretaker ~~parent~~ to participate in paid employment either on a full time or part time basis, ~~and the family's gross income does not exceed the maximum per cent of the federal poverty level for eligibility as established by administrative order pursuant to section 5104.39 of the Revised Code;~~

(2) In accordance with paragraph ~~(F)~~ (G) of this rule, child care benefits are necessary to permit the caretaker ~~parent~~ to enroll in and participate in an education or training activity which prepares the caretaker ~~parent~~ for paid employment, ~~and the family's gross income does not exceed the maximum per cent of the federal poverty level for eligibility as established by administrative order pursuant to section 5104.39 of the Revised Code;~~

(3) Child care benefits are necessary in order for an applicant for OWF ~~financial~~ cash assistance to participate in an approved OWF activity, pursuant to

paragraph ~~(A)~~~~(1)~~ (B)(1) of this rule, while pending eligibility for OWF ~~financial cash~~ assistance; ;

(4) Child care benefits are necessary for families who are sanctioned under OWF in order to participate in an approved OWF activity to meet compliance with OWF; ; or

(5) Child care benefits are necessary for a family whose twelve months of transitional child care benefits have expired, ~~and the family's gross income does not exceed the maximum per cent of the federal poverty level for continued eligibility, as established by administrative order pursuant to section 5104.39 of the Revised Code.~~

~~(D)~~(E) The child needing care under paragraph ~~(A)~~, ~~(B)~~, ~~(C)~~, or ~~(E)~~ (D) of this rule shall be under age thirteen, or under age eighteen with special needs in accordance with paragraph ~~(H)~~ (AA) of this rule 5101:2-16-01 of the Administrative Code.

~~(E)~~(F) Child care provided or claimed for reimbursement, in accordance with paragraphs ~~(A)~~, ~~(B)~~, ~~and (C)~~, and (D) of this rule, ~~must~~ shall be reasonably related to hours of employment or education/training. ~~The CDHS shall limit reimbursable child care services to the duration of the parent's work or training with allowances for time spent in traveling to and from the work or training site. Allowances for sleep time may be made on a case-by-case basis by the CDHS for families whose caretaker parents are employed during the night (third shift). Child care may exceed twenty-four consecutive hours when the caretaker parent's hours of employment indicate such a need.~~

(1) Allowances for travel time may be made on a case-by-case basis for time spent traveling to and from the work or training site, not to exceed four hours round trip, unless the eligibility determiner concludes there is an exceptional circumstance;

(2) Allowances for sleep time may be made on a case-by-case basis for families whose caretaker is employed during the night, not to exceed eight hours, unless the eligibility determiner concludes there is an exceptional circumstance.

~~(F)~~(G) Education and training activities which prepare the caretaker ~~parent~~ for paid employment are:

(1) Basic education activities which take place at the education/training site and are defined as follows:

- (a) High school or equivalent education;
- (b) Remedial education;
- (c) Adult basic and literacy education; and
- (d) Education for individuals with limited English proficiency.

(2) Postsecondary education activities which are defined as follows:

- (a) College, technical or vocational course work leading to a degree, certificate or license provided that the program of study is:
 - (i) Limited to education which is directly related to the individual's employment goal;
 - (ii) At least a half-time basis as defined by the institution; and
 - (iii) From an accredited institution of higher education, an institution having a certificate or authorization issued by the Ohio board of regents, or an institution having a certificate of registration from the state board of school and college registration.

(b) Postsecondary education shall not include:

- (i) Individuals who have successfully completed the requirements for a baccalaureate degree unless this education is necessary to meet specific certification or licensure requirements associated with maintaining an individual's employment.
- (ii) Individuals who have successfully completed one hundred forty-four undergraduate semester credit hours or two hundred sixteen undergraduate quarter hours and/or the combined equivalents; or
- (iii) Individuals who have successfully completed the requirements for a vocational, technical, or skill training program within two calendar years immediately prior to the date of the application for child care benefits.

- (3) Job skills training activities which are defined as vocational or occupational training activities in technical job skills and equivalent knowledge and abilities in a specific occupational area.

(a) Job skills training activities include:

- (i) Classroom training;
- (ii) Supervised on-site training; and
- (iii) Refresher skills training.

(b) Job skills training activities shall be limited to education which is directly related to individual's employment goal.

(c) Job skills training activities shall be from an accredited institution of higher education, an institution having a certificate or authorization issued by the Ohio board of regents, an institution having a certificate or registration from the state board of school and college registration, or an accredited public or private vocational or technical school.

~~(G)~~(H) Satisfactory participation as defined by the school or institution, is required for a caretaker ~~parents~~ who ~~participate~~ participates in education and training activities.

- (1) As determined periodically by ~~CDHS staff~~ the eligibility determiner, the caretaker ~~parent must~~ shall be satisfactorily participating in an OWF ~~component activity~~ the leap LEAP program or an education or training activity which is preparing the individual for paid employment. The eligibility determiner shall periodically review the caretaker's grade point average or an equivalent measure, the time for reasonable completion of the program of study, and the caretaker's attendance in regards to a level of frequency that ensures the caretaker's satisfactory participation, unless participating in an approved OWF activity.

