

Job & Family Services of Marion County Consideration of Hardship Conditions for OWF

Section 5107.18 of the revised code limits participation in Ohio Works First (OWF) to 36 months. This section also provides that Marion County may exempt not more than 20% of the average monthly number of OWF participants from the time limit due to **State Hardship or 20% due to Federal Hardship**. The determination of hardship will be made solely by Marion County Job and Family Services.

Am. Sub H.B. 408 adopted time-limited assistance that is more limited than the maximum 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.).

The Process of Exempting the Twenty Percent

Time Frames:

Marion County is prohibited by statute from exempting an assistance group **due to State Hardship** 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. **Note:** For an assistance group approved for a 24 month Good Cause extension, Federal Hardship cannot be approved prior to the 60th month.

While the statute prohibits the county from exempting the assistance group prior to the 36th month under State Hardship (or 60th month under Federal Hardship) of cash assistance, the county is not barred from preparing for exemptions prior to the 36th or 60th month. For example, Marion 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.

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 **six** month time line. The county will also determine whether the hardship exemption would continue after the expiration of the assigned time frame, and under what circumstance the exemption should and should not be extended. Extensions are not automatic. The county will also consider what intervals each assistance group's hardship exemption should be reviewed. Cases will be monitored at least monthly to determine if the hardship exemption is still applicable. **Hardship exemption will be shortened if the household no longer meets the exemption criteria.** Additionally, an assistance group receiving OWF under State Hardship at the 59th month will seamlessly transition to Federal Hardship at the 60th month.

The Process:

- In making the determination of whether the OWF time limit imposes a hardship to the assistance group, Job & Family Services will be considering specific conditions as defined below.

- **Each hardship condition must be determined to significantly disrupt the assistance group's capacity to seek, obtain, and retain employment, even with accommodation and/or supportive services - if they are available.**
- Hardship conditions must be met by each caretaker/parent at an individual level, before a hardship exemption for the assistance group can be considered.
- Final determination of whether an assistance group meets the hardship conditions set forth by the county will be made solely by a "team" of Job & Family Services staff. This team will consist of the assistance group's Centralized Services Team and any others whose presence is deemed necessary by the team as a subject matter expert. All communication regarding final hardship determination to the requesting assistance group will be made in writing.
- To be considered for a hardship condition, the assistance group has satisfactorily completed, or has not failed without good cause, to comply with the provisions contained in the self-sufficiency contract and plan. This means that the assistance group members have not failed without good cause to participate as assigned, and have not been in a period of ineligibility due to an OWF sanction or an OWF job-quit related penalty within the twelve month period immediately proceeding the first month of hardship.
- In situations requiring documentation of a disability, a special/exceptional needs child, and/or the need for an individual to care for either of these types of individuals, verification must be provided by completion of the ODHS form "Basic Medical" 7302 and/or "Mental Functional Capacity Assessment" 7308 by a licensed physician, psychiatrist, or psychologist. Additionally, in all cases, Marion County reserves the right to secure and rely upon a second opinion from a medical provider of its choice.
- For assistance groups with more than one parent/caretaker, each parent/caretaker must meet a hardship condition in their own right for the hardship exemption to be considered for the assistance group. In no situation will more than one parent/caretaker be granted an exemption to care for children. Additionally, if one parent/caretaker meets a hardship condition due to their own on-going medical/mental health issues, additional verification will be required if the other parent/caretaker claims any hardship condition that they are needed to care for a child.

Ongoing Cooperation:

- Another provision that Marion County has determined to be integral in granting hardship exemptions involved continued satisfactory participation in an OWF work activity and self sufficiency contract and plan. The county may also identify assistance groups for which intensive case management services may be provided. All other eligibility factors must be maintained during this exemption period, including cooperation with an assessment, rehabilitation evaluation, and self-sufficiency contract and plan written with consideration of ways to overcome the family's hardship. The assistance group must avail themselves to all supportive services determined necessary to achieve self sufficiency and enable the assistance group to seek and maintain employment.
- In situations where a disability is claimed by any assistance group member, the assistance group will be required to cooperate with exploring eligibility and accepting payment from alternative sources of income based on the disability, including SSI and SSD. Cooperation with Job & Family Services SSI case management staff is

mandatory. Additionally, cooperation with work activities designed to accommodate medically limiting conditions is required. In cases relating to the care of a disabled household member as specified below, cooperation may include availing the assistance group to all resources for care, including community resources and waiver programs.

