



Clark County Department of Job and Family Services

*Child Support, Employment and Benefits, Social Services--
Working together to better serve our community.*

OWF HARDSHIP DETERMINATIONS

Section 5107.18 of the revised code limits participation in Ohio Works First (OWF) to 36 months. This section also provides that Clark County may exempt not more than 20% of the average monthly number of OWF participants from the time limit due to hardship. The determination of hardship will be made by Clark County Department of Human Services.

OWF State and Federal Laws Related to Time Limits

Am.Sub.h.b. 408 adopted time-limited assistance that is more limited than the maximums allowed by federal law. Section 5107.18 of the Revised Code makes an assistance group ineligible for OWF if an assistance group includes an adult who has participated in OWF for 36 months, regardless of whether those months were consecutive. There may be some months that are excluded from the counting of the 36 months. Those exceptions are set forth in divisions (c) and (d) of section 5107.18 of the Revised Code and in rule 5101:1-23-01 of the Ohio Administrative Code (O.A.C.).

In addition to the Ohio 3-year clock ticking, there is also a federal 5-year clock ticking. Under federal law, states are prohibited from using federal TANF funds to provide assistance to a family that includes an adult who has received assistance for more than five years. As in state law, there are exceptions based on hardship or if the family includes an individual who has been battered or subject to extreme cruelty. The number of families receiving one of these exemptions may not exceed 20% of the state's average caseload. The federal provisions are found at 45 C.F.R. section 264.1 A discussion of this regulation is found in the preamble to the federal regulations at pages 17845 to 17858 of the April 12, 1999 Federal Register, Vol. 64, No. 69.

The Process for Exempting the Twenty Percent

Clark County is prohibited by statute from exempting an assistance group under section 5107.18(E) until the assistance group has exhausted its 36-month time limit. For example, if the issuance of the 36th OWF warrant is on September 1, 2000, the county would not be able to exempt the assistance group until September 1 but state law would not prohibit the county from making that determination before October 1.

While the statute prohibits the county from exempting the assistance group prior to the 36th month of cash assistance, the county is not barred from preparing for exemptions prior to September 1. For example, Clark County may wish to conduct face-to-face interviews of all assistance groups facing the time limits. This interview may be held any time prior to the 36th month. The county may wish to use an interview like this to explore barriers and solutions instead of setting it up as a sanctionable event.

Section 5107.18 of the Revised Code does not prescribe a limit to the number of months an assistance group may receive OWF due to hardship. In determining the amount of time Clark County grants a hardship exemption, the county will consider determining the duration of the exemption based on the specific reason that hardship was determined to exist.

For example, an assistance group is granted a hardship exemption because the participant was enrolled in an education or training program directly related to employment that was not complete by the expiration of the 36-month limit. The education or training program is complete three months after the hardship exemption is applied. The county will conduct an eligibility review within a month following completion of the education/training program to determine if, and for how long the hardship exemption should continue, or if the assistance group meets any of the other county criteria for the hardship exemption.

The county is not required to assign any specific time frame or associate a time frame with any specific condition. The duration for the exemption will be based on a county-determined time line. The county will also determine whether the hardship exemption would continue after the expiration of the assigned time frame, and under what circumstances the exemption should and should not continue. The county will also consider what intervals each assistance groups' hardship exemption should be reviewed. The duration of the exemptions will be determined on a case by case basis.

Another provision that Clark County has determined to be integral in granting hardship exemptions involves continued participation in an OWF work activity. The county will also identify assistance groups for which intensive case management services should be provided.

The county also will be developing a plan for future assistance groups who meet the county's hardship conditions, but the county is at the 20% limit for hardship exemptions. New assistance groups will reach the time limits each month and the county must be ready to address the exemption needs of the new population as well as those who have previously received an exemption. The county will be developing exemption priorities or provide alternative strategies to assist families when the county is unable to expand the number of assistance groups exempted.

