

As Introduced

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H. B. No. 526

Representatives Liston, McClain

**Cosponsors: Representatives McNally, Baker, Williams, Russo, Johnson, Dean,
Somani, Brennan, Daniels, Miller, A., Upchurch**

A BILL

To amend sections 5107.05, 5107.10, and 5107.20 of 1
the Revised Code regarding the pass-through of 2
support payments under the Ohio Works First 3
program. 4

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

Section 1. That sections 5107.05, 5107.10, and 5107.20 of 5
the Revised Code be amended to read as follows: 6

Sec. 5107.05. The director of job and family services 7
shall adopt rules to implement this chapter. The rules shall be 8
consistent with Title IV-A, Title IV-D, federal regulations, 9
state law, the Title IV-A state plan submitted to the United 10
States secretary of health and human services under section 11
5101.80 of the Revised Code, amendments to the plan, and waivers 12
granted by the United States secretary. Rules governing 13
eligibility, program participation, and other applicant and 14
participant requirements shall be adopted in accordance with 15
Chapter 119. of the Revised Code. Rules governing financial and 16
other administrative requirements applicable to the department 17
of job and family services and county departments of job and 18

family services shall be adopted in accordance with section 19
111.15 of the Revised Code. 20

(A) The rules shall specify, establish, or govern all of 21
the following: 22

(1) A payment standard for Ohio works first based on 23
federal and state appropriations that is increased in accordance 24
with section 5107.04 of the Revised Code; 25

(2) For the purpose of section 5107.04 of the Revised 26
Code, the method of determining the amount of cash assistance an 27
assistance group receives under Ohio works first; 28

(3) Requirements for initial and continued eligibility for 29
Ohio works first, including requirements regarding income, 30
citizenship, age, residence, and assistance group composition; 31

(4) For the purpose of section 5107.12 of the Revised 32
Code, application and verification procedures, including the 33
minimum information an application must contain; 34

(5) The extent to which a participant of Ohio works first 35
must notify, pursuant to section 5107.12 of the Revised Code, a 36
county department of job and family services of additional 37
income not previously reported to the county department; 38

(6) For the purpose of section 5107.16 of the Revised 39
Code, both of the following: 40

(a) Standards for the determination of good cause for 41
failure or refusal to comply in full with a provision of a self- 42
sufficiency contract; 43

(b) The compliance activities a member of an assistance 44
group must complete for the member to be considered to have 45
ceased to fail or refuse to comply in full with a provision of a 46

self-sufficiency contract. 47

(7) The department of job and family services providing 48
written notice of a sanction under section 5107.161 of the 49
Revised Code; 50

(8) For the purpose of division (B) of section 5107.17 of 51
the Revised Code, the circumstances under which the adult member 52
of an assistance group or an assistance group's minor head of 53
household whose failure or refusal, without good cause, to 54
comply in full with a provision of a self-sufficiency contract 55
causes a sanction under section 5107.16 of the Revised Code must 56
enter into a new, or amend an existing, self-sufficiency 57
contract before the assistance group may resume participation in 58
Ohio works first following the sanction; 59

(9) Requirements for the collection and distribution of 60
support payments owed participants of Ohio works first pursuant 61
to section 5107.20 of the Revised Code; 62

(10) For the purpose of section 5107.22 of the Revised 63
Code, what constitutes cooperating in establishing a minor 64
child's paternity or establishing, modifying, or enforcing a 65
child support order and good cause for failure or refusal to 66
cooperate; 67

(11) The requirements governing the LEAP program, 68
including the definitions of "equivalent of a high school 69
diploma" and "good cause," and the incentives provided under the 70
LEAP program; 71

(12) If the director implements section 5107.301 of the 72
Revised Code, the requirements governing the award provided 73
under that section, including the form that the award is to take 74
and requirements an individual must satisfy to receive the 75

award;	76
(13) Circumstances under which a county department of job and family services may exempt a minor head of household or adult from participating in a work activity or developmental activity for all or some of the weekly hours otherwise required by section 5107.43 of the Revised Code.	77 78 79 80 81
(14) The maximum amount of time the department will subsidize positions created by state agencies and political subdivisions under division (C) of section 5107.52 of the Revised Code;	82 83 84 85
(15) The implementation of sections 5107.71 to 5107.717 of the Revised Code by county departments of job and family services;	86 87 88
(16) A domestic violence screening process to be used for the purpose of division (A) of section 5107.71 of the Revised Code;	89 90 91
(17) The minimum frequency with which county departments of job and family services must redetermine a member of an assistance group's need for a waiver issued under section 5107.714 of the Revised Code;	92 93 94 95
(18) Requirements for work activities, developmental activities, and alternative work activities for Ohio works first participants.	96 97 98
(B) <u>The rules adopted under division (A) (2) of this section shall be consistent with section 5107.20 of the Revised Code.</u>	99 100 101
<u>The</u> rules adopted under division (A) (3) of this section regarding income shall specify what is countable income, gross	102 103

earned income, and gross unearned income for the purpose of 104
section 5107.10 of the Revised Code. The rules also shall 105
specify the amount of an assistance group's gross earned income 106
that is to be disregarded for the purpose of division (D) (3) of 107
section 5107.10 of the Revised Code. The rules shall be 108
consistent with section 5107.20 of the Revised Code. 109

