



March 8, 2022

Child Care Manual Procedure Letter No. 150

TO: All Child Care Manual Holders
FROM: Matt Damschroder, Director
SUBJECT: Changes to Rule 5101:2-16-02 of the Ohio Administrative Code for Publicly Funded Child Care Ohio Benefits Implementation

Background:

The rules that contain the requirements for publicly funded child care (PFCC) have been revised to integrate child care moving into the Ohio Benefits statewide automated eligibility system and to incorporate changes due to the passage of Amended Substitute House Bill 110 of the 134th General Assembly. These rules are contained in Child Care Transmittal Letter No. 158.

Child care will begin utilizing the Ohio Benefits system for eligibility processing in early 2022 using a phased-in approach that begins with pilot counties before going statewide. The counties participating in the pilot are Allen, Athens, Butler, Hamilton and Medina.

The following rule is being refiled to correct an error in the appendices. This procedure letter is being issued to implement the requirements of this rule and will be effective with the date of this letter. This rule is moving through the refile process and will be included in a Manual Transmittal Letter at a later date.

5101:2-16-02 "Application and qualification process for receipt of publicly funded child care benefits" contains the following changes and counties are to begin implementing these requirements:

	Counties NOT Using Ohio Benefits	Counties Using Ohio Benefits in the OB Pilot- Allen, Athens, Butler, Hamilton, Medina
Application for PFCC – JFS forms	Counties will accept the JFS 01138 "Application for Child Care Benefits" or its electronic equivalent, the JFS 01124 "Re-determination Application for Child Care Benefits", the JFS 01121 "Early Childhood Education	Counties will accept the JFS 07200 "Application for Cash, Food, Child Care or Medical Assistance" and the JFS 07204 "Request to Reapply for Cash Assistance, SNAP and/or Child Care" or their electronic or telephonic equivalents, the JFS 01121 "Early Childhood Education Eligibility Screening Tool" and the JFS 01122 "Publicly Funded Child Care Supplemental Application"

	Eligibility Screening Tool" and the JFS 01122 "Publicly Funded Child Care Supplemental Application"	
Signature on Application	May be handwritten or electronic	May be handwritten, electronic or telephonic
Joint Application in Ohio Benefits		If a caretaker is denied benefits for another program, the caretaker is not required to resubmit another application for PFCC. PFCC eligibility is determined in accordance with PFCC processing time frames from the date the joint application was initially accepted by the county agency.

	Application Changes That All Counties Should Begin Implementing	
Application Received Date	When a valid application is received after business hours, the application received date will be the next business day	
Verification Due Date	When the thirtieth day after a valid application is received falls on a weekend or holiday, the completed application, including all verifications, is due on the next business day	
Reinstatement Requests	Redetermination/recertification applications may be accepted for reinstatement requests that occur during or after the second to last month of the original eligibility period	
Recertification/Redetermination	Initial applications may be accepted when caretakers are applying for redetermination/recertification	
Recertification/Redetermination Packet Sent to Caretaker	The time period when a redetermination/recertification packet is sent to a caretaker has changed to "On or after the first day of the next to last month of eligibility but before the first day of the last month"	
Application Processing	All PFCC applications, including joint applications in OB, must be processed in accordance with Chapter 5104 of the Revised Code and Chapter 5101:2-16 of the Administrative Code	
Application Withdraw	Caretakers may voluntarily withdraw a PFCC application or discontinue receiving benefits by contacting the county agency either verbally or in writing. County agencies must document the request in the case file, including how the request was made, and if the information is given, why the caretaker wishes to withdraw the application or discontinue receiving benefits. The county agency will then propose denial of the application or termination of the case by sending a notice of the denial to the caretaker.	

