

MIAMI COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES

OWF HARDSHIP DETERMINATIONS

Section 5107.18 of the Ohio Revised Code limits participation in Ohio Works First (OWF) to 36 months, unless one of the statutorily-established exceptions applies. Miami County is authorized to exempt up to 20% of the average monthly number of OWF participants from the 36 month time limit due to hardship.

In addition, federal law imposes a lifetime limit of 60 months for receipt of assistance under the Temporary Assistance for Needy Families (TANF) Program unless one of the federally-established exceptions applies.

The determination of what constitutes an eligible hardship will be made by Miami County Department of Job and Family Services (MCDJFS), in accordance with this document and relevant portions of state and federal statutes and rules.

Process for Authorizing Exemptions.

Miami County is prohibited by RC Section 5107.18 (E) from exempting an assistance group before the group has exhausted the 36-month time limit. Those OWF assistance groups which have reached the 36 month time limit may apply for a hardship exemption by completing the specialized Hardship Exemption Application form and a face-to-face interview.

RC Section 5107.18 (E) permits MCDJFS to exempt up to 20 per cent of assistance groups from the time limits on the grounds that the time limit is a hardship. Federal law permits exemption of up to 20 per cent of assistance groups from the 60 month federal time limit by reason of hardship or that the family includes an individual who has been battered or subjected to extreme cruelty. The number of months of the time-limit extension is left to the discretion of Miami County, on a case-by-case basis, based upon the rationale necessitating the hardship exemption. The county will determine whether the hardship exemption will be subject to renewal after expiration of the initial extension, and under what circumstances the exemption should or should not continue. The county will review each hardship exemption case as necessary, but at least on a quarterly basis.

When an assistance group is receiving OWF cash benefits due to a hardship exemption, the assistance group is subject to all OWF eligibility requirements, including self-sufficiency contracts, sanctions, and good cause. The county will identify assistance groups for which intensive case management services should be provided.

If at any time the number of exemptions authorized by the county approaches the 20% maximum, the county will develop exemption priorities or provide alternative strategies to assist families when the county is unable to expand the number of assistance groups considered for exemption. MCDJFS will provide intensive case management when approaching the maximum number of hardship exemptions, so as to avoid placing limitations upon who can be considered for a hardship exemption.

Consideration of Hardship Conditions for Miami County

MCDJFS will determine whether the time limit is the "specific cause of discomfort or suffering, as poverty, pain, or a thing hard to bear," or if the time limit creates "privation, suffering or adversity." (See ODJFS Legal Brief 02-03.) Final determination of whether an assistance group meets the hardship conditions set forth by the county will be made by the MCDJFS Agency Director or designee, after advisement from a "review team." This team will consist of the assistance group's eligibility worker, work activities worker, and representatives from CSEA and Children's Services, if applicable, as well as any others whose presence is deemed necessary to provide input on a hardship determination.

In making the determination of whether the time limit imposes a hardship, MCDJFS will consider all of the circumstances of an individual assistance group on a case-by-case basis. Documented, unique personal circumstances preventing the parent from seeking and/or obtaining employment, as determined by supervisory or administrative review, will be considered.

Although Miami County will consider the totality of the circumstances in making a hardship exemption determination, following are examples of criteria that will be considered:

1. Demographic
2. Physical, Social or Psychological
3. Support Services

Demographic Criteria

1. The individual is a single custodial parent with a child less than three months of age, or in the third trimester of pregnancy.
2. The individual is a custodial parent caring for a *special/exceptional needs child*, and appropriate special/exceptional needs child care has not been available. See appendix for definition for special needs child and exceptional needs child.
3. The individual is providing medically necessary care for a disabled family member (i.e., spouse or child) and other acceptable arrangements for the disabled member's care are not available.
4. The individual is a caretaker who is more than sixty (60) years of age.

Physical, Social, or Psychological Criteria

1. 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 a physician or other qualified health care provider. Determination of disability or incapacitation is subject to verification by the Miami County Department of Job and Family Services.
2. The individual is a victim of domestic violence and is cooperating in and actively participating in a recovery plan that is closely monitored by the appropriate social service agency.

Support Services Criteria

1. The individual is unable to procure the necessary support services (child care, transportation, etc.) that would enable him/her to participate in assigned work activities, due to the unavailability of the service. Unavailability of sufficient support services to meet the needs of the individual will be a determination made by the Miami County Department of Job and Family Services.

Appendix 1 Definitions

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: 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

- 1) 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
- 2) Children who have been diagnosed by a licensed/certified professional as having severe mental disabilities, such as child schizophrenia, severe mental retardation or autism.