



Department of
Job and Family Services

Mike DeWine, Governor
Kimberly Hall, Director

October 6, 2020

Cash Assistance Manual Transmittal Letter No. 156

TO: All Cash Assistance Manual Holders
FROM: Kimberly Hall, Director
SUBJECT: **Five Year Rule Review: Ohio Works First: Shared Parenting.**

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 and the rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 11/01/2020

Chapter 2000

5101:1-3-04.1 "Ohio Works First: Shared Parenting (Joint Custody)."

The rule describes the shared parenting provisions for the Ohio Works First program. OFA has amended this rule for minor language changes to improve clarity.

5101:1-3-04.1

Ohio works first: shared parenting (joint custody).

(A) Is there eligibility for Ohio works first (OWF) when there is a shared parenting (joint custody) arrangement?

- (1) Potential OWF eligibility may exist in a shared parenting arrangement. A dependent child can only be considered to be sharing a home with one parent despite a shared parenting/joint custody order permitting the child to reside with each parent for a part of the month.
- (2) For OWF eligibility purposes, a child can only have one home and cannot be considered to be temporarily absent from another home (i.e., both of the child's parents cannot receive benefits concurrently for the same child in the same month.)
- (3) The provisions ~~set forth~~ described in this rule shall be used by the county agency in determining eligibility for a dependent child in a shared parenting arrangement.

(B) What happens when only one of the parents in a shared parenting arrangement applies for OWF?

- (1) When only one parent applies for assistance, the county agency shall determine when the child resides with the parent who submits the application for assistance.
- (2) When there is no application submitted by the other parent, and there is not an existing OWF assistance group containing the other parent and the child, the child shall be considered to be living and sharing a home with the parent who submitted the application for assistance.

(C) What happens when both parents in the shared parenting arrangement apply for OWF for the same child?

When both parents apply for assistance for the child and both parents claim that the child is living with and sharing a home with them, the county agency shall first determine whether each applicant is maintaining a home for the child.

- (1) When both parents agree and one of the applications is withdrawn, the county agency shall proceed to determine ~~when~~ if the other parent is otherwise eligible for OWF.
- (2) When the parents cannot agree and neither application is withdrawn, the county agency shall review the following list of parental activities and responsibilities to determine with which parent the child shares a home:;

- (a) Is there a court order granting sole custody to one parent, or designating one of the parents' residences as the child's home for public assistance purposes?
- (b) When the parents reside in different school districts, where does the child attend school? Who selected the school?
- (c) Who assists the child with homework or school-related tasks?
- (d) Who attends parent/teacher conferences and who works with the school regarding the child's educational progress?
- (e) When the child is enrolled in child care, who makes the child care arrangements?
- (f) Who takes the child to and from school and/or child care?
- (g) Which parent is listed as the contact for emergencies at the child's school or child care provider? When both parents are listed, who is the one to be contacted first?
- (h) Who arranges and transports the child to medical and dental appointments? Who selects the physician and dentist? Who maintains the child's medical records?
- (i) Who initiates decisions regarding the child's future?
- (j) Who responds to medical or law enforcement emergencies involving the child? When both parents are to be contacted, who is the one to be contacted first?
- (k) Who arranges for food, clothing, and other household necessities on an ongoing basis?
- (l) Who disciplines the child?
- (m) Who plays with the child and arranges for entertainment?
- (n) Which parent supervises the child's daily dressing and personal hygiene tasks?

The list of parental activities contained in paragraphs (C)(2)(a) to (C)(2)(n) of this rule is not an all-inclusive list, and other factors may need to be examined in making this determination. There will be situations in which

these questions will be answered positively for both parents. However, in reviewing parental activities, one parent is often identified more than the other. The parent most often identified is the parent who is considered to be sharing a home with the child, and the parent with whom the child's eligibility shall be explored.

- (3) When the result of the exploration of conditions ~~set forth~~ described in paragraph (C) of this rule reveals ~~this a~~ parent is not otherwise eligible for OWF, eligibility for the other parent shall ~~also~~ be explored when that parent has a pending application.

- (4) When the result of the exploration of the conditions described in paragraph (C) of this rule are inconclusive, the county agency will include the child with the parent who applied first.

- (D) What should the county agency do to document its decision?

The county agency shall document the decision made on the case and the basis for the decision in the assistance group record(s), as well as in running record comments in the statewide automated eligibility system.

Effective: 11/1/2020

Five Year Review (FYR) Dates: 7/30/2020 and 11/01/2025

CERTIFIED ELECTRONICALLY

Certification

10/05/2020

Date

Promulgated Under: 119.03

Statutory Authority: 5107.05

Rule Amplifies: 5107.05

Prior Effective Dates: 11/01/1995, 10/01/1997, 12/01/2002, 10/01/2005,
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