Managing the 20%:

The county also will be developing a plan for future assistance groups who meet the State or Federal 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.

Child Health and Safety Issues:

Marion 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 and family.

Individual Hardship Conditions

1. The individual is a caretaker of a child less than three months of age, in their legal custody.
2. The individual is a caretaker for a *special/exceptional needs child* in their legal custody and required special/exceptional needs child care is not available.

Special needs child includes:

- Children who suffer from a pronounced physical condition for which a physician has indicated that the child requires continuous access to physical care or supervision, or
- Children who have pronounced behavior problems for which a licensed/certified professional, including a physician, psychiatrist, psychologist, has indicated that the child requires continuous access to supervision and care.

Exceptional needs child includes:

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

3. An individual is providing in home care for 1) a disabled spouse or 2) the disabled parent of their common child, and other arrangements for the disabled member's care are not available. The disabled person must be a resident of the household.

4. An individual has on-going medical/mental health issues and this condition renders them incapacitated for employment.

5. An individual is a recent victim of domestic violence or other type of violent crime which renders said individual temporarily or permanently unable to work. Domestic violence by Federal definition for hardship purposes, and in accordance with OAC 5101:1-23-01, includes an individual who has been battered, or subjected to extreme cruelty based on the fact that the individual has been subjected to any of the following :

! Physical acts that result in physical injury to the individual;

! Sexual abuse;

! Sexual activity involving a dependent child;

! Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;

! Threats of, or attempts at physical or sexual abuse;

! Mental abuse; or

! Neglect or deprivation of medical care.

Current evidence to substantiate the claim must be provided in accordance with OAC rule 5101:1-2-20 from:

! Medical or law enforcement records;

! Court or other legal documents;

! Court, medical, criminal, child protective service, social service, psychological, or law enforcement records indicating the threat of physical or emotional harm;

! Medical records indicating the emotional health history and present emotional health of family members;

! Written statement from a mental health professional indicating the emotional health status of family members;

! Written statement from public or private social agency; and

! Sworn statements from individuals, including friends, neighbors, clergymen, social workers, and medical

professionals who might have knowledge of the family's circumstances.

Additional sources; such as, Domestic Violence shelters, Victim Assistance programs, or another credible entity.

An individual of domestic violence will be eligible for the hardship exemption consideration only if a case management plan has been developed or is being developed, based on current conditions, which will have as objectives to remove the family from danger and to maintain the members of the family in a safe living environment. The case plan will be developed in conjunction with Job & Family Services and other agencies/providers that are involved with the treatment and recovery of the family.

6. The assistance group's parent or caretaker is enrolled in; and has completed at least one half of an educational or training program -or- the training program will be completed within six months from the first day of the month of hardship consideration. The program must be directly related to preparing the individual for an employment opportunity in a local demand occupation, and 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, and the student must be enrolled in a full time program in school or training the month prior to the imposition of the 36 month or 60 month time limit.

7. Pregnant women with medical issues threatening the life and/or health of mother or unborn child.

8. The Assistance Group's parent or caretaker has substantially complied with all aspects of the self sufficiency contract, and is determined to be *unemployable or underemployed*, as determined by Marion County Job and Family services upon the expiration of benefits. "Substantially complied" includes a broad scope of factors, however an OWF sanction or an OWF job-quit related penalty since 10-1-97 would be an obvious noncompliance and would immediately make an assistance group ineligible under this criteria with no further consideration in this category.

- *Unemployable* will be determined by consideration of factors presented during assessment
and
participation in the work activities program, including but not limited to, past work activities assignments, the individual's progress and credential attainment, actual hours of participation relative to the assignment (time missed, even with good cause as defined in the Marion County JOBS plan is considered an absence), site supervisor feedback, limiting factors in the assistance group and other relevant barriers.

Please note: If sufficient evidence through self sufficiency contract/plan and work activities participation is not available or conclusive to determine unemployability, this hardship condition does not apply. The responsibility of establishing hardship returns to the assistance group and hardship must be met under criteria 1-7.

- *Underemployment* will be established for purposes of hardship determination as an assistance group who is maintaining full-time employment of 35 or more hours per week and who upon completion of an OWF budget

without consideration of the 250 ½ disregard, would remain OWF eligible (deductions will be as follows: \$90, child support, and dependent care as defined in OWF budgeting). This process will only be used to determine hardship exemption, actual cash eligibility will be determined based on current OWF budgeting regulations. In self employment situations, the individual must be making the equivalent of minimum wage to be considered in this category.