

5101:2-16-30

Eligibility requirements for receipt of publicly funded child care benefits.

- (A) County departments of job and family services (CDJFS) shall determine eligibility for publicly funded child care benefits and shall authorize child care for periods that are reasonably related to the caretaker's hours of employment, education or training. Authorizations shall be made for one of the following categories:
- (1) Hourly, which is up to 6.9 hours per week.
 - (2) Part-time weekly, which is 7.0 to 24.9 hours per week.
 - (3) Full-time weekly, which is 25.0 to 60.0 hours per week.
 - (4) Full-time weekly plus, for hours greater than 60.0 as determined by the CDJFS.
- (B) A caretaker shall apply for child care benefits for the family. A family is one of the following:
- (1) One or more caretaker(s) and all minor children who reside with the caretaker in the same household.
 - (2) A caretaker, the caretaker's minor child and the child of the minor child when all reside in the same household.
 - (3) A caretaker who has shared custody of minor children when the children reside with the caretaker in the caretaker's household.
 - (4) A caretaker who is a foster parent or stepparent and all of the minor children who reside with the caretaker in the same household.
 - (5) Unmarried parents who live in the same household with a common child and all of the minor children who reside with them. Each caretaker shall be a caretaker for all the children in the family.
- (C) The CDJFS shall verify the U.S. citizenship or immigration status for children for whom a caretaker applies for child care benefits. If the CDJFS verifies that a child currently receives or has received Ohio works first (OWF) or a medical assistance program under 5111.01 of the Revised Code, Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 USC 1396, ~~as amended,~~ (1/3/12), verification of citizenship is not required.

(D) To be eligible for child care, a child must be one of the following:

- (1) A U.S. born citizen. The caretaker shall provide a civilian birth, baptismal, church certificate, or hospital record showing a birthplace in the U.S. "Birthplace in the U.S." refers to an individual born in one of the fifty states, District of Columbia, Puerto Rico, Guam, Northern Mariana Islands, U.S. Virgin Islands, Swain Island, or American Samoa.
- (2) A foreign born U.S. citizen. The caretaker shall provide a citizen certification, U.S. passport, consular's certification of birth or certificate of naturalization as verification.
- (3) A qualified alien. Qualified alien means one of the following:
 - (a) An alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA), 8 U.S.C. 1101 ~~(12/14/2010)~~(1/3/12).
 - (b) An alien who is granted asylum under section 208 of the INA, 8 U.S.C. 1158 ~~(05/2005)~~(1/3/12).
 - (c) A refugee who is admitted to the United States under section 207 of the INA, 8 U.S.C 1157 ~~(05/2005)~~(1/3/12).
 - (d) An alien who is paroled into the United States under section 212(d)(5) of the INA, 8 U.S.C. 1182(d)(5), for a period of at least one year ~~(05/2007)~~(1/3/12).
 - (e) An alien whose deportation is being withheld under section 243(h) of the INA, 8 U.S.C. 1253 (as in effect immediately before the effective date of section 307 of division C of Public Law 104-208) or section 241(b)(3) of the INA, 8 U.S.C. 1231(b)(3) (as amended by section 305(a) of division C of Public Law 104-208).
 - (f) An alien who is granted conditional entry pursuant to section 203(a)(7) of the INA, 8 U.S.C. 1153(a)(7) as in effect prior to April 1, 1980.
 - (g) An alien who is a Cuban and Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980).

- (h) A battered alien who ~~meet~~ meets the conditions set forth in 8 U.S.C. 1641 (c) ~~(1/07/2011)~~(1/3/12).
 - (i) An alien who is the victim of a severe form of trafficking as set forth in 8 U.S.C. 1641 (c)(4) ~~(01/07/2011)~~(1/3/12).
 - (j) An Afghan or Iraqi alien admitted to the U.S. who was granted a special immigrant visa (SIV) under section 101(a)(27) of the INA, 8 U.S.C. 1157 (12/2008).
- (4) Except as provided in paragraph (D)(5) of this rule, a child who is a qualified alien, as defined in 8 U.S.C. 1641 and entering the United States on or after August 22, 1996 shall be required to live in the United States for five years before eligibility for child care.
- (5) A child in the following categories is exempt from the requirement that he or she live in the United States five years prior to eligibility:
- (a) An alien who is admitted to the United States as a refugee under section 207 of the INA, 8 U.S.C. 1157 (05/2005).
 - (b) An alien who is granted asylum under section 208 of the INA, 8 U.S.C. 1158 ~~(05/2005)~~.
 - (c) An alien whose deportation is being withheld under section 243(h) of the INA as in effect prior to April 1, 1997 or whose removal is withheld under section 241(b)(3) of the INA, 8 U.S.C. 1231 ~~(01/2006)~~(1/3/12).
 - (d) An alien who is a Cuban or Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980.
 - (e) An alien admitted to the United States as an Amerasian immigrant as described in 8 U.S.C. 1612(a)(2)(A)(v).
 - (f) The unmarried dependent child of an alien meeting the veteran and active duty exception in 8 U.S.C. 1641(b)(2).
- (6) The five year bar on eligibility does not apply to qualified aliens who entered the United States before August 22, 1996 and have continued living in the United States, even if they did not meet qualified alien status upon entry.