Clark County will review each assistance group to examine the potential adverse impact to the health or safety of a child if OWF cash assistance is terminated. If the county determines that the loss of OWF cash assistance would result in harm to either the health or safety of a child, the county will work with governmental agencies and community resources to address prospective needs of the child.

Cases identified as having potential SSI eligibility will be referred to our SSI Case manager who will assist individuals in establishing their eligibility for SSI.

The Clark County Consideration of Hardship Conditions

In making the determination of whether the time limit imposes a hardship to the assistance group, the county will be considering many different conditions. Final determination of whether an assistance group meets the hardship conditions set forth by the county will be made by a “team.” This team will consist of the assistance groups Case Manager, ESI, representatives from CSEA and Family and Children’s Services and any others whose presence is deemed necessary to make the hardship determination. All communication to participant will be made via the team. Assistance groups will be asked to sign a waiver if they have refused services offered. All services offered, either refused or accepted, must be documented for future reference.

In all of the following conditions that we have identified, one condition is universal. That condition is that the assistance group has satisfactorily completed, or has not failed without good cause, to comply with the provisions contained in the self-sufficiency contract. This means that the assistance group members have not failed without good cause to participate as assigned, and have not been sanctioned in the previous twelve month period. Anyone granted an extension is subject to the work activity participation requirements. During the extension, if any individual should fail to participate as required, the extension will be discontinued.

The conditions we have identified in the following criteria are grouped into three categories:

1. Demographic
2. Physical, Social or Psychological
3. Employment-Related Conditions

Demographic Challenges

- The individual is a single custodial parent with a child less than three months of age, or is in her 3rd trimester of pregnancy.

- The individual is a single custodial parent caring for a *special/exceptional needs child*¹ and appropriate special/exceptional needs child care has not been available. This extension will be reviewed, at a minimum, one time every three months.
- The individual is providing care for a disabled adult family member and acceptable arrangements for care are not available. This extension will be reviewed, at a minimum, one time every three months.

Physical, Social or Psychological Challenges

- The individual has not been able to participate in assigned work activities due to a diagnosed learning disability or physical/mental incapacity that has been verified by occupational health or determined by a qualified mental health provider.
- The individual has documented on-going medical/mental health issues, has applied for SSI six months prior to exhaustion of OWF cash benefits and is actively awaiting SSI determination.
- The individual is a victim of domestic violence and is cooperative in and actively participating in a recovery plan that is closely monitored by the appropriate social service agency.
- The individual has unique personal/family circumstances to be determined by the Hardship Committee not to exceed six months. This extension is contingent to the individual following a specific plan agreed on by the hardship committee.

Employment-Related Challenges

- The individual is enrolled in an education or training program directly related to employment. The individual must be enrolled full time, by the course standards for nine months prior to the thirty-six month expiration. This exemption criteria is allowable for no more than six additional months or until the educational/training program is completed whichever comes first.
- The individual has significant barriers to employment such as lack of available 2nd, 3rd shift childcare, special/exceptional needs daycare or transportation services.

Appendix

I. Definitions

¹See appendix for definition for special needs child and exceptional needs child

Special needs child includes:

- 1) Children who suffer from pronounced physical condition for which a physician has indicated that the child requires a high degree of physical care or supervision, or
- 2) Children who have pronounced behavior problems for which a licensed/certified professional, including a physician, psychiatrist, psychologist, licensed social worker has indicated that the child requires a high degree of supervision and care.

Exceptional needs child includes:

- 1) Children who require, as indicated by a physician , constant twenty-four-hour a day supervision provided by nurses or persons closely supervised by nurses or physicians, or
- 2) Children who have severe behavior problems characterized by violence towards themselves, other persons or their physical surroundings and for whom a psychiatrist has indicated that the child needs a high level of individual supervision, or
- 3) Children who have been diagnosed by a licensed/certified professional as having severe mental disabilities, such as child schizophrenia, severe mental retardation or autism.