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Representative Lightbody

Cosponsors: Representatives Brown, Kelly, Miranda, Ingram, Boggs, Boyd, Lepore-Hagan, Russo, Liston, O'Brien, Robinson, Smith, K., Sobecki, Patterson, Leland, Clites, Sweeney, Denson, Sheehy, Skindell, Blair, Crossman, Crawley, West, Galonski, Weinstein, Howse, Rogers, Cera, Brent, Miller, J., Hicks-Hudson

A BILL

To amend sections 5104.34 and 5104.38 of the 1
Revised Code regarding eligibility for publicly 2
funded child care. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 5104.34 and 5104.38 of the 4
Revised Code be amended to read as follows: 5

Sec. 5104.34. (A) (1) Each county department of job and 6
family services shall implement procedures for making 7
determinations of eligibility for publicly funded child care. 8
Under those procedures, the eligibility determination for each 9
applicant shall be made no later than thirty calendar days from 10
the date the county department receives a completed application 11
for publicly funded child care. Each applicant shall be notified 12
promptly of the results of the eligibility determination. An 13
applicant aggrieved by a decision or delay in making an 14
eligibility determination may appeal the decision or delay to 15
the department of job and family services in accordance with 16

section 5101.35 of the Revised Code. The due process rights of 17
applicants shall be protected. 18

To the extent permitted by federal law, the county 19
department may make all determinations of eligibility for 20
publicly funded child care, may contract with child care 21
providers or child care resource and referral service 22
organizations for the providers or resource and referral service 23
organizations to make all or any part of the determinations, and 24
may contract with child care providers or child care resource 25
and referral service organizations for the providers or resource 26
and referral service organizations to collect specified 27
information for use by the county department in making 28
determinations. If a county department contracts with a child 29
care provider or a child care resource and referral service 30
organization for eligibility determinations or for the 31
collection of information, the contract shall require the 32
provider or resource and referral service organization to make 33
each eligibility determination no later than thirty calendar 34
days from the date the provider or resource and referral 35
organization receives a completed application that is the basis 36
of the determination and to collect and transmit all necessary 37
information to the county department within a period of time 38
that enables the county department to make each eligibility 39
determination no later than thirty days after the filing of the 40
application that is the basis of the determination. 41

The county department may station employees of the 42
department in various locations throughout the county to collect 43
information relevant to applications for publicly funded child 44
care and to make eligibility determinations. The county 45
department, child care provider, and child care resource and 46
referral service organization shall make each determination of 47

eligibility for publicly funded child care no later than thirty 48
days after the filing of the application that is the basis of 49
the determination, shall make each determination in accordance 50
with any relevant rules adopted pursuant to section 5104.38 of 51
the Revised Code, and shall notify promptly each applicant for 52
publicly funded child care of the results of the determination 53
of the applicant's eligibility. 54

The director of job and family services shall adopt rules 55
in accordance with Chapter 119. of the Revised Code for 56
monitoring the eligibility determination process. In accordance 57
with those rules, the state department shall monitor eligibility 58
determinations made by county departments of job and family 59
services and shall direct any entity that is not in compliance 60
with this division or any rule adopted under this division to 61
implement corrective action specified by the department. 62

(2) (a) All eligibility determinations for publicly funded 63
child care shall be made in accordance with rules adopted 64
pursuant to division (A) of section 5104.38 of the Revised Code. 65
Except as otherwise provided in this section, both of the 66
following apply: 67

(i) Publicly funded child care may be provided only to 68
eligible infants, toddlers, preschool-age children, school-age 69
children under age thirteen, or children receiving special needs 70
child care. 71

(ii) For an applicant to be eligible for publicly funded 72
child care, the caretaker parent must be employed or 73
participating in a program of education or training for an 74
amount of time reasonably related to the time that the parent's 75
children are receiving publicly funded child care. This 76
restriction does not apply to families whose children are 77

eligible for protective child care. 78

(b) In accordance with rules adopted under division (B) of 79
section 5104.38 of the Revised Code, an applicant may receive 80
publicly funded child care while the county department 81
determines eligibility. An applicant may receive publicly funded 82
child care while a county department determines eligibility only 83
once during a twelve-month period. If the county department 84
determines that an applicant is not eligible for publicly funded 85
child care, the child care provider shall be paid for providing 86
publicly funded child care for up to five days after that 87
determination if the county department received a completed 88
application with all required documentation. A program may 89
appeal a denial of payment under this division. 90

(c) If a caretaker parent who has been determined eligible 91
to receive publicly funded child care no longer meets the 92
requirements of division (A)(2)(a)(ii) of this section, the 93
caretaker parent may continue to receive publicly funded child 94
care for a period of up to thirteen weeks not to extend beyond 95
the caretaker parent's twelve-month eligibility period. 96

(d) If a child turns thirteen, or if a child receiving 97
special needs child care turns eighteen, during the twelve-month 98
eligibility period, the caretaker parent may continue to receive 99
publicly funded child care until the end of that twelve-month 100
period. 101

Subject to available funds, the department of job and 102
family services shall allow a family to receive publicly funded 103
child care unless the family's income exceeds the maximum income 104
eligibility limit. Initial and continued eligibility for 105
publicly funded child care is subject to available funds unless 106
the family is receiving child care pursuant to division (A)(1), 107

(2), (3), or (4) of section 5104.30 of the Revised Code. If the department must limit eligibility due to lack of available funds, it shall give first priority for publicly funded child care to an assistance group whose income is not more than the maximum income eligibility limit that received transitional child care in the previous month but is no longer eligible because the twelve-month period has expired. Such an assistance group shall continue to receive priority for publicly funded child care until its income exceeds the maximum income eligibility limit.