- (7) If the child is an alien, his or her status may be verified by forms issued through the ~~immigration and naturalization service, including the INS I-151, I-155 or I-94~~systematic alien verification for entitlements (SAVE) program. In some instances validity of documents shall be verified by submitting the DHS, "Document Verification Request" form G845S (7/08) to the appropriate office, along with the proper documentation.
- (E) Caretakers who receive OWF cash assistance may be eligible for child care benefits. Child care shall be necessary for the caretaker to comply with the requirements of a self-sufficiency contract.
- (F) Caretakers who participate in the food assistance employment and training program may be eligible for child care benefits. Child care shall be necessary for caretakers to comply with the requirements of their food assistance employment and training program plan.
- (G) A minor parent who participates in the learning, earning and parenting (LEAP) program may apply for child care benefits. The family shall be defined as the minor parent and the children of the minor parent. Child care may be approved for activities required to meet compliance with the LEAP program.
- (H) Caretakers who reside in the same household and who both receive OWF cash assistance shall participate a minimum of fifty-five hours per week in OWF activities to be eligible for child care benefits, unless the CDJFS can document that one of the caretakers is caring for a disabled child.
- (I) A caretaker shall be eligible for transitional child care benefits for the twelve month period immediately following the end of participation in OWF if all of the following apply:
- (1) The caretaker needs child care due to employment.
 - (2) The caretaker's income does not exceed one hundred fifty per cent of the federal poverty level (FPL). These amounts shall be published annually in a procedure letter upon final release in the Federal Register.
 - (3) The caretaker meets all requirements of the application and redetermination process.
- (J) A caretaker who is ineligible to participate in OWF is not eligible for transitional child care benefits.

(K) A caretaker who is engaged in employment, training or education activities may be eligible for child care benefits if the family's gross monthly income ~~does not exceed the maximum monthly gross income per household size, as shown in the appendix to this rule,~~ is at or below one hundred twenty-five per cent of the FPL which shall be published annually in a procedure letter upon final release in the Federal Register and child care is necessary for at least one of the following reasons:

- (1) To permit the caretaker to participate in paid employment on a full-time or a part-time basis.
- (2) To permit the caretaker to participate in a training or education activity which prepares the caretaker for paid employment.
- (3) To permit the caretaker to participate in an OWF activity in order to meet OWF requirements if the caretaker is sanctioned under OWF.
- (4) To allow child care after the expiration of twelve months of transitional child care benefits.

(L) A caretaker, who is currently eligible for child care, shall be approved for up to thirty calendar days of child care if the CDJFS has documentation that an employment or employment orientation activity, a training activity or an approved education activity is scheduled to begin within the thirty-day period.

(M) A caretaker shall have a need for child care for a child who is under age thirteen or under age eighteen with special needs.

(N) Child care may exceed twenty-four consecutive hours when the caretaker's hours of employment, training or education indicate such a need. Travel time, not to exceed four hours round trip, shall be allowed. Sleep time shall be allowed on a case by case basis, not to exceed eight hours, for a caretaker who is employed during the night.

(O) A caretaker who is engaged in basic education activities that take place at ~~an education or training site~~ an official practice center site or part of a limited English proficiency program may be eligible for child care. The program must require classroom attendance with an instructor present. Basic education activities are defined as follows:

- (1) High school or equivalent education.

- (2) Remedial high school education.
- (3) Adult basic and literacy education (ABLE).
- (4) Education for individuals with limited English proficiency.

(P) For all basic education activities, a caretaker shall provide the following:

- (1) Proof of enrollment, the days and hours the caretaker is attending, and the length of the class prior to care being authorized. When the class has open enrollment and no established end date, the caretaker shall provide proof of how often progress is measured. The CDJFS shall review progress no later than twelve months from the date care was authorized.
- (2) Proof of initial testing, within the first month of class participation, showing the caretaker's education and/or literacy level for activities listed in paragraph (O)(1) to (O)(3) of this rule.

~~(P)~~(Q) A caretaker who is engaged in post-secondary education activities may be eligible for child care.

- (1) Post-secondary education activities are defined as: college classes, technical classes or vocational classes that are part of a course of study leading to a degree, a certificate or a license.
- (2) The classes shall be approved by an accredited institution of higher education, an institution that has a certificate issued or has authorization from the Ohio board of regents or an institution that has a registration from the state board of school and college registration.
- (3) When education activities are accessed via electronic media, the number of hours approved for child care shall not exceed the number of credit hours per week for the course, as defined by the educational institution.

~~(Q)~~(R) A caretaker who is engaged in post-secondary education shall not be eligible for child care ~~when~~ if the caretaker has completed the requirements for a baccalaureate degree unless the education is necessary to meet specific requirements associated with maintaining the caretaker's employment, certification or licensure.

