

5101:2-16-30

Program eligibility requirements for 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 with the caretaker in the same household.

(2) A caretaker, and a minor child who is the parent of a child, all of whom reside in the same household.

(3) A caretaker who has shared custody of minor children when they reside in the same 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 with a common child and all of the minor children who reside with the caretaker in the same household.

(C) Caretakers who receive Ohio works first (OWF) cash assistance may be eligible for child care benefits. Child care must be necessary for the caretaker to comply with the requirements of a self-sufficiency contract that includes any of the following:

(1) Acceptance or maintenance of paid employment.

(2) Participation in a work experience program.

(3) Participation in job readiness or job search activities.

(4) Participation in self-employment, including micro-enterprise self-employment.

(5) Participation in a subsidized employment program (SEP) activity or a special subsidized employment program (S-SEP) activity for the duration of the activity, regardless of eligibility for OWF cash assistance.

(6) Participation in the learning, earning and parenting (LEAP) program.

(7) Participation in vocational education, post-secondary education job skills training or education related to employment.

(8) Participation in an adult basic and literacy education (ABLE) program.

- (D) Caretakers who reside in the same household and who both receive OWF cash assistance must 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.
- (E) 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).
 - (3) The caretaker meets the requirements of rule 5101:2-16-35 of the Administrative Code regarding the application and redetermination process.
- (F) A caretaker who is ineligible to participate in OWF is not eligible for transitional child care benefits.
- (G) 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 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.
 - (5) To permit a caretaker to seek employment, take part in employment orientation activities, or take part in activities in anticipation of enrollment or attendance in an education or training program or activity. Child care may be approved for up to thirty days if the CDJFS verifies that the employment, education or training program or activity is expected to begin within the thirty day period.
- (H) A caretaker must have a need for child care for a child who is under age thirteen or under age eighteen with special needs.

- (I) Child care shall be reasonably related to hours of employment, training or education and 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, not to exceed eight hours on a case-by-case basis, for a caretaker who is employed during the night.
- (J) A caretaker who is engaged in basic education activities that take 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.
- (K) A caretaker who is engaged in post-secondary education activities may be eligible for child care. 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. The classes must 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.
- (L) A caretaker who is engaged in post-secondary education shall not be eligible for child care when the caretaker has completed the requirements for a baccalaureate degree, unless the education is necessary to meet specific certification or licensure requirements associated with maintaining the caretaker's employment.
- (M) 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.
- (N) A caretaker who is engaged in vocational job skills training activities or occupational job skills training activities may be eligible for child care. 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. Job skills training activities may include, but are not limited to:

- (1) Classroom job skills training.
 - (2) Supervised on-the-job skills training.
 - (3) Refresher job skills training
- (O) A caretaker must 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.
- (P) A caretaker may be eligible for protective child care, without regard to income, for the care and protection of a child who is under the age of eighteen. Children in placement, as defined in 5101:2-16-01 of the Administrative Code, are not eligible for protective child care. One of the following requirements shall be met for protective child care:
- (1) A current case plan is prepared and maintained for the child, as required in section 2151.412 of the Revised Code. The case plan must indicate the need for protective child care and the CDJFS must review the case and redetermine eligibility at least every twelve months. The child must reside with a parent, stepparent, guardian or another person who stands in loco parentis.
 - (2) A caretaker and child either temporarily reside in a facility providing emergency shelter for homeless families, or are determined to be homeless and meet the requirements of Chapter 5101:2-16 of the Administrative Code. Eligibility for protective child care is limited to ninety 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.
- (Q) A caretaker whose child is enrolled in a federally funded head start program and receives child care may be eligible for a continuation of child care benefits, for the remainder of the current head start program year, when the caretaker no longer meets the requirements of Chapter 5101:2-16 of the Administrative Code. The following requirements must be met:
- (1) The child must be receiving child care in a head start/child care partnership program as defined in rule 5101:2-16-01 of the Administrative Code.
 - (2) The caretaker must pay the monthly child care family copayment.
 - (3) The caretaker must complete the required six-month copayment review and twelve month redetermination.
 - (4) The monthly child care family copayment must not exceed the monthly cost of care.

(5) The caretaker is not under an OWF sanction, unless the caretaker is under sanction but is participating in an approved OWF activity to meet compliance with OWF, or has not been found guilty of child care fraud.

Replaces: 5101:2-16-30

Effective:

R.C. 119.032 review dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5104.34, 5104.38
Rule Amplifies: 5104.01, 5104.30, 5104.34, 5104.38, 5104.381, 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.)