



Department of
Job and Family Services

Ted Strickland, Governor

Douglas E. Lumpkin, Director

Family Stability Letter # 89
OFFICE OF FAMILIES & CHILDREN
August 10, 2009

TO: Directors, County Departments of Job and Family Services

FROM: Trudie J. Bormann, Deputy Director
Family Stability
Office of Families & Children

**SUBJECT: Prevention, Retention and Contingency (PRC) Program – CDJFS
Suspension**

We realize that there are significant budget challenges facing the County Departments of Job and Family Services (CDJFS) in this biennium. To alleviate some of the challenges, Section 5108.04 of the Ohio Revised Code (ORC) has been amended with the recently passed biennial budget bill - Amended Substitute House Bill 1 of the 128th General Assembly.

The CDJFS currently has the ability to amend its statement of policies (PRC plan) to reduce or eliminate services or revise eligibility factors. The change to ORC Section 5108.04 will allow the CDJFS to temporarily suspend operation of its PRC program in its entirety. The effective date of this amendment is October 15, 2009.

Even if the CDJFS temporarily suspends its PRC program, the plan must still be reviewed every two years. This includes the requirement to either provide the public and local entities at least thirty days to submit comments on, or have the county family services planning committee review the PRC plan as set forth in ORC Section 5108.05.

Please take note that a CDJFS that chooses to use its TANF allocation to support child welfare services must include the services in the CDJFS PRC plan and cannot suspend its PRC program in its entirety.

30 East Broad Street
Columbus, Ohio 43215
jfs.ohio.gov

An Equal Opportunity Employer and Service Provider

Also, no funds are available in this biennium for disaster assistance so the CDJFS may want to consider this when temporarily suspending its PRC program. If a disaster strikes in a county without a PRC program, the CDJFS has the ability to reopen its program to cover families affected by the disaster.

How is suspending a PRC program different from reducing services or changing eligibility requirements in the plan?

A CDJFS may still maintain a PRC program but reduce the services or adjust the eligibility requirements. When this occurs, the amended plan is submitted to the ODJFS e-mailbox at Program-Policy@jfs.ohio.gov along with a copy of the director's signature. Certification by the county commissioners should be secured if the change to the plan is significant.

A suspension of the PRC program means that no benefits or services will be provided within that county. This would require certification by the board of county commissioners in accordance with ORC Section 5108.07.

What steps does the CDJFS take to suspend its PRC program?

If the CDJFS determines that its TANF allocation cannot support its PRC program and chooses to temporarily suspend it, the CDJFS must submit the amended plan to the county commissioners for review and certification that the CDJFS has complied with Chapter 5108 of the ORC in the suspension of its statement of policies.

After the review and certification, the CDJFS shall e-mail the amended plan with the director's signature to the Program-Policy@jfs.ohio.gov mailbox or fax to 614-466-1767 (attention Karen Ernes). The amendment to temporarily suspend the PRC program cannot be effective any earlier than October 15, 2009. It also cannot precede the date of the director's signature.

If the program is being temporarily suspended as part of the biennial review, the CDJFS must also submit the plan either to the 30-day public notice and comment period or to the family services planning committee as set forth in ORC Section 5108.05. The steps outlined in Office of Families & Children Letter #87 issued on May 27, 2009, are applicable.

How should a plan be formatted for a temporary suspension?

There is no mandated format for the plan to reflect a temporary suspension. We recommend that the following information be included in the plan:

- The CDJFS and the name of the PRC program if county-specific;
- The effective date of the temporary suspension of the program;
- The reason for the temporary suspension of the program;

- The notification form sent to recipients (either reference to the JFS 01053 “Important Notice about your Prevention, Retention and Contingency Benefits” and the JFS 01054 “Notice of Denial of your application for Prevention, Retention and Contingency Benefits” or include a copy of the county-created forms);
- The program’s next review date;
- The date of the public hearing and comment period or review by the family services planning committee (if biennial review);
- The CDJFS director’s signature;
- The certification by the board of county commissioners.

How are recipients notified of the suspended PRC program?

Pursuant to Rule 5101:6-2-06, when a change in state or federal law, or local agency policy is adopted due to options authorized in state law, recipients must be provided prior written notice of the negative action. Regardless of whether a CDJFS chooses to maintain its PRC program or temporarily suspend its PRC program, if there are services that an assistance group is scheduled to begin receiving or is receiving that will be terminated, the CDJFS must send the assistance group a written notice. The notice must be mailed or personally delivered 15 days prior to the termination of services or benefits. There are no hearing rights when the program has been suspended.

To assist the CDJFS, the JFS 01053 “Important Notice about your Prevention, Retention and Contingency Benefits” has been created and can be used to provide notice of termination of benefits and services due to a lack of available funding. A copy of the notification is attached to this letter and will be available online at the ODJFS Forms Central site: <http://www.odjfs.state.oh.us/forms/inter.asp> . The CDJFS can adopt the JFS 01053 or create its own notice provided that the following elements are on the notice:

- A clear and understandable statement of the benefits and services to be terminated;
- The reason for the proposed termination;
- Applicable regulations authorizing the action;
- The statement that there is no right to a state hearing, county conference or continuing benefits;
- A name and phone number for the assistance group member to call with questions.

How should the community be notified when the CDJFS temporarily suspends its PRC program?

There are a number of methods for notifying the community that the CDJFS has temporarily suspended its PRC program, including the following:

- Signs at the CDJFS;
- Posting an announcement on the CDJFS or county website;

- Posting the suspended plan on the ODJFS website;
- Issuing a press release;
- Advertisement in local newspapers and radio stations;
- Communicating with advocacy groups; or
- Holding a public hearing.

How are applications treated that are received by the CDJFS?

Once a PRC program is suspended in its entirety, the CDJFS does not need to take applications or start a waiting list. However, if an application for PRC services is received by the CDJFS, the applicant must be notified that the CDJFS PRC program is temporarily suspended and that the application for services is being denied. There are no hearing rights when an application is denied because the program does not exist as a result of lack of available funding.

To assist the CDJFS, the JFS 01054 “Notice of Denial of your application for Prevention, Retention and Contingency Benefits” has been created and can be used to provide notice of denial of benefits and services due to a lack of available funding. A copy of the notification is attached to this letter and will be available online at the ODJFS Forms Central site: <http://www.odjfs.state.oh.us/forms/inter.asp> . The CDJFS can adopt the JFS 01054 or create its own notice provided that the following elements are on the notice:

- The date that the application for PRC services was received by the CDJFS;
- The reason for the denial;
- Applicable regulations authorizing the denial;
- The statement that there is no right to a state hearing, county conference or continuing benefits;
- A name and phone number for the assistance group member to call with questions.

What steps are taken to reopen the PRC program after a temporary suspension?

The CDJFS can reopen its PRC program at any time by creating a written statement of policies, securing the Director’s signature and forwarding the plan to the ODJFS e-mailbox Program-Policy@jfs.ohio.gov. If the County Commissioners consider this a significant change, a certification should be secured.

If you have questions regarding this letter, please direct them to the TANF-FSTA mailbox or by calling 1-866-886-3537 (Option 6).

Attachments

c:	Douglas E. Lumpkin, Director	Joel Potts, OJFSDA
	Anthony Trotman, Chief of Staff	Larry Long, CCAO
	ODJFS Deputy Directors	Kim Newsome, OCDA
	Families & Children staff	Crystal Allen, PCSAO