(3) An assistance group that ceases to participate in the Ohio works first program established under Chapter 5107. of the Revised Code is eligible for transitional child care at any time during the immediately following twelve-month period that both of the following apply:

(a) The assistance group requires child care due to employment;

(b) The assistance group's income is not more than ~~one~~two hundred ~~fifty~~ per cent of the federal poverty line.

An assistance group ineligible to participate in the Ohio works first program pursuant to section 5101.83 or section 5107.16 of the Revised Code is not eligible for transitional child care.

(B) To the extent permitted by federal law, the department of job and family services may require a caretaker parent determined to be eligible for publicly funded child care to pay a fee according to the schedule of fees established in rules adopted under section 5104.38 of the Revised Code. The department shall make protective child care services and

homeless child care services available to children without 137
regard to the income or assets of the caretaker parent of the 138
child. 139

(C) A caretaker parent receiving publicly funded child 140
care shall report to the entity that determined eligibility any 141
changes in status with respect to employment or participation in 142
a program of education or training not later than ten calendar 143
days after the change occurs. 144

(D) If the department of job and family services 145
determines that available resources are not sufficient to 146
provide publicly funded child care to all eligible families who 147
request it, the department may establish a waiting list. The 148
department may establish separate waiting lists within the 149
waiting list based on income. 150

(E) A caretaker parent shall not receive publicly funded 151
child care from more than one child care provider per child 152
during a week, unless a county department grants the family an 153
exemption for one of the following reasons: 154

(1) The child needs additional care during non-traditional 155
hours; 156

(2) The child needs to change providers in the middle of 157
the week and the hours of care provided by the providers do not 158
overlap; 159

(3) The child's provider is closed on scheduled school 160
days off or on calamity days; 161

(4) The child is enrolled in a part-time program 162
participating in the tiered quality rating and improvement 163
system established under section 5104.29 of the Revised Code and 164
needs care from an additional part-time provider. 165

(F) As used in this section, "maximum income eligibility limit" means the amount of income specified in rules adopted under division (A) of section 5104.38 of the Revised Code.

Sec. 5104.38. In addition to any other rules adopted under this chapter, the director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing financial and administrative requirements for publicly funded child care and establishing all of the following:

(A) Procedures and criteria to be used in making determinations of eligibility for publicly funded child care that give priority to children of families with lower incomes and procedures and criteria for eligibility for publicly funded protective child care or homeless child care. The rules shall specify the maximum amount of income a family may have for initial and continued eligibility. The maximum amount shall ~~not~~ neither be less than two hundred per cent of the federal poverty line nor exceed three hundred per cent of the federal poverty line. The rules may specify exceptions to the eligibility requirements in the case of a family that previously received publicly funded child care and is seeking to have the child care reinstated after the family's eligibility was terminated.

(B) Procedures under which an applicant for publicly funded child care may receive publicly funded child care while the county department of job and family services determines eligibility and under which a child care provider may appeal a denial of payment under division (A) (2) (b) of section 5104.34 of the Revised Code;

(C) A schedule of fees requiring all eligible caretaker parents to pay a fee for publicly funded child care according to income and family size, which shall be uniform for all types of

publicly funded child care, except as authorized by rule, and, 196
to the extent permitted by federal law, shall permit the use of 197
state and federal funds to pay the customary deposits and other 198
advance payments that a provider charges all children who 199
receive child care from that provider. 200

(D) A formula for determining the amount of state and 201
federal funds appropriated for publicly funded child care that 202
may be allocated to a county department to use for 203
administrative purposes; 204

(E) Procedures to be followed by the department and county 205
departments in recruiting individuals and groups to become 206
providers of child care; 207

(F) Procedures to be followed in establishing state or 208
local programs designed to assist individuals who are eligible 209
for publicly funded child care in identifying the resources 210
available to them and to refer the individuals to appropriate 211
sources to obtain child care; 212

(G) Procedures to deal with fraud and abuse committed by 213
either recipients or providers of publicly funded child care; 214

(H) Procedures for establishing a child care grant or loan 215
program in accordance with the child care block grant act; 216

(I) Standards and procedures for applicants to apply for 217
grants and loans, and for the department to make grants and 218
loans; 219

(J) A definition of "person who stands in loco parentis" 220
for the purposes of division (LL) (3) of section 5104.01 of the 221
Revised Code; 222

(K) Procedures for a county department of job and family 223

services to follow in making eligibility determinations and 224
redeterminations for publicly funded child care available 225
through telephone, computer, and other means at locations other 226
than the county department; 227

(L) If the director establishes a different reimbursement 228
ceiling under division (E) (3) (d) of section 5104.30 of the 229
Revised Code, standards and procedures for determining the 230
amount of the higher payment that is to be issued to a child 231
care provider based on the special needs of the child being 232
served; 233

(M) To the extent permitted by federal law, procedures for 234
paying for up to thirty days of child care for a child whose 235
caretaker parent is seeking employment, taking part in 236
employment orientation activities, or taking part in activities 237
in anticipation of enrolling in or attending an education or 238
training program or activity, if the employment or the education 239
or training program or activity is expected to begin within the 240
thirty-day period; 241

(N) Any other rules necessary to carry out sections 242
5104.30 to 5104.43 of the Revised Code. 243

Section 2. That existing sections 5104.34 and 5104.38 of 244
the Revised Code are hereby repealed. 245