

JEFFERSON COUNTY DEPARTMENT OF JOB & FAMILY SERVICES  
HARDSHIP CRITERIA UNDER O.R.C. 5107.18

Page 1

Under Ohio Revised Code (O.R.C.) § 5107.18, a County Department of Job & Family Services can declare up to twenty percent (20%) of its average caseload during the prior Federal Fiscal Year to be under a "hardship" and grant such Assistance Groups an exemption in order to continue assistance. The determination of whether the time limit is a hardship to the Assistance Group will be done when an Assistance Group requests a hardship exemption and files a signed application. The Jefferson County Department of Job & Family Services (JCDJFS), at its sole discretion, will extend benefits to not more than twenty percent (20%) of its average caseload under the circumstances described below.

Only participation in Ohio Works first on or after October 1, 1997, applies to the time limit established under O.R.C. § 5107.18. The time limit applies regardless of the source of funding for the program. Assistance under Title IV-A provided by any state applies to the time limit. **The time limit is a lifetime limit.** No assistance group shall receive assistance under the program in violation of the time limit for assistance under Title IV-A established by section 408(a)(7) of the "Social Security Act," as amended by the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 110 Stat. 2105, 42 U.S.C.A. 608(a)(7).

The JCDJFS has adopted the following criteria for determining whether an assistance group may qualify for a hardship exemption under O.R.C. § 5107.18.

Assistance groups being considered for an exemption must have complied with all aspects of their prior self-sufficiency contract(s), to a level of satisfaction determined to be acceptable based on their individual circumstances by the JCDJFS. Assistance groups receiving an exemption must continue to abide by the provisions of the self-sufficiency contract and must meet all other requirements for OWF cash assistance except for the expiration of the thirty-six (36) month time limit.

Verification of all eligibility factors is required to establish initial and continuing eligibility for a hardship exemption. During all initial applications, reapplications, and changes in circumstances, verification of all eligibility factors is required, including earned and unearned income received by the assistance group. It is the assistance group's responsibility to provide the information necessary to establish eligibility and to cooperate in the verification process, including providing all required verifications.

Assistance groups must report any change of the hardship exemption qualifying factor(s), in addition too those changes required by OAC 5101:1-20-20 to the JCDJFS within ten calendar days of the date that the change occurs. Examples: approved for the Education Exemption—must report if school attendance stops for any reason, dropped out, did not re-register for next session, graduated, etc. or approved for Chemical Dependency—no longer in a residential rehabilitation program.

The OWF adult or minor head-of-household, including both parents in a two parent household or

Effective 03/15/06

any step-parents, residing in the home, must meet one or more of the criteria listed below as well as the conditions established for said exemption.

An assistance group which includes an adult who has participated in Ohio Works First (OWF) for thirty-six (36) months may be eligible for a "hardship exemption" if, upon reaching the thirty-sixth (36<sup>th</sup>) month of participation, one (1) or more of the following circumstances exists:

1. DISABILITY: The Assistance Group's adult or minor head-of-household, who has exhausted OWF eligibility, has been diagnosed within the previous six months as being physically disabled, mentally impaired or having a short-term, debilitating medical crisis which renders them unemployable for a period of six months or more. This must be documented on a completed Basic Medical and/or Mental Functional Capacity Statement through a licensed physician/psychologist. The individual must have pursued SSI/SSD eligibility a minimum of six months prior to the expiration of the OWF time limit or a minimum of six months prior to the date of an application for hardship exemption and requires full cooperation with all agencies, medical and/or psychological professionals responsible for administration of disability programs. Treatments and/or appointments must be complied with in order to receive and maintain a hardship exemption based upon this criteria. The Assistance Group may receive an exemption until SSI/SSD and/or CMS final decision is made denying eligibility for lack of physical/mental disability or for up to a maximum of six months, whichever occurs first, at which time the hardship exemption will end.
2. DOMESTIC VIOLENCE: The ability to gain or retain employment of the Assistance Group's parent or caretaker is disrupted by domestic violence and such parent or caretaker is actively seeking help, as evidenced by active participation in a domestic violence program. Such an Assistance Group may receive an exemption up to a maximum of six (6) months.
3. EDUCATION: The Assistance Group's parent or caretaker is currently enrolled in a degree or certificate program and has completed a minimum of fifty (50) percent of the course requirements which is directly related to, and will prepare the individual for an employment opportunity. The individual must remain enrolled and in good standing, as determined by the educational or training institution. The education or training program must, by itself or in combination with other assignments, meet the individual's work participation requirement. Such as Assistance Group may receive an exemption to complete the program up to a maximum of ten (10) months not to go beyond the month of program completion.
4. REUNIFICATION: The Assistance Group reaches its thirty-six (36) month time limit for assistance while continuing participation in Ohio Works First pursuant to O.R.C. § 5107.10(E). The Assistance Group must be cooperating with the case plans prepared for the

children. Such an Assistance Group may receive an exemption through the end of the six (6) payment months referenced in O.R.C. §5107.10(E)(2).

