

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 145**

**Representatives Lightbody, White**

**Cosponsors: Representatives Miranda, Liston, Denson, Russo, Lipps, O'Brien, Miller, A., Weinstein, Young, T., West, Smith, M., Kelly, Boggs, Brown, Crawley, Jarrells, Upchurch, Sweeney, Brent, Robinson, Sheehy, Ingram, Sobecki**

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**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 108

department must limit eligibility due to lack of available 109  
funds, it shall give first priority for publicly funded child 110  
care to an assistance group whose income is not more than the 111  
maximum income eligibility limit that received transitional 112  
child care in the previous month but is no longer eligible 113  
because the twelve-month period has expired. Such an assistance 114  
group shall continue to receive priority for publicly funded 115  
child care until its income exceeds the maximum income 116  
eligibility limit. 117

(3) An assistance group that ceases to participate in the 118  
Ohio works first program established under Chapter 5107. of the 119  
Revised Code is eligible for transitional child care at any time 120  
during the immediately following twelve-month period that both 121  
of the following apply: 122

(a) The assistance group requires child care due to 123  
employment; 124

(b) The assistance group's income is not more than ~~one~~two 125  
hundred ~~fifty~~-per cent of the federal poverty line. 126

An assistance group ineligible to participate in the Ohio 127  
works first program pursuant to section 5101.83 or section 128  
5107.16 of the Revised Code is not eligible for transitional 129  
child care. 130

(B) To the extent permitted by federal law, the department 131  
of job and family services may require a caretaker parent 132  
determined to be eligible for publicly funded child care to pay 133  
a fee according to the schedule of fees established in rules 134  
adopted under section 5104.38 of the Revised Code. The 135  
department shall make protective child care services and 136  
homeless child care services available to children without 137

regard to the income or assets of the caretaker parent of the child.	138 139
(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.	140 141 142 143 144
(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.	145 146 147 148 149 150
(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:	151 152 153 154
(1) The child needs additional care during non-traditional hours;	155 156
(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;	157 158 159
(3) The child's provider is closed on scheduled school days off or on calamity days;	160 161
(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.	162 163 164 165

(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