

Fairfield County Job & Family Services Hardship Exemption Criteria

Revised September 2004

OWF State and Federal Laws Related to Time Limits

Section 5107.18 of the Ohio Revised Code (ORC) limits participation in Ohio Works First (OWF) to 36 months for families that include any adult or minor head-of-household. Participation months may or may not be consecutive. There may be some months that are excluded from the 36-month count. Those exceptions are set forth in divisions (c) and (d) of section 5107.18 of the ORC and in rule 5101:1-23-01 of the Ohio Administrative Code (OAC). In addition to the 36-month time limit, federal law (45 C.F.R. Section 264.1) limits receipt of OWF or TANF benefits to 5 years.

20% Exemption Criteria

Section 5107.18 of the ORC allows the County Department of Job and Family Services to exempt up to 20% of the average monthly number of families receiving OWF from the time limit on the grounds that they determine the time limit is a hardship. The determination of hardship criteria is a county determination. Any participant granted an exemption beyond 36 months continues to use months counting toward the 5-year federal time limit.

Fairfield County's Hardship Criteria

Assistance groups who have reached the 36 month time limit for participation in the OWF program may be exempted from the time limit if all the criteria in Section A are met, along with one or more of the hardship criteria in Section B. Section C explains the review process. Section D addresses the procedure for ongoing review after the initial Hardship Exemption has been granted. Section E identifies how OWF assistance groups that transfer in from other counties or states will be treated. Section F addresses how households will be informed of the exemption criteria.

Section A

Assistance Group must meet all criteria in this section.

1. The total gross income of the family group, excluding earned income of children under age 19, does not exceed the Initial Eligibility Standard in ORC Section 5107.10 for the appropriate household size. The family group is defined as natural children, adoptive children, half-siblings and step-siblings, parents and step-parents.
2. The total available resources (as defined in the Food Stamp Manual Section 5101:4-4-01) of the OWF assistance group does not exceed \$2000. Liquid resources are those resources that are in cash or readily convertible to cash on demand. Common examples of liquid resources are cash on hand, savings accounts, checking accounts, stocks, bonds and mutual funds. In addition, the monthly income is not enough to meet the monthly living expenses without causing undue hardship.
3. OWF assistance group members who are required to cooperate with the Child Support Enforcement Agency (CSEA) are now cooperating with the CSEA and have not been sanctioned for failure to cooperate, without good cause, in the preceding 6 months prior to written request for a hardship exemption.
4. OWF assistance group has not been under a first occurrence sanction during the 6 months prior to written request for a hardship exemption.
5. OWF assistance group has not been under a second or third occurrence sanction during the 12 months prior to written request for a hardship exemption.
6. There has not been a voluntary job quit or reduction of hours of work, without good cause, by any required OWF assistance group member within the 6 months prior to written request for a hardship exemption.

Section B

The OWF adult or minor head-of-household, including both parents in a two parent household, who are subject to time limits, must meet one or more of the criteria listed below as well as the conditions established for said exemption criteria at the time they reach the 36-month time limit in order to qualify for a hardship exemption.

1. Single custodial parent who is medically certified to be pregnant in the third trimester with complications verified by the doctor or is caring for a newborn child under two months of age - exemption may be extended if parent has not been released by a physician to return to work.
2. Physical Disability
 - Must have current Basic Medical (within last 60 days) stating unemployable nine months or more;
 - Must have applied for SSI six months prior to exhaustion of OWF cash benefits and is actively awaiting SSI determination, and complying with the appeals process as necessary;
 - Must be keeping all medical appointments and complying with the treatments recommended by physician;
 - Must be working with the Bureau of Vocational Rehabilitation (BVR) if applicable
3. Mental Health Disability
 - Must have current Mental Functioning Capacity Assessment (within last 60 days) stating unemployable nine months or more
 - Must have applied for SSI six months prior to exhaustion of OWF cash benefits and is actively awaiting SSI determination, and complying with the appeals process as necessary
 - Must be working with BVR if applicable
 - Must be receiving regular counseling
 - Must be complying with treatment
4. Provides care for a severely disabled family member
 - Disability must be documented by a physician on Basic Medical or Mental Functioning Capacity Assessment, as well as a statement from the physician that 24 hour care is needed
 - No other care is available. Thirty days will be given to seek care and documentation must be provided
 - Must apply for Medicaid waiver as an option for care
 - If condition is expected to last twelve months or longer, the caretaker must pursue SSI eligibility and comply with appeals process as necessary. Caretaker must be keeping all medical and/or counseling appointments and complying with the treatments recommended by physician or mental health provider
5. Caretaker relative over 60 years old.
6. Individual actively involved with the PCSA and cooperating with case plan identifying significant barriers to self-sufficiency.
 - Exemption period will not exceed 6 months (ORC Section 5107.10)

