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OFFICE OF FAMILY STABILITY LETTER # 22

November 18, 2004

TO: Directors, County Departments of Job and Family Services

FROM: Jeanne Carroll, Deputy Director
Office of Family Stability

SUBJECT: Charitable Choice and Faith-Based Initiatives

The Charitable Choice provision encourages states to involve faith-based organizations in providing federally funded Temporary Assistance for Needy Families (TANF) benefits and services to eligible families. The federal regulations governing the Charitable Choice provisions are contained in 45 CFR 260.34. One of the Charitable Choice provisions [45 CFR 260.34(g)(3)] requires that applicants and recipients of TANF be notified of the right to request an alternative site if they object to the religious nature of the provider. In Ohio, this requirement pertains to applicants and recipients of Ohio Works First and Prevention, Retention and Contingency.

The Office of Legal Services recently issued Legal Brief 04-01 to explain Charitable Choice and Faith-Based Initiatives. This Legal Brief can be accessed at: <http://innerweb.odjfs.state.oh.us/ols/briefs/BRIEF0401.PDF>.

There are specific requirements that the CDJFS must follow when considering the use of religious organizations to provide services or serve as a worksite for applicants or recipients of OWF and PRC. This letter will only address two issues related to the rights of recipients of assistance:

1. Assistance group's right to request an alternative site or provider of services; and
2. Notification to assistance groups of their right to request an alternative site or provider of services.

For information regarding the relationship between governmental agencies and religious organizations (including contracting for services), refer to ODJFS Legal Brief 04-01.

Assistance group's right to request an alternative site or provider of services

An applicant for or recipient of OWF or PRC may object to the religious nature of an agency serving as a worksite or providing a PRC service. The CDJFS must ensure that an assistance group that objects to a faith-based provider has access to another provider. The assistance group must be provided with an alternative provider of services within a "reasonable period of time" (as defined by the CDJFS). The alternative provider must be reasonably accessible to the assistance group member and have the capacity to provide comparable services to the assistance group member. The alternative provider need not be a secular organization, just one to which the assistance group member has no objection. The CDJFS is not required to have ongoing contracts with alternative providers, but simply locate one if needed.

Notification to assistance groups of their right to request an alternative site or provider of services

Applicants or recipients of OWF or PRC who are assigned to a religious agency as a provider of services or as a work site must receive notice of the right to request alternative services. This notice must clearly articulate the right to referral and to services that reasonably meet the timeliness, capacity, accessibility, and equivalency requirements noted above.

Notification of the Charitable Choice provision can be accomplished in various ways, such as adding language to self-sufficiency contracts or providing a notice to OWF or PRC applicants and recipients who are assigned to religious agencies. If the CDJFS contracts with a religious organization, it may instead require the religious organization to provide the required notice. A sample notice is included in this letter. In addition, language is being added to the JFS 07501 "Your Rights and Responsibilities" to explain the right of an assistance group to request a secular agency as a work site or to provide services.

Attachment

JC:sl

cc: Tom Hayes
China Widener
Barbara Riley
Bruce Madson
Ohio Job & Family Services Director's Association
Office of Family Stability
Office of Legal Services

Notice of Right to Request Another Worksite or Provider of Services

Assistance Group Name	Case / Cat. / Seq.	Date Notice Given

Read all of this information before you sign your name. If you do not understand any part of this document, ask for help before signing. A copy of this information will be given to you for your records.

The County Department of Job and Family Services (CDJFS) has agreements with other agencies to provide services to families who may be receiving Prevention, Retention and Contingency (PRC) or act as worksites to families receiving Ohio Works First (OWF). Some of the services or worksites may be held at religious agencies, such as churches.

If you do not want to go to a religious agency for services or as your worksite, tell your worker at the CDJFS. Your worker must provide you with another agency for your worksite or to provide services. Your caseworker will tell you how long it will take to find another agency.

If you do not understand this notice, contact your caseworker.

I received a copy of, and I have read, my Notice of Right to Request Another Worksite or Provider of Services, or it has been read to me, and I understand it.

Signature of Applicant or Authorized Representative	Date