5. DISABLED FAMILY MEMBER: The Assistance Group's parent or caretaker must provide medically necessary full-time care for a child or immediate family member living in the home, and other arrangements for the disabled member's care are not available as verified by the JCDJFS. An immediate family member is defined as a mother, father, spouse, or child. The medical necessity of the parent or caretaker's remaining in the home to care for the disabled individual must be verified by a physician's statement. The JCDJFS reserves the right to secure and rely upon a second opinion for a medical provider of its choice. Such an Assistance Group may receive an exemption up to a maximum of six (6) months.
6. NATURAL DISASTER: The Assistance Group's parent or caretaker loses his or her employment due to a natural disaster which forces the individual's employer to close. Such an Assistance Group may receive an exemption up to a maximum of three (3) months, or until employment is found, whichever is shorter. Also, Assistance Groups forced to evacuate or self-evacuates their home/residence/employment due to a State or Federal declared natural disaster and is residing in Jefferson County, Ohio with the intention of making his home here may receive an exemption up to a maximum of six (6) months or until employment is found, whichever is shorter. Application for Hardship Exemption must be filed within 12 months from the date of disaster declaration.
7. PREGNANT/CHILD UNDER 3 MONTHS: The Assistance Group includes a single custodial parent or caretaker on leave from active employment who is:
  - A). medically certified to be in the third trimester of pregnancy and is medically certified to be a high risk thus unable to continue employment due to limits imposed by a physician
  - B) or is caring for their child under the age of three (3) months and unable to continue employment due to limits imposed by a physician

Such an assistance group may receive an exemption of up to six (6) months, or until such time as the child reaches three (3) months of age, whichever is shorter.

8. CHEMICAL DEPENDENCY: The Assistance Group includes a parent or caretaker who is unable to work due to participation in an approved residential chemical dependency rehabilitation program. Such an assistance group may receive an exemption for the duration of the rehabilitation program, up to a maximum of six (6) months.
9. UNEMPLOYABLE: The Assistance Group includes a parent or caretaker who has

complied with all aspects of the self-sufficiency contract and is unemployable, as determined by the JCDJFS, upon the expiration of benefits. Such an assistance group may receive an exemption of up to six (6) months.

An Assistance group which exhausts its initial exemption and which meets the criteria for another hardship exemption may apply for other exemptions. Such requests shall be evaluated on a case-by-case basis.

The Jefferson County Department of Job & Family Services reserves the right to amend the above criteria. Should the JCDJFS determine that these criteria should be amended, such amendments will be made public prior to their effective date whenever practical.

The Ohio Department of Job & Family Services continually monitors the percentage of the average monthly number of Ohio Works First participants in each county that are granted hardship exemptions. Once a county department's exemptions equal or exceed eighteen percent (18%), the state department will immediately notify the county department. Upon notification from the state that JCDJFS has met or exceeded eighteen percent (18%), JCDJFS will review all Assistance Groups receiving an exemption to determine if any Assistance Groups no longer qualify for an exemption.

If, at any point, JCDJFS can no longer grant hardship exemptions to all qualifying Assistance Groups due to the operations of the twenty percent (20%) limitation, priority will be given first to those Assistance Groups which qualify under criteria #1 and #5 above, then to those Assistance Groups which have received the least total number of months of OWF assistance since October 1, 1997.

**Jefferson County agrees to implement the above Hardship Criteria as written effective March 15, 2006.**

Effective 03/15/06

**Jefferson County Department  
of Job & Family Services**

\_\_\_\_\_  
Nicholas S. Balakos, Director                      DATE

Approved as to form

\_\_\_\_\_  
Office of the Prosecuting Attorney              DATE  
Jefferson County, Ohio

**JEFFERSON COUNTY BOARD OF COMMISSIONERS:**

\_\_\_\_\_  
**David C. Maple Jr., Chairman**                      **DATE**

\_\_\_\_\_  
**Dr. Thomas E. Graham, Commissioner**              **DATE**

\_\_\_\_\_  
**Adam E. Scurti, Commissioner**                      **DATE**