



April 28, 2021

Cash Assistance Manual Transmittal Letter No. 169

TO: All Cash Assistance Manual Holders
FROM: Matt Damschroder, Interim Director
SUBJECT: Five Year Review

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The Office of Family Assistance (OFA) has completed a review of the following rule(s) and the rule have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 06/01/2021.

Chapter 2000

5101:1-3-03 "Ohio Works First: Residence and Living Arrangement Requirement."

The rule describes the residence and living arrangement requirements for Ohio works first. OFA amended this rule. Changes to the rule include minor language changes to improve clarity.

5101:1-3-03

Ohio works first: residence and living arrangement requirement.

(A) What is the residence requirement for the Ohio works first (OWF) program?

- (1) Residence in the state of Ohio is a requirement and is met when by a person ~~who~~ meets one of the following:
 - (a) Living voluntarily with the intention of making his or her home in Ohio; or
 - (b) Living in Ohio and not receiving assistance from another state², and entered Ohio with a job commitment or seeking employment in Ohio, whether or not currently employed.
- (2) A child is a resident of the state in which the parent, legal guardian, custodian or specified relative caring for the child is a resident.
- (3) Absence from the state for more than thirty days constitutes evidence of intent to establish residence elsewhere, unless a written statement has been submitted to indicate intent to return to Ohio.
 - (a) The written statement shall be retained in the case record.
 - (b) The county agency shall consider the written statement as acceptable proof of intent to return to Ohio when the statement includes the reason for the absence and the expected date of return.
 - (c) A statement is not considered acceptable proof of intent to return to Ohio when the applicant or recipient contradicts the statement by giving up Ohio living arrangements, applying for public assistance in another state, or securing long-term housing arrangements in another state.
- (4) An individual who resides in a county home, city infirmary, jail, or other public institution does not meet the residence requirement for OWF. Rule 5101:1-23-10 of the Administrative Code addresses individuals under house arrest.
- (5) A child born to an inmate participating in the prison nursery program pursuant to section 5120.65 of the Revised Code meets the OWF residence requirement.

(B) What is the living arrangement requirement for children?

- (1) To be eligible for OWF, a child's home must be with a parent, specified relative, custodian or legal guardian.

- (2) A child born to an inmate participating in the prison nursery program pursuant to section 5120.65 of the Revised Code meets the OWF living arrangement requirement.
- (3) A parent is an individual who has the legal duty to support the child. A legal parent includes the following individuals as long as their parental rights are not legally terminated:
 - (a) The biological mother and father of the child.
 - (b) Any person who is adjudged by a court of competent jurisdiction or a local child support enforcement agency to be the parent of the child and under legal duty to support the child.
 - (c) An individual who has legally adopted the child. Adoption severs the legal relationship between parent and child, but it does not sever the biological relationship.
 - (d) An individual who has an acknowledgment of paternity affidavit filed with the division of child support that has become final and enforceable.
- (4) Specified relatives are limited to those individuals defined in section 5107.02 of the Revised Code.
- (5) Legal guardians and custodians are defined in section 5107.02 of the Revised Code.
- (6) While another individual or agency may hold legal custody of a child, a parent, specified relative or legal guardian may receive benefits for the minor child(ren) who physically resides with that individual, even if the child(ren) is temporarily absent, as set forth in rule 5101:1-3-04 of the Administrative Code.
- (7) In Ohio, a legal marriage is:
 - (a) One which meets the requirements of Chapter 3101. of the Revised Code; or
 - (b) A marriage which meets the requirements of Chapter 3101. of the Revised Code, between individuals required to be recognized as married pursuant to the United States supreme court decision Obergefell v. Hodges, 576 U.S., 135 S. Ct. 2584 (2015); or
 - (c) Common-law marriages that occurred in this state prior to October 10, 1991, when they became prohibited in the state of Ohio.

(C) What is the living arrangement requirement for minor parents?

- (1) In accordance with section 5107.24 of the Revised Code, unmarried minor parents, unmarried pregnant minors, or the child of an unmarried minor parent must reside in a place of residence maintained by a parent, legal guardian, custodian or specified relative of the pregnant minor or minor parent as the parent's, guardian's, custodian's or specified relative's own home to meet the living arrangement requirement for OWF. The individual is exempt from this requirement if any of the following apply:
 - (a) The minor parent or pregnant minor does not have a parent, guardian, custodian, or specified relative living or whose whereabouts are known.
 - (b) No parent, guardian, custodian, or specified relative of the minor parent or pregnant minor will allow the pregnant minor, minor parent, or minor parent's child to live in the parent's, guardian's, custodian's, or specified relative's home.
 - (c) The Ohio department of job and family services (ODJFS), the county agency, or a public children services agency determines that the physical or emotional health or safety of the pregnant minor, minor parent, or minor parent's child would be in jeopardy if the pregnant minor, minor parent, or minor parent's child lived in the same home as the parent, guardian, custodian, or specified relative.
 - (d) ODJFS, a county agency, or a public children services agency otherwise determines that it is in the best interest of the pregnant minor, minor parent, or minor parent's child to waive the requirement of paragraph (C) (1) of this rule.
- (2) An unmarried pregnant minor, unmarried minor parent, or child of an unmarried minor parent exempt from the requirement to live with a parent, specified relative, custodial or legal guardian, must reside in an adult-supervised living arrangement to be eligible to participate in OWF.
- (3) The county agency shall be responsible for either directly assisting the unmarried minor parent in locating an acceptable adult-supervised living arrangement or entering into an agreement with another agency (e.g., public children services agency) to serve as their designee.

Effective: 6/1/2021

Five Year Review (FYR) Dates: 2/11/2021 and 06/01/2026

CERTIFIED ELECTRONICALLY

Certification

04/26/2021

Date

Promulgated Under: 119.03
Statutory Authority: 5107.05
Rule Amplifies: 5107.02, 5107.05, 5107.10, 5107.37, 5120.65
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