



Mike DeWine, Governor

Kimberly Hall, Director

October 6, 2020

Cash Assistance Manual Transmittal Letter No. 157

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

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 "Ohio Works First: Temporary Absence."

The rule describes the temporary absence requirements for the Ohio Works First program. OFA has amended this rule. Changes to the rule include:

- Updated paragraph (D) to define when temporary absence ends;
- New paragraph (E) describes when the end of temporary absence of an OWF recipient has to be reported;
- New paragraph (F) was updated to clarify what happens when the end of the temporary absence of an OWF recipient is not reported as required;
- New paragraph (G) describes when an erroneous payment begins for failure to report the end of the temporary absence of an OWF recipient; and
- Minor language changes were made for clarity.

5101:1-3-04

Ohio works first: temporary absence.**(A) What is temporary absence?**

The absence of a member of the Ohio works first (OWF) assistance group is temporary when all of the conditions ~~set forth~~ described in paragraphs (A)(1) to (A)(3) of this rule are met. A temporarily absent individual is considered to be in the home for purposes of OWF eligibility.

- (1) The location of the absent individual is known;
- (2) There is a definite plan for the return of the absent individual to the home; and
- (3) The absent individual shared the home with the assistance group prior to the onset of the absence. A newborn is considered to be sharing the home with the assistance group at the time of birth.

(B) How long can an OWF recipient be temporarily absent?

An OWF recipient may be considered temporarily absent for up to forty-five consecutive days. An OWF recipient who is, or is expected to be absent from the home without good cause for longer than forty-five consecutive days does not meet the temporary absence requirement for OWF.

(C) What are the good cause reasons for temporary absence?

Good cause is limited to the following reasons for absences of more than forty-five consecutive calendar days:

- (1) Hospitalization (includes inpatient drug and alcohol treatment);
- (2) Detention in a juvenile home until a court commitment;
- (3) Attendance at school;
- (4) Vacationing;
- (5) Trip made in connection with current or prospective employment;
- (6) Shared parenting situations;
- (7) Service in the military when it is the sole reason for absence;
- (8) Removal of a child(ren) by the public children services agency (PCSA) that meets the reunification requirements ~~as set forth in~~ in accordance with section 5107.10 of the Revised Code. OWF payments for the child may continue for up to six

payment months after the removal date. In order for this exception to apply, the child shall be in receipt of OWF cash assistance on the date of the removal by the PCSA.

(D) ~~What happens when good cause is not met~~ When does temporary absence end?

- (1) ~~When good cause, as set forth in paragraphs (C)(1) to (C)(7) of this rule, is not met and the absence lasts or is expected to last longer than forty-five consecutive days, the county agency shall remove the absent member from the assistance group. Ineligibility for the absent member begins on the forty-sixth day from the date that the member left the household. The day it becomes known that the absent individual will not be returning to the home as originally planned, but no later than forty-five days from the date the individual left and no good cause exists; or~~
- (2) ~~The forty-five consecutive calendar day requirement is not applicable for children who are temporarily absent due to a removal by the PCSA as set forth in paragraph (C)(8) of this rule. The day when good cause, as described in paragraphs (C)(1) to (C)(7) of this rule, no longer exists.~~

(E) When does the end of the temporary absence of an OWF recipient have to be reported?

The OWF recipient's absence is to be reported within ten calendar days of the date the temporary absence ends in accordance with paragraph (D) of this rule.

(F) ~~(E)~~ What happens when the end of the temporary absence of a minor child an OWF recipient is not reported as required?

~~The child's absence shall be reported by the end of the five-day period that begins with the date that it becomes clear to the parent or specified relative that the minor child will be absent for more than forty-five consecutive days and good cause does not exist. A parent or specified relative~~ An assistance group member who fails to notify the county agency of the end of the temporary absence of the minor child an OWF recipient from the home within the time period set forth in this paragraph frame described in paragraph (E) of this rule is ineligible for inclusion in the OWF assistance group. The remaining assistance group members may continue to receive OWF. This regulation is applicable to paragraphs (C)(1) to (C)(7) of this rule.

(F) ~~(G)~~ How long is an individual ineligible for failure to report the child's absence When does an erroneous payment begin for failure to report the end of the temporary absence for an OWF recipient?

~~The parent or specified relative~~ assistance group member is ineligible beginning with the same day that the ~~absent child~~ absent OWF recipient becomes ineligible. The

~~parent or specified relative remains ineligible until the day that the absence was reported by the parent or specified relative or was discovered by the county agency. When the assistance group is otherwise eligible, the parent or specified relative may be eligible for OWF the following day. The erroneous payment provisions set forth in rule 5101:1-23-70 of the Administrative Code are applicable. This regulation is applicable to paragraphs (C)(1) to (C)(7) of this rule.~~

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: 5107.02, 5107.05, 5107.10
Prior Effective Dates: 03/01/1967, 05/01/1982, 06/01/1983, 04/01/1992,
05/01/1995, 10/01/1996 (Emer.), 12/15/1996,
10/01/1997 (Emer.), 12/30/1997, 10/01/1999,
12/01/2002, 10/01/2005, 06/01/2010, 08/01/2015