



March 14, 2022

Cash Assistance Manual Transmittal Letter No. 178

TO: All Cash Assistance Manual Holders
FROM: Matt Damschroder, Director
SUBJECT: **Five Year Rule Review: Providing Child Care Services to an Individual Who is Participating in a Community Service.**

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 04/01/2022.

Chapter 2000

5101:1-3-12.8 "Providing Child Care Services to an Individual Who is Participating in a Community Service."

This rule describes providing child care services to an individual who is participating in a community service program for the Ohio Works First program. OFA amended this rule. Changes to the rule include:

- The title to paragraph (A) has been amended to “Which section of the Revised Code applies to providing child care services to an individual who is participating in a community service program?”;
- Paragraph (A)(1) was updated to state “Section 5107.05 of the Revised Code authorizes the director of job and family services to adopt rules necessary to comply with Title IV-A, Title IV-D, federal regulations, state law and the state plan;
- Paragraph (A)(2) was revised and replaced with “The county agencies shall administer the work activity programs in accordance with requirements contained in this rule and not in accordance with sections 5107.40, 5107.541, and 5107.60 of the Revised Code. All applicable requirements contained in the Revised Code sections referenced have been incorporated into this rule;
- Paragraph (A)(3) was removed and added to paragraph (A)(2) for clarity;
- The rule was put into question-and-answer format; and
- Minor language changes were made to improve clarity.

5101:1-3-12.8 **Providing child care services to an individual who is participating in a community service program.**

(A) ~~Conflict with Revised Code~~ Which section of the Revised Code applies to providing child care services to an individual who is participating in a community service program?

(1) ~~Section (5) of Amended Substitute Senate Bill 238 of the 126th General Assembly (9/2006) sets forth the following provision: Not later than September 30, 2006, the director of job and family services shall adopt rules as necessary for the state to comply with 42 U.S.C. 607(i)(2)(8/1996). If necessary to bring the state into compliance with 42 U.S.C. 607(i)(2)(8/1996), the rules may deviate from Chapter 5107. of the Revised Code. Rules adopted under this section that govern financial and other administrative requirements applicable to the department of job and family services and county departments of job and family services shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules. All other rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code~~ Section 5107.05 of the Revised Code authorizes the director of job and family services to adopt rules necessary to comply with Title IV-A, Title IV-D, federal regulations, state law and the state plan.

(2) The county agencies shall administer the work activity programs in accordance with the requirements contained in this rule and not in accordance with sections 5107.40, 5107.541 and 5107.60 of the Revised Code. All applicable requirements contained in the referenced Revised Code sections have been incorporated into this rule.

(3) ~~All applicable requirements contained in the Revised Code sections referenced in paragraph (A)(2) of this rule have been incorporated into this rule.~~

(B) What does providing child care services to an individual who is participating in a community service program mean?

(1) Providing child care services to an individual who is participating in a community service program is a work activity in which a work-eligible individual provides child care to enable another work-eligible individual to participate in a community service program as described in rule 5101:1-3-12.6 of the Administrative Code.

(2) Providing child care to enable Ohio works first recipients to participate in other work activities does not meet this definition.

(C) What are the requirements for this activity?

- (1) The activity shall be a structured program designed to improve the employability of work-eligible individuals who participate in this activity.
- (2) In a two-parent family, one parent cannot count as participating by providing child care for his or her own children while the other parent participates in a community service activity.

Effective: 4/1/2022

Five Year Review (FYR) Dates: 12/22/2021 and 04/01/2027

CERTIFIED ELECTRONICALLY

Certification

03/11/2022

Date

Promulgated Under: 119.03

Statutory Authority: 5107.05

Rule Amplifies: 5107.05, 5107.14, 5107.16, 5107.30, 5107.40, 5107.69

Prior Effective Dates: 09/29/2006 (Emer.), 12/29/2006, 07/01/2007,
10/01/2008, 02/01/2012, 01/01/2017