

5101:2-16-30      **Eligibility requirements for receipt of publicly funded child care benefits.**

- (A) County departments of job and family services (CDJFS) are responsible for the determination of eligibility for publicly funded child care benefits. Child care shall be authorized for periods ~~that are~~ reasonably related to the caretaker's periods of employment, education or training.
- (B) A caretaker, as defined in rule 5101:2-16-01 of the Administrative Code, shall apply for child care benefits for the family. A family shall be one of the following:
- (1) At least one caretaker and all minor children ~~who reside~~ residing 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~~ residing in the same household.
  - (3) A caretaker ~~who has shared~~ sharing custody of minor children ~~when the children reside~~ residing 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~~ residing with the caretaker in the same household.
  - (5) Unmarried parents, one of whom is the caretaker, with a common child and all of the minor children ~~who reside~~ residing with the caretaker in the same household.
- (C) The CDJFS shall verify U.S. citizenship or legal alien status for children receiving child care benefits.
- (1) The caretaker shall provide at least one document showing a birthplace in the U.S. or U.S. citizenship. "U.S. born" 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) If the child is a U.S. born citizen, a civilian birth, baptismal or church certificate displaying a U.S. birthplace may be used as verification.
  - (3) If the child is a foreign-born U.S. citizen, a citizen certification, U.S. passport, consular's certification of birth or certificate of naturalization may be used as verification.
  - (4) 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.

~~(C)~~(D) Caretakers ~~who receive~~receiving Ohio works first (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.

~~(D)~~(E) A minor parent ~~who participates~~participating in the learning, earning and parenting (LEAP) program may apply for child care benefits. The family ~~shall be~~ is 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.

~~(E)~~(F) Caretakers ~~who reside~~ residing in the same household and ~~who both receive~~ receiving 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~~documents that one of the caretakers is caring for a disabled child.

~~(F)~~(G) A caretaker ~~shall be~~ is 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).
- (3) The caretaker meets all requirements of the application and redetermination process.

~~(G)~~(H) A caretaker ~~who is~~ ineligible to participate in OWF is not eligible for transitional child care benefits.

~~(H)~~(I) 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 required in this rule, and child care is necessary for at least one of the following reasons:

- (1) ~~To permit~~Permitting the caretaker ~~to participate~~participation in paid employment on a full-time or a part-time basis.
- (2) ~~To permit~~Permitting the caretaker ~~to participate~~ participation in a training or education activity ~~which prepares~~ preparing the caretaker for paid employment.

(3) ~~To permit~~ Permitting the caretaker ~~to participate~~participation in an OWF activity in order to meet OWF requirements if the caretaker is sanctioned under OWF.

(4) ~~To allow~~ Allowing child care after the expiration of twelve months of transitional child care benefits.

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

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

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

~~(L)~~(M) A caretaker ~~who is~~ engaged in basic education activities ~~that take~~ taking place at an education or training site may be eligible for child care. 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.

~~(M)~~(N) 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~~ are approved by an accredited institution of higher education, an institution ~~that has~~ having a certificate issued or has authorization from the Ohio board of regents, or an institution ~~that has~~ having a registration from the state board of school and college registration.
- (3) ~~When~~ If 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.
- ~~(N)~~ (O) A caretaker ~~who is~~ engaged in post-secondary education ~~shall~~ is 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.
- ~~(O)~~ (P) A caretaker ~~who has completed~~ completing 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.
- ~~(P)~~ (Q) 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~~ are 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~~ having a certificate issued or has authorization from the Ohio board of regents, or an institution ~~that has~~ having 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.
- ~~(Q)~~ (R) 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.

~~(R)~~(S) A caretaker may be eligible for protective child care, without regard to income, for the care and protection of a child. 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~~ residing 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. The protective child care is limited to ninety calendar days, 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 is less.

~~(S)~~(T) A caretaker whose child is enrolled in a federally funded head start program may also receive child care benefits. If the CDJFS proposes termination of child care due to an unmet eligibility requirement, the child may remain eligible for child care benefits until the end of the current head start program year. To remain eligible for continuation of child care benefits, the caretaker shall meet the following eligibility requirements:

- (1) The child care is ~~received~~ provided in a head start/child care partnership program as defined in rule 5101:2-16-01 of the Administrative Code.
- (2) The caretaker ~~shall have~~ has 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.
- (3) The caretaker ~~shall pay~~ pays the assigned monthly child care family copayment.
- (4) The caretaker ~~shall complete~~ completes the required six-month copayment review and twelve month redetermination.
- (5) The monthly child care family copayment shall not exceed the monthly cost of care.
- (6) The caretaker ~~shall~~ is not ~~be~~ under an OWF sanction, unless the caretaker is

~~under sanction~~ sanctioned but is participating in an approved OWF activity to ~~meet~~meeting compliance with OWF, .

(7) The caretaker has not been found guilty of child care fraud.

Effective:

R.C. 119.032 review dates: 02/01/2012

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 5104.34, 5104.38  
Rule Amplifies: 5104.01, 5104.30, 5104.34, 5104.38, 5104.382,  
5104.41  
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