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Representatives Tims, Lett

Cosponsors: Representatives Abdullahi, Brennan, Brewer, Brownlee, Glassburn, McNally, Miller, J., Piccolantonio, Rader, Rogers, Sims, Synenberg, Troy, White, E.

To amend sections 5104.34 and 5104.38 of the 1
Revised Code to revise the law governing income 2
eligibility for publicly 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 children and youth in accordance with section 16
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 children and youth shall adopt rules in 55
accordance with Chapter 119. of the Revised Code for monitoring 56
the eligibility determination process. In accordance with those 57
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, all 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

(iii) The eligibility period for publicly funded child 79

care shall be at least twelve months. 80

(b) If a caretaker parent who has been determined eligible 81
to receive publicly funded child care no longer meets the 82
requirements of division (A) (2) (a) (ii) of this section, the 83
caretaker parent may continue to receive publicly funded child 84
care for a period of at least three but not more than four 85
months not to extend beyond the caretaker parent's eligibility 86
period. 87

(c) If a child turns thirteen, or if a child receiving 88
special needs child care turns eighteen, during the eligibility 89
period, the caretaker parent may continue to receive publicly 90
funded child care until the end of that eligibility period. 91

Subject to available funds, the department of children and 92
youth shall allow a family to receive publicly funded child care 93
unless the family's income exceeds the maximum income 94
eligibility limit. Initial and continued eligibility for 95
publicly funded child care is subject to available funds unless 96
the family is receiving child care pursuant to division (A) (1), 97
(2), (3), or (4) of section 5104.30 of the Revised Code. If the 98
department must limit eligibility due to lack of available 99
funds, it shall give first priority for publicly funded child 100
care to an assistance group whose income is not more than the 101
maximum income eligibility limit that received transitional 102
child care in the previous month but is no longer eligible 103
because the eligibility period has expired. Such an assistance 104
group shall continue to receive priority for publicly funded 105
child care until its income exceeds the maximum income 106
eligibility limit. 107

(3) An assistance group that ceases to participate in the 108
Ohio works first program established under Chapter 5107. of the 109

Revised Code is eligible for transitional child care at any time 110
during the immediately following twelve-month period that both 111
of the following apply: 112

(a) The assistance group requires child care due to 113
employment; 114

(b) The assistance group's income is not more than ~~one~~two 115
hundred ~~fifty~~five per cent of the federal poverty line. 116

An assistance group ineligible to participate in the Ohio 117
works first program pursuant to section 5101.83 or section 118
5107.16 of the Revised Code is not eligible for transitional 119
child care. 120

(B) To the extent permitted by federal law, the department 121
of children and youth may require a caretaker parent determined 122
to be eligible for publicly funded child care to pay a fee 123
according to the schedule of fees established in rules adopted 124
under section 5104.38 of the Revised Code. The department shall 125
make protective child care services and homeless child care 126
services available to children without regard to the income or 127
assets of the caretaker parent of the child. 128

(C) A caretaker parent receiving publicly funded child 129
care shall report to the entity that determined eligibility any 130
changes in status with respect to employment or participation in 131
a program of education or training not later than ten calendar 132
days after the change occurs. 133

(D) If the department of children and youth determines 134
that available resources are not sufficient to provide publicly 135
funded child care to all eligible families who request it, the 136
department may establish a waiting list. The department may 137
establish separate waiting lists within the waiting list based 138

on income.	139
(E) A caretaker parent shall not receive publicly funded	140
child care from more than one child care provider per child	141
during a week, unless a county department grants the family an	142
exemption for one of the following reasons:	143
(1) The child needs additional care during non-traditional	144
hours;	145
(2) The child needs to change providers in the middle of	146
the week and the hours of care provided by the providers do not	147
overlap;	148
(3) The child's provider is closed on scheduled school	149
days off or on calamity days.	150
(F) As used in this section, "maximum income eligibility	151
limit" means the amount of income specified in rules adopted	152
under division (A) of section 5104.38 of the Revised Code.	153
Sec. 5104.38. In addition to any other rules adopted under	154
this chapter, the director of children and youth shall adopt	155
rules in accordance with Chapter 119. of the Revised Code	156
governing financial and administrative requirements for publicly	157
funded child care and establishing all of the following:	158
(A) Procedures and criteria to be used in making	159
determinations of eligibility for publicly funded child care	160
that give priority to children of families with lower incomes	161
and procedures and criteria for eligibility for publicly funded	162
protective child care or homeless child care. The rules shall	163
specify the maximum amount of income a family may have for	164
initial and continued eligibility. <u>The Beginning July 1, 2027,</u>	165
<u>the maximum amount shall not exceed three</u> the following:	166

<u>(1) For initial eligibility, two hundred per cent of the</u>	167
<u>federal poverty line;</u>	168
<u>(2) For initial eligibility for special needs child care,</u>	169
<u>two hundred five per cent of the federal poverty line;</u>	170
<u>(3) For continued eligibility, three hundred fifty-five</u>	171
<u>per cent of the federal poverty line. The</u>	172
<u>The</u> rules may specify exceptions to the eligibility	173
requirements in the case of a family that previously received	174
publicly funded child care and is seeking to have the child care	175
reinstated after the family's eligibility was terminated.	176
(B) A schedule of fees requiring all eligible caretaker	177
parents to pay a fee for publicly funded child care according to	178
income and family size, which shall be uniform for all types of	179
publicly funded child care, except as authorized by rule, and,	180
to the extent permitted by federal law, shall permit the use of	181
state and federal funds to pay the customary deposits and other	182
advance payments that a provider charges all children who	183
receive child care from that provider.	184
(C) A formula for determining the amount of state and	185
federal funds appropriated for publicly funded child care that	186
may be allocated to a county department to use for	187
administrative purposes;	188
(D) Procedures to be followed by the department and county	189
departments in recruiting individuals and groups to become	190
providers of child care;	191
(E) Procedures to be followed in establishing state or	192
local programs designed to assist individuals who are eligible	193
for publicly funded child care in identifying the resources	194
available to them and to refer the individuals to appropriate	195

sources to obtain child care;	196
(F) Procedures to deal with fraud and abuse committed by either recipients or providers of publicly funded child care;	197 198
(G) Procedures for establishing a child care grant or loan program in accordance with the child care block grant act;	199 200
(H) Standards and procedures for applicants to apply for grants and loans, and for the department to make grants and loans;	201 202 203
(I) A definition of "person who stands in loco parentis" for the purposes of division (00) (3) of section 5104.01 of the Revised Code;	204 205 206
(J) Procedures for a county department of job and family 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;	207 208 209 210 211
(K) If the director establishes a different payment rate 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;	212 213 214 215 216
(L) To the extent permitted by federal law, procedures for enrolling and 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;	217 218 219 220 221 222 223 224

(M) Any other rules necessary to carry out sections	225
5104.30 to 5104.43 of the Revised Code.	226
Section 2. That existing sections 5104.34 and 5104.38 of	227
the Revised Code are hereby repealed.	228