~~(R)~~(S) A caretaker who has completed one hundred forty-four undergraduate semester hours or two hundred sixteen undergraduate quarter hours, or the combined equivalent hours, shall not be eligible for child care benefits for post-secondary

education.

~~(S)~~(T) A caretaker who is engaged in vocational job skills training activities or occupational job skills training activities may be eligible for child care.

(1) Job skills training activities shall be limited to education that is directly related to the individual's employment goal and shall be approved by an accredited institution of higher education, an institution that has a certificate issued or has authorization from the Ohio board of regents, or an institution that has a registration from the state board of school and college registration.

(2) Job skills training activities may include, but are not limited to:

(a) Classroom job skills training.

(b) Supervised on-the-job skills training.

(c) Refresher job skills training.

~~(T)~~(U) A caretaker shall have a record of satisfactory participation, as defined by the school or institution, in an education or training activity in order to be eligible for child care.

~~(U)~~(V) A caretaker may be eligible for protective child care, without regard to income, for the care and protection of a child. Caretakers eligible for protective child care shall have their copayment waived. One of the following requirements shall be met for protective child care:

(1) A case plan, as required in section 2151.412 of the Revised Code, is prepared and maintained for the child and caretaker. The case plan shall indicate a need for protective child care to permit the caretaker to complete requirements of the case plan. Protective child care may be authorized only for a child who resides in the home of the caretaker for whom the case plan is written.

(2) A caretaker and child either temporarily reside in a facility providing emergency shelter for homeless families or are determined by the CDJFS to be homeless, and are otherwise ineligible for publicly funded child care. Homeless protective child care is limited to ninety calendar days in a twelve month period, or the period of time that the caretaker and child reside in an emergency shelter, or the period of time when the caretaker and child are homeless, whichever period is shortest.

~~(V)~~(W) A child enrolled in a child care center that partners with a federally funded head start program may remain eligible for child care benefits until the end of the current head start program year if the CDJFS proposes termination of child care due to an unmet eligibility requirement. To remain eligible for continuation of child care benefits, the caretaker shall meet the following eligibility requirements:

- (1) The caretaker shall have monthly income at or below ~~the maximum monthly gross income per family size as shown in the appendix to rule 5101:2-16-30 of the Administrative Code~~ the two hundred per cent of the FPL guidelines. These amounts will be published in a procedure letter annually upon being released in the Federal Register.
- (2) The caretaker shall pay the assigned copayment.
- (3) The caretaker shall complete the twelve month redetermination.
- (4) The caretaker shall not be under an OWF sanction, unless the caretaker is under sanction but is participating in an approved OWF activity to meet compliance with OWF.
- (5) The caretaker ~~has not~~ shall not have been found guilty of child care fraud.

~~(W)~~(X) A caretaker may be eligible for reinstatement of child care benefits within sixty days following termination if the termination was due to income or because the caretaker's employment, training or education activity was interrupted. The caretaker must have been determined eligible within the last twelve months. The following requirements shall be met:

- (1) The caretaker shall ~~not be required to~~ complete either a JFS 01126 "Request for Reinstatement of Child Care Benefits" (9/2011) or a new JFS 01138 "Application for Child Care Benefits" (rev. 8/2011), unless If the most recent twelve month period of eligibility will expire within forty-five days of the request for reinstatement, the caretaker shall complete a new JFS 01138.
- (2) The maximum monthly income limit for ongoing eligibility, ~~as shown in the appendix to this rule,~~ at or below two hundred per cent of the FPL, shall be used to determine income eligibility.
- (3) The copayment amount shall be based on the current income and household size.

- (4) The caretaker shall verify that he or she is engaged in a qualifying employment, education or training activity as required in this rule, and shall verify current income and household size.
- (5) The caretaker shall not have an outstanding overpayment unless a repayment plan is in place and the terms of the repayment plan are being met.

(Y) A caretaker may be eligible for child care benefits if they meet the following income requirements:

- (1) Initial eligibility: at or below one hundred twenty-five per cent of the FPL. These amounts will be provided annually in a child care procedure letter upon release in the Federal Register.
- (2) Ongoing eligibility: at or below two hundred per cent of the FPL. These amounts will be provided annually in a child care procedure letter upon release in the Federal Register.

Effective:

R.C. 119.032 review dates: 09/01/2016

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5104.34, 5104.38
Rule Amplifies: 5104.01, 5140.30, 5104.34, 5104.38, 5104.382, 5104.42
Prior Effective Dates: 11/1/91 (Emer.), 1/20/92, 7/6/92 (Emer.), 10/1/92, 7/2/93 (Emer.), 8/20/93, 1/1/94, 10/2/95 (Emer.) 12/26/95, 7/1/97 (Emer.), 10/1/97 (Emer.), 12/30/97, 1/1/99, 5/12/02, 6/9/03, 7/1/05 (Emer.), 10/1/05, 7/1/06, 2/1/07, 7/1/07, 7/1/08, 7/1/09, 7/23/09 (Emer.), 10/21/09, 7/1/11 (Emer.), 9/29/11