Caretaker Moves Out of State	When a caretaker moves out of state, the caretaker must contact their county agency to advise of the move and provide their new address. The county agency will then propose termination of the case by sending a notice of denial to the caretaker.
Application Denial	No caretaker will have PFCC benefits denied solely on the basis that an application for another program has been denied or terminated without a separate determination that the caretaker failed to satisfy a PFCC requirement

Eligibility changes that all counties should begin implementing regardless of OB utilization include:

- In homes with more than one caretaker, if a second caretaker is unable to provide care for children, written verification from a licensed physician, licensed psychologist, licensed psychiatrist, or public children services agency is required
- Families with more than one caretaker may be approved for child care during the hours in which no caretaker is available to care for children because of participation in qualifying activities
- Families with a child who has a special need must provide verification of the child's special need only if the child needs care
- Temporary absences of second caretakers may be considered for initial as well as ongoing eligibility

Activity Gap changes that all counties should begin implementing regardless of OB utilization include:

- Activity gap time periods may be three months but not longer than four months
- To avoid termination at the end of the activity gap a caretaker must have a verified qualifying activity prior to the end of the activity gap period
- A caretaker must have a verified qualifying activity that begins before the end of the current eligibility period to avoid termination at the end of the activity gap

Appendix A to rule 5101:2-16-02 contains the following changes and counties are to begin implementing these requirements regardless of OB utilization:

- Basic education activities may take place online. They are no longer required to take place at an official practice center site where an instructor is present.
- Post-secondary education activities are considered qualifying activities regardless of any degree a caretaker has already obtained, and regardless of the number of credit hours a caretaker has completed

Appendix B to rule 5101:2-16-02 contains the following changes and counties are to begin implementing these requirements regardless of OB utilization:

- Counties may no longer accept hospital records as verification of U.S. citizenship for children in need of care
- PFCC eligibility is limited to five years from the date of entry in the U.S. for the following categories of exempt qualified aliens:
 - An alien who is admitted to the United States as a refugee under section 207 of the INA, 8 U.S.C. 1157
 - An alien who is granted asylum under section 208 of the INA, 8 U.S.C. 1158
 - An alien whose deportation is being withheld under section 243(h) of the INA as in effect prior to April 1, 1997 or whose removal is withheld under section 241(b)(3) of the INA, 8 U.S.C. 1231 (1/3/12)
 - An alien who is a Cuban or Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980
 - An alien admitted to the United States as an Amerasian immigrant as described in 8 U.S.C. 1612(a)(2)(A)(v) (1/7/11) pursuant to section 584 P.L. 100-202 (12/1987)
- Each category of eligible alien stands alone for the purposes for determining eligibility. Subsequent adjustment to a more limited status does not override eligibility based on an earlier less rigorous status. Likewise, when eligibility expires under one eligibility status, the county agency shall determine when eligibility exists under another status.
- County agencies must allow at least ten days from the date of request for caretakers to provide verification of the child's eligible alien status
- County agencies must verify a child's qualified alien status using documentation from the United States citizenship and immigration services (USCIS)
 - Forms provided are verified through the systematic alien verification for entitlements (SAVE) system. If the documents provided match the information in the SAVE system, the process is complete.
 - If problems appear, additional, or secondary verifications may be required
 - Verification through a manual process may be required in extraordinary situations
 - If initial inspections of an individual's documentation reveal discrepancies, defined as obvious irregularities in name, date of birth or country of birth, or if SAVE determinations are not timely, the county is to submit the "Verification Request" form G845 (5/29/18) and/or the "Form G-845 Supplement, Verification Request" to the appropriate office, along with the proper documentation
 - No eligibility is to be delayed, denied, reduced, or terminated due to pending SAVE verifications. If all other qualifications are met, county agencies are to issue benefits while awaiting a response from USCIS.
 - If a discrepancy exists after receipt of information from the SAVE system, county agencies must propose termination by sending a notice

of denial to the caretaker. The caretaker may be responsible for any overpayment.

Please contact the Child Care Policy Helpdesk at childcarepolicy@jfs.ohio.gov or 1-877-302-2347, option 4, if you have any questions.