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OWF/PRC Guidance Letter No. 25

**TO: Directors, County Departments of Human Services
Directors, County Public Children Services Agencies
Directors, Child Support Enforcement Agencies**

FROM: Jacqueline Romer-Sensky, Director

A handwritten signature in black ink, appearing to read "JR Sensky", is written over a light blue horizontal line.

SUBJECT: CHILD WELFARE: PRC

The Ohio Department of Human Services (ODHS) issues a series of guidance letters related to Ohio Works First (OWF) and Prevention, Retention and Contingency (PRC) programs. This letter is designed to help both county departments of human services (CDHSs) and public children services agencies (PCSAs) to understand, develop, and operate child welfare services funded through the PRC Program and the OWF Program. It includes information shared in previous guidance, but restated from a child welfare perspective. It also introduces some new uses of Temporary Assistance for Needy Families (TANF) funds for child welfare.

The guidance provides the reader with an overview of the general principles of the PRC program. It discusses some management strategies a PCSA and CDHS might employ in developing PRC services. Also, it outlines allowable PRC child welfare services and definitions and child welfare services that may not be funded through TANF.

TANF Use of Funds

As a general rule, counties can only use TANF funds for eligible, needy families with a child and for one of the four stated purposes of the TANF program:

1. To provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives;
2. End the dependence of needy parents on government benefits by promoting job preparation, work and marriage;

3. Prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and
4. Encourage the formation and maintenance of two-parent families.

The federal program called TANF is the funding source for OWF and PRC. Since the PRC program is funded with TANF dollars, all services must have a direct relationship with at least one of the **PRC Guidance Letter No. 25**

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federal TANF purposes. Counties must be in a position to demonstrate how the PRC service they are delivering is primarily designed to further one of the TANF purposes.

Federal regulations permit states to fund programs and services to "needy families" so children may live with their parents or relatives, legal guardian, or legal custodian. Generally, children who do not meet these living arrangements are ineligible for PRC services. Services authorized under TANF purposes 3 & 4 do not need to meet the two preceding requirements. These services can be delivered without regard to need and/or living arrangements (see OWF/PRC Guidance Letter #13) A needy family is one that meets the income and any other requirements a county outlines in their PRC plan. The federal guidance that discusses these standards can be found at www.acf.dhhs.gov/programs/ofa/funds2.htm.

Non-Supplantation of Funds

When allowable, IV-E and Medicaid should always be used before charging a service to TANF. In addition, federal regulations strictly prohibit using TANF dollars where other funding streams are available. This principle is outlined in OMB Circular A-87.

County PRC Plan

Any child welfare services provided must be supported by the county's community plan. Services provided to non-OWF cash recipients must be included in the county's written PRC plan. Services to OWF cash recipients can be provided outside the county's PRC plan (see the Services to OWF Assistance Groups section of this letter).

The plan and all amendments must be formally adopted by the board of county commissioners and submitted to ODHS (see OWF/PRC Guidance Letter #3). At a minimum, the PRC Plan needs to address the following for each service provided:

1. PRC Assistance Group

The definition of the assistance group for the purposes of PRC need not be consistent with the OWF standard filing unit. The assistance group must contain a minor child or a pregnant individual. A minor child means an individual who has not attained 18 years of age or has not attained 19 years of age and is a full-time student in a secondary school (or in the equivalent level of vocational or technical training).

The minor child must be residing with their parent, a relative caretaker, or legal guardian, legal custodian (for purposes of TANF eligibility, legal custody can only occur through court order).

A child may be "temporarily absent" from the home for up to six months in accordance with the time periods in ORC 5107.10 (which are applicable to PRC) and still qualify for PRC. During the temporary period, the child is considered to be residing with the parent, specified relative, legal guardian, or legal custodian. The child must return to the home by the end of the six-month period. Otherwise, the child no longer resides with the parent, specified relative, legal guardian, or legal custodian. U.S. Department of Health and Human Services (HHS) does not believe it is reasonable to consider that a child is temporarily absent from the home if the child is determined to need placement out of the home, judicially or otherwise, for longer than the state's established temporary period, i.e., six months.

2. Eligibility

Services designed to prevent out-of-wedlock pregnancies or promote the formation of two parent families (TANF purposes 3 & 4) may be provided without regard to income and/or assistance group composition. These services also need to be tracked separately for fiscal purposes. For all other services the county must define economic need criteria in its PRC Plan. The county may use a means test, such as an income level, percentage of poverty, or relationship to the state's median income, as its economic need criteria. Enrollment in other means-tested programs such as Food Stamps or Medicaid may be used as the need criteria.

Generally a county should verify income if the assistance being provided has a cash value. Otherwise a county may choose to utilize a self-declaration policy.

A county may choose to establish other eligibility criteria, such as the existence of a children services case plan, to further limit the eligible population. In addition the county may choose to have different eligibility criteria for each service.

