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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 Revised Code regarding eligibility for publicly funded child care.

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

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

Sec. 5104.34. (A)(1) Each county department of job and family services shall implement procedures for making determinations of eligibility for publicly funded child care. Under those procedures, the eligibility determination for each applicant shall be made no later than thirty calendar days from the date the county department receives a completed application for publicly funded child care. Each applicant shall be notified promptly of the results of the eligibility determination. An applicant aggrieved by a decision or delay in making an eligibility determination may appeal the decision or delay to the department of job and family services in accordance with
section 5101.35 of the Revised Code. The due process rights of applicants shall be protected.

To the extent permitted by federal law, the county department may make all determinations of eligibility for publicly funded child care, may contract with child care providers or child care resource and referral service organizations for the providers or resource and referral service organizations to make all or any part of the determinations, and may contract with child care providers or child care resource and referral service organizations to collect specified information for use by the county department in making determinations. If a county department contracts with a child care provider or a child care resource and referral service organization for eligibility determinations or for the collection of information, the contract shall require the provider or resource and referral service organization to make each eligibility determination no later than thirty calendar days from the date the provider or resource and referral organization receives a completed application that is the basis of the determination and to collect and transmit all necessary information to the county department within a period of time that enables the county department to make each eligibility determination no later than thirty days after the filing of the application that is the basis of the determination.

The county department may station employees of the department in various locations throughout the county to collect information relevant to applications for publicly funded child care and to make eligibility determinations. The county department, child care provider, and child care resource and referral service organization shall make each determination of
eligibility for publicly funded child care no later than thirty
days after the filing of the application that is the basis of
the determination, shall make each determination in accordance
with any relevant rules adopted pursuant to section 5104.38 of
the Revised Code, and shall notify promptly each applicant for
publicly funded child care of the results of the determination
of the applicant's eligibility.

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

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

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

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

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

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

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

Subject to available funds, the department of job and family services shall allow a family to receive publicly funded child care unless the family's income exceeds the maximum income eligibility limit. Initial and continued eligibility for publicly funded child care is subject to available funds unless the family is receiving child care pursuant to division (A)(1),
(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 \textit{one two} hundred \textit{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 regard to the income or assets of the caretaker parent of the child.

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

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

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

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

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

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

(4) The child is enrolled in a part-time program participating in the tiered quality rating and improvement system established under section 5104.29 of the Revised Code and needs care from an additional part-time provider.
(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 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
redeterminations for publicly funded child care available
through telephone, computer, and other means at locations other
than the county department;

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

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

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

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