~~(a) The criteria contained in paragraph (G)(1)(b) this rule shall be assessed when determining a participant's satisfactory participation in an education or training activity which is not part of the OWF program.~~

~~(b) CDHS staff shall periodically review the participant's grade point average or an equivalent measure, the time limits for reasonable completion of the program of study, and the participant's attendance in regards to a level of frequency that ensures the participant's satisfactory~~

~~participation.~~

- (2) ~~Individuals~~ Caretakers who are not satisfactorily participating in an education and training activity may be considered ineligible for child care benefits. The child care services ~~of~~ for these ~~individuals~~ caretakers may be subject to termination.
 - (3) Child care provided ~~to individuals~~ for caretakers who are no longer participating in an approved OWF activity, an education or training activity, or who are no longer employed shall be considered services for ineligible ~~individuals~~ caretakers and are subject to termination except as may be provided in paragraph ~~(H)~~ (I) of this rule.
- ~~(H)~~(I) Child care may be ~~provided~~ reimbursed during gaps in employment or training for the following time periods and in the following instances:
- (1) A period not to exceed two weeks ~~when an individual~~ when child care arrangements would otherwise be lost and the caretaker is waiting to enter an approved OWF component activity, an approved OWF education and training activity, a self-initiated education and training activity which prepares the individual caretaker for paid employment, pursuant to paragraph (G) of this rule, the leap LEAP program or employment.
 - (2) A period not to exceed one month ~~where~~ when child care ~~service~~ arrangements would otherwise be lost and the subsequent education and training activity or employment is scheduled to begin within that period.
- Examples include:
- (a) Gaps between employment of the caretaker ~~parent~~ when a job search has been conducted and employment is scheduled to begin within the one month period;
 - (b) During the ~~caretaker-parent's~~ caretaker's participation in employment orientation activities when the employment is scheduled to begin within the one month period; or
 - (c) During the ~~caretaker-parent's~~ caretaker's participation in activities in anticipation of enrollment or attendance in an education or training program which is scheduled to begin within the one month period.
- ~~(I) Special needs child care benefits may be provided to families to address the special needs of the child or employment or training of the caretaker parent.~~

- (1) ~~As determined by the eligibility determiner, the child needing special needs child care shall be under age eighteen and is currently residing in the home with the caretaker parent and is:~~
- ~~(a) Incapable of caring for himself or herself as verified by the CDHS based on a determination of a licensed physician or licensed or certified psychologist; and~~
 - ~~(b) Physically or developmentally handicapped;~~
 - ~~(c) Mentally ill;~~
 - ~~(d) Mentally retarded; or~~
 - ~~(e) Disabled or has a health condition which requires special services while the child is in care.~~
- (J) Protective child care benefits may be provided to families, without regard to income, for the direct care and protection of a child under the age of eighteen to whom either of the following applies:
- (1) As verified by the eligibility determiner, a case plan is prepared and maintained for the child, pursuant to section 2151.412 of the Revised Code, which indicates a need for protective child care services, and the child currently resides in his/her home with ~~a parent, stepparent, guardian, or another person who stands in loco parentis, as defined in paragraph (CC) of rule 5101:2-16-01 of the Administrative Code~~ an adult caretaker and is not a child in placement; or
 - (2) As verified by the eligibility determiner, the child and his caretaker ~~parent~~ either temporarily reside in a facility providing emergency shelter for homeless families or are determined by the eligibility determiner to be homeless and are otherwise ineligible for child care services, are eligible for protective child care benefits for the lesser of the following:
 - (a) Ninety days; or
 - (b) The period of time they reside in an emergency shelter, if they qualified for protective child care benefits because they reside in the shelter, or the period of time in which the ~~CDHS determines~~ eligibility determiner verifies they are homeless.
 - (3) Children in placement, as defined in paragraph ~~(H)~~ (I) of rule 5101:2-16-01 of

the Administrative Code, are not eligible for protective child care benefits made available under this rule.

~~(4) Protective child care benefits shall be provided to an eligible family without regard to the family's income.~~

(K) Head start eligible children who are eligible for child care benefits under paragraphs (B), (C), (D), and (J) of this rule may also be eligible under the head start/child care partnership program as defined in rule 5101:2-16-01 of the Administrative Code.

Head start eligible children who are no longer eligible for child care benefits under paragraphs (B), (C), (D), and (J) of this rule, and who are enrolled in a head start/child care partnership program, continue to be eligible for child care benefits for the remainder of the current head start program year, regardless of income or employment status, unless any of the following occurs:

(1) The caretaker fails to pay the required monthly child care copayment;

(2) The caretaker commits child care fraud;

(3) The caretaker is under an OWF sanction, unless participating in an approved OWF activity to meet compliance with OWF;

(4) The caretaker fails to complete the redetermination process; or

(5) The family's monthly child care copayment exceeds the monthly cost of care.

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CERTIFIED ELECTRONICALLY

Certification

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Date

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