3. Application

The county is required by ORC 5108.10 to develop an application for PRC. Like eligibility, applications may differ for each service. Applications must include sufficient data to meet the federal and state reporting requirements (see OWF/PRC Letters 9 and 9A) and evaluate whether the applicant meets the eligibility criteria set forth in the county's PRC plan. Counties must also notify applicants of their hearing rights at time of application (see OWF/PRC Guidance Letter #13, Page 6). The method of notification is not prescribed.

4. Description of Services/Benefits

The county must include a definition of the services/benefits to be delivered. Any administrative requirements or limitations must also be included. The policy should be adequate to support a state hearing decision under Section 5108.9 of the Revised Code.

Services to OWF Assistance Groups

1. Adult Caretakers Assistance Groups

OWF Assistance Groups with Adult Caretakers have established basic eligibility through the OWF Program. Services can be authorized to OWF assistance groups through the Self-Sufficiency Contract. The OWF Assistance Group is required to complete requirements affecting the PRC Assistance Groups but the services still have to be allowable TANF services. However, if the cash assistance case is terminated, eligibility must be re-established through the county's PRC program.

2. Child Only Assistance Groups

Services to Child Only OWF Assistance Groups can not be triggered by a Self-Sufficiency Contract because they are not required for child-only assistance groups. Therefore services to this group must be covered by the county's PRC plan and the services must be triggered by an application.

3. OWF Reunification Options

A county may choose to provide services to an OWF assistance group where a reunification plan is in effect and the child is expected to be absent from the home of the assistance group for less than 180 consecutive days. These services must be identified in the self-sufficiency contract or included in the county's PRC plan.

Allowable Child Welfare Services That Meet the Four TANF Purposes

These are some of the services that PCSA's can deliver using TANF funds. Counties should always explore Title IV-E and Medicaid as primary funding services prior to considering utilizing TANF dollars. The following services have the broadest application and the least complication in regard to other funding sources. Agencies are advised to proceed cautiously when developing any child welfare services other than those listed below.

Emergency Housing

Emergency housing is non-recurring short term, not to exceed four months per incidence (see OWF/PRC Guidance Letter #13).

Domestic Violence Services

Domestic violence services are the provision of direct assistance to victims of domestic violence and their dependents for the purpose of preventing further violence and may include but not be limited to: meals, transportation, housing referral services, legal advocacy, children's counseling and support services and other services to victims of domestic violence and their dependents.

Home Health Aide Services

Home Health Aide Services means the personal care and maintenance activities provided to individuals for the purpose of promoting normal standards of health and hygiene. Some examples are personal care and maintenance activities provided to individuals for the purpose of promoting normal standards of health and hygiene. Services are provided during periods of disability, illness, or in the presence of any such condition that prohibits the individual from performing daily living tasks. This includes services such as assistance with bathing, grooming, walking, getting in and out of bed, and nutrition.

Homemaker Services

Homemaker services means the professionally directed or supervised simple household maintenance or management services provided by trained homemakers or individuals to families in their own homes. This includes services such as basic cleaning, shopping, laundry, food preparation, check-cashing, bill paying and any other such tasks as may be necessary to strengthen or enhance the individual's or family's ability to function in their own house.

Home Based Services

Home based services would include services provided to children and families in their own homes. The service is multi-faceted, immediate, intense, family-oriented, and generally time limited.

Parent Education Services

Parent education is a teaching process to assist a parent, guardian, or custodian in developing the basic skills necessary to provide adequate care and support to a child in his own home.

Post Adoption Finalization Services

“Postfinalization services” or postfinalization adoption services” means services provided or arranged by the PCSA to support, maintain and assist an adopted child or adoptive family anytime after finalization of an adoption. (Please see Addendum A of this letter for an elaboration of appropriate use of TANF dollars for post adoption finalization type services.)

Respite Care Services

Respite care services are services designed to provide temporary relief of child-caring functions which may include, but are not limited to, crisis nurseries, day treatment and volunteers or paid individuals who provide such services within the home. This service may be provided to a child placed in a foster home or with a relative as well as for a child in his own home.

Special Services for Alcohol and Drug Abusers

Services to provide a rehabilitation program for alcohol and drug dependent persons.
Service activities include:

1. Work with the individual, family members, and appropriate social service agencies to develop and carry out an individual rehabilitation plan.
2. Providing or arranging for individual, family and group counseling.
3. Services to assist the individual to recognize the danger of continued substance abuse.

Transportation Services

Transportation means arranging for or providing transportation to and from needed services, resources and facilities. (It may include the provision of escort assistance). Ongoing transportation services are considered assistance. (see OWF/PRC Guidance Letter #1).

Prohibited Services

1. Foster care and out of home maintenance payments.
2. Juvenile justice services.
3. Any costs associated with children who do not live with a custodial parent or other adult caretaker relative, legal guardian, or legal custodian (Except for the 180 day provision or federal goals #3 and #4).
4. Services available through other federal funding sources.
5. Medical services with the exception of those services allowable under Ohio's 1996 IV-A state plan (see OWF/PRC Guidance Letter #12).