The rules adopted under division (A) (10) of this section 110
shall be consistent with 42 U.S.C. 654 (29). 111

The rules adopted under division (A) (13) of this section 112
shall specify that the circumstances include that a school or 113
place of work is closed due to a holiday or weather or other 114
emergency and that an employer grants the minor head of 115
household or adult leave for illness or earned vacation. 116

(C) The rules may provide that a county department of job 117
and family services is not required to take action under section 118
5107.76 of the Revised Code to recover an erroneous payment 119
under circumstances the rules specify. 120

Sec. 5107.10. (A) As used in this section: 121

(1) "Countable income," "gross earned income," and "gross 122
unearned income" have the meanings established in rules adopted 123
under section 5107.05 of the Revised Code. 124

(2) "Federal poverty guidelines" has the same meaning as 125
in section 5101.46 of the Revised Code, except that references 126
to a person's family in the definition shall be deemed to be 127
references to the person's assistance group. 128

(3) "Gross income" means gross earned income and gross 129
unearned income. 130

(4) "Strike" means continuous concerted action in failing 131

to report to duty; willful absence from one's position; or 132
stoppage of work in whole from the full, faithful, and proper 133
performance of the duties of employment, for the purpose of 134
inducing, influencing, or coercing a change in wages, hours, 135
terms, and other conditions of employment. "Strike" does not 136
include a stoppage of work by employees in good faith because of 137
dangerous or unhealthful working conditions at the place of 138
employment that are abnormal to the place of employment. 139

(B) Under the Ohio works first program, an assistance 140
group shall receive, except as otherwise provided by this 141
chapter, time-limited cash assistance. In the case of an 142
assistance group that includes a minor head of household or 143
adult, assistance shall be provided in accordance with the self- 144
sufficiency contract entered into under section 5107.14 of the 145
Revised Code. 146

(C) (1) To be eligible to participate in Ohio works first, 147
an assistance group must meet all of the following requirements: 148

(a) The assistance group, except as provided in division 149
(E) of this section, must include at least one of the following: 150

(i) A minor child who, except as provided in section 151
5107.24 of the Revised Code, resides with a parent, or specified 152
relative caring for the child, or, to the extent permitted by 153
Title IV-A and federal regulations adopted until Title IV-A, 154
resides with a guardian or custodian caring for the child; 155

(ii) A parent residing with and caring for the parent's 156
minor child who receives supplemental security income under 157
Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 158
U.S.C.A. 1383, as amended, or federal, state, or local adoption 159
assistance; 160

(iii) A specified relative residing with and caring for a	161
minor child who is related to the specified relative in a manner	162
that makes the specified relative a specified relative and	163
receives supplemental security income or federal, state, or	164
local foster care assistance, kinship guardianship assistance,	165
kinship support program payments, or adoption assistance;	166
(iv) A pregnant woman.	167
(b) The assistance group must meet the income requirements	168
established by division (D) of this section.	169
(c) No member of the assistance group may be involved in a	170
strike.	171
(d) The assistance group must satisfy the requirements for	172
Ohio works first established by this chapter and section 5101.83	173
of the Revised Code.	174
(e) The assistance group must meet requirements for Ohio	175
works first established by rules adopted under section 5107.05	176
of the Revised Code.	177
(2) In addition to meeting the requirements specified in	178
division (C)(1) of this section, a member of an assistance group	179
who is required by section 5116.10 of the Revised Code to	180
participate in the comprehensive case management and employment	181
program must participate in that program to be eligible to	182
participate in Ohio works first.	183
(D)(1) Except as provided in division (D)(4) of this	184
section, to determine whether an assistance group is initially	185
eligible to participate in Ohio works first, a county department	186
of job and family services shall do the following:	187
(a) Determine whether the assistance group's gross income	188

exceeds fifty per cent of the federal poverty guidelines. In 189
making this determination, the county department shall disregard 190
amounts that federal statutes or regulations and sections 191
5101.17, 5107.20, and 5117.10 of the Revised Code require be 192
disregarded. The assistance group is ineligible to participate 193
in Ohio works first if the assistance group's gross income, less 194
the amounts disregarded, exceeds fifty per cent of the federal 195
poverty guidelines. 196

(b) If the assistance group's gross income, less the 197
amounts disregarded pursuant to division (D) (1) (a) of this 198
section, does not exceed fifty per cent of the federal poverty 199
guidelines, determine whether the assistance group's countable 200
income is less than the payment standard. The assistance group 201
is ineligible to participate in Ohio works first if the 202
assistance group's countable income equals or exceeds the 203
payment standard. 204