- If reunification does occur, eligibility for another exemption must be evaluated within 30 days
 - If parent/caretaker fails to cooperate with the PCSA case plan, exemption eligibility will be lost
7. Homelessness
- Must meet HUD definition of homelessness
 - i. Sleeping in places not meant for human habitation
 - ii. Sleeping in an emergency shelter
 - iii. Living in transitional or permanent supportive housing for the homeless (but who originally came from streets or emergency shelters)
 - iv. Evicted (court-ordered) within the week from private dwelling unit with no subsequent residence identified and lack of resources to obtain housing
 - v. Discharged within the week from an institution in which the individual has been a resident for more than 30 days, with no subsequent residence identified and lack of resources to obtain housing
8. Individual who has experienced domestic violence, battering, or who has been subject to extreme cruelty as defined by 45 C.F.R. Section 264.1 and is involved in the legal process regarding said incidents.
- Verification must be provided by appropriate documentation (i.e. police report, ER visit, Lighthouse)
 - Incident must have occurred within past 6 months
 - Verification that individual is actively involved with counseling
9. Individual enrolled in an educational or training program directly related to obtaining employment
- Must not have previously completed a degree program beyond high school or its equivalent
 - Must be currently enrolled full-time and maintaining satisfactory progress as defined by the educational institution
 - Must have documentation verifying completion of program within 6 months
10. Minor head-of-household enrolled and maintaining satisfactory progress, as defined by the educational institution, in high school or GED classes.

Section C

Making the Decision

Each assistance group who wishes to reapply for OWF after being terminated based on reaching the time limit will need to contact the Fairfield County Job and Family Services office. The Success Coach, with the applicant, will complete the Hardship Exemption Review Form, Request for Hardship Exemption Form, and Request for Cash, Medical, and Food Stamp Assistance form (7200). Once all paperwork is complete, the Success Coach will contact

the supervisor to schedule a Hardship Exemption Review. This review will occur within ten business days of the request. The Review Panel will consist of the Community Services Director, or designee; two supervisors, and the SC/ERS for the assistance group. The Review Panel will make a final decision within 3 business days. The SC/ERS will contact the applicant with the decision of the review and a letter will be sent.

Section D

Hardship exemptions granted are subject to the time limits and reviews specified below.

All approved Hardship Exemptions will be granted for a time period to address the barrier established but in no more than three month increments unless indicated otherwise by decision of the panel. It will be the responsibility of the assistance group to report any changes during the three month period that might affect continued eligibility.

After a hardship exemption is granted, there will be monthly progress summary with a Success Coach and/or an Eligibility Referral Specialist to evaluate progress and identify additional services needed.

If, at any time, the assistance group fails, without good cause, to meet the requirements of the self-sufficiency contract and plan during the exemption period, the time remaining under their hardship exemption will be forfeited and their OWF case closed.

Section E

Transfer-in cases from other counties or states

All OWF assistance groups that transfer to Fairfield County, from other counties or states, will have their hardship exemption determined by the criteria in Section A, B and C, and exemption status will no longer be determined by the previous county or state criteria.

Section F

Informing households of exemption criteria

Success Coaches working with customers with less than 12 months of remaining eligibility will intensify efforts to help the family meet their responsibility to become self-sufficient before the time limit is reached. Families will be reminded that although there are many services FCJFS can offer as supports, they are ultimately responsible for their own well-being and self-sufficiency.