(2) For the purpose of determining whether an assistance 205
group meets the income requirement established by division (D) 206
(1) (a) of this section, the annual revision that the United 207
States department of health and human services makes to the 208
federal poverty guidelines shall go into effect on the first day 209
of July of the year for which the revision is made. 210

(3) To determine whether an assistance group participating 211
in Ohio works first continues to be eligible to participate, a 212
county department of job and family services shall determine 213
whether the assistance group's countable income continues to be 214
less than the payment standard. In making this determination, 215
the county department shall disregard an amount specified in 216
rules adopted under section 5107.05 of the Revised Code and 217
fifty per cent of the remainder of the assistance group's gross 218

earned income. ~~No~~ Except as provided in section 5107.20 of the 219
Revised Code, no amounts shall be disregarded from the 220
assistance group's gross unearned income. The assistance group 221
ceases to be eligible to participate in Ohio works first if its 222
countable income, less the amounts disregarded, equals or 223
exceeds the payment standard. 224

(4) If an assistance group reapplies to participate in 225
Ohio works first not more than four months after ceasing to 226
participate, a county department of job and family services 227
shall use the income requirement established by division (D)(3) 228
of this section to determine eligibility for resumed 229
participation rather than the income requirement established by 230
division (D)(1) of this section. 231

(E)(1) An assistance group may continue to participate in 232
Ohio works first even though a public children services agency 233
removes the assistance group's minor children from the 234
assistance group's home due to abuse, neglect, or dependency if 235
the agency does both of the following: 236

(a) Notifies the county department of job and family 237
services at the time the agency removes the children that it 238
believes the children will be able to return to the assistance 239
group within six months; 240

(b) Informs the county department at the end of each of 241
the first five months after the agency removes the children that 242
the parent, guardian, custodian, or specified relative of the 243
children is cooperating with the case plans prepared for the 244
children under section 2151.412 of the Revised Code and that the 245
agency is making reasonable efforts to return the children to 246
the assistance group. 247

(2) An assistance group may continue to participate in 248
Ohio works first pursuant to division (E) (1) of this section for 249
not more than six payment months. This division does not affect 250
the eligibility of an assistance group that includes a pregnant 251
woman. 252

Sec. 5107.20. (A) As used in this section, "support" means 253
child support, spousal support, and support for a spouse or a 254
former spouse. 255

(B) Participation in Ohio works first constitutes an 256
assignment to the department of job and family services of any 257
rights members of an assistance group have to support from any 258
other person. The rights to support assigned to the department 259
pursuant to this section constitute an obligation of the person 260
who is responsible for providing the support to the state for 261
the amount of cash assistance provided to the assistance group. 262

(C) The office of child support in the department of job 263
and family services shall collect and distribute support 264
payments owed to Ohio works first participants, whether assigned 265
to the department or unassigned, in accordance with 42 U.S.C. 266
654 B and 657 and regulations adopted under those statutes, 267
state statutes, and rules adopted under section 5107.05 of the 268
Revised Code. 269

(D) Upon implementation of centralized collection and 270
disbursement under Chapter 3121. of the Revised Code, in 271
accordance with 42 U.S.C. 654 B and 657 and regulations adopted 272
under those statutes, the department shall deposit support 273
payments it receives on behalf of Ohio works first participants 274
pursuant to this section into the state treasury to the credit 275
of the child support collections fund or the child support 276
administrative fund, both of which are hereby created. Money 277

credited to the funds shall be used <u>as follows:</u>	278
<u>(1) The following portion of the amount of support</u>	279
<u>collected on behalf of an assistance group during a month shall</u>	280
<u>be paid to the assistance group:</u>	281
<u>(a) If the assistance group includes one minor child, one</u>	282
<u>hundred dollars;</u>	283
<u>(b) If the assistance group includes two or more minor</u>	284
<u>children, two hundred dollars.</u>	285
<u>(2) All of the remaining amount shall be used to make cash</u>	286
<u>assistance payments under Ohio works first.</u>	287
<u>(E) The amount of support paid to an assistance group</u>	288
<u>pursuant to division (D) (1) of this section shall be disregarded</u>	289
<u>and not included as countable income when both of the following</u>	290
<u>are determined:</u>	291
<u>(1) The amount of cash assistance the assistance group is</u>	292
<u>to receive under Ohio works first;</u>	293
<u>(2) Whether the assistance group is initially eligible to</u>	294
<u>participate in Ohio works first and continues to be eligible to</u>	295
<u>participate.</u>	296
Section 2. That existing sections 5107.05, 5107.10, and	297
5107.20 of the Revised Code are hereby repealed.	298
Section 3. Sections 1 and 2 of this act take effect	299
eighteen months after the effective date of this section.	300