Administrative and Fiscal Considerations

The PRC program is the most locally driven program in Ohio's human service system. The program is developed by the local community through the community planning process and adopted by the Board of County Commissioners.

Counties are responsible for following federal and state regulation governing the use of TANF dollars. In developing PRC programs counties must keep in mind the risks associated with this responsibility and flexibility. This guidance is designed to identify those risks and keep the counties PRC programs in safe territory. There are countless services a PCSA can provide with TANF funds without being at risk.

The child welfare system in Ohio has an enormous opportunity to develop new services to children that meet the principles outlined in this guidance. These dollars must be used to help poor families and children meet their new challenges. Attempts to refinance child welfare at the local level with TANF will be a waste of this opportunity and not serve the needs of the populations for whom it is intended.

OWF and Child Welfare Coordination

Adult recipients of OWF cash assistance must have a self-sufficiency plan. Some of these recipients also have a child welfare case plan. It is imperative that counties insure that both plans send a
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consistent message to the client and have coordinated time lines and outcomes. This is even more important when the county is using TANF funds to finance implementation of both plans.

When a self-sufficiency plan exists for the family who will be receiving services through the PCSA, the PCSA and CDHS will need to coordinate service delivery and responsibilities with the family so that conflicts and unreasonable requirements do not exist. The PCSA should not require that the family participate in a service that conflicts with OWF work requirements or other services or responsibilities.

Additionally, the PCSA will need to determine whether or not the services in the case plan are to be added into the self-sufficiency plan as an additional responsibility which will make failure to participate in these services sanctionable. If the PCSA decides to make their services sanctionable, it is critical that there are no conflicts between the self-sufficiency plan and case plan requirements. The PCSA must inform the family regarding the specific behavior that will result in the PCSA notifying the CDHS that the family has failed to comply with the case plan. Should the family fail to participate in a case plan service that has been incorporated into the self-sufficiency plan without good cause, the OWF participant will be sanctioned. The list of allowable good cause reasons is maintained by the CDHS. The PCSA should be aware of the good cause list and have input on its content. The OWF sanction system is three-tiered. The family will not be eligible for OWF for one month for the first failure, three months for the second failure and six months for the third failure.

If the PCSA decides that a service or all services in the case plan are not to be OWF sanctionable, the services should be listed in the "Assistance and Services the CDHS, CSEA and PCSA will provide" section of the self-sufficiency plan instead of the "Other Responsibilities" section.

Another case plan/self-sufficiency coordination issue is the timing of reviews. Agencies may wish to set up the self-sufficiency plan and case plan so that the six-month Semi-Annual Administrative Review and the six-month re-application for OWF can be conducted at the same time. It also would be good practice for the PCSA and the CDHS workers to develop the self-sufficiency plan and case plan together with the family. This should help eliminate conflicts and help the family to understand the relationship between the case plan and the self-sufficiency plan.

Memorandum of Understanding

Any county which chooses to use TANF dollars for child welfare services delivered through the PCSA must include these services in a memorandum of understanding (MOU). Even combined agencies are subject to this requirement. The MOU, at a minimum, must include:

1. Services to be delivered, including definitions.
2. Eligibility criteria for recipients.
3. Reporting requirements.
4. Financial limitations.
2. Application procedures.
6. Responsible party for eligibility determination

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In counties where the child welfare function is performed by a CDHS, that agency should develop and implement written operating procedures addressing which operating areas of the agency will be responsible for eligibility determination and documentation, service authorization and utilization review, and maintenance of a case record which documents the history of the assistance episode.

In counties where the child welfare function is performed by a county children services board (CCSB), the county must develop and execute a written agreement (MOU) between the CDHS and the CCSB addressing which agency will assume responsibility and accountability for eligibility determination and documentation, for service authorization and utilization review, and for maintenance of a case record which documents the history of the service episode. The inter-agency agreement will also detail accounting and billing procedures to be used by the CCSB in claiming reimbursement from the CDHS.

Counties who choose to deliver services through the PCSA can recapture their costs through the social services random moment study (SSRMS). There is no mechanism for counties to direct charge staff. This applies both to combined and separated PCSAs.

Counties may choose to deliver services through a third party vendor. In these cases normal contracting procedures apply. Please consult with your county prosecutor and the ODHS Administrative Procedure Manual for procurement guidelines.

HHS has recognized eligibility determination as a TANF administrative cost. This interpretation extends to eligibility determination for PRC. Therefore, these costs must be reported separately from service costs. Any agreement for services under PRC should make provisions for their separate reporting, if the CDHS is not the eligibility determiner.

JRS/CK

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ADDENDUM A
FINANCING POST ADOPTION FINALIZATION TYPE SERVICES

Post adoption finalization type services can be financed using county PRC funds if the county amends its PRC plan to authorize such services. Such an amendment must define the "financial need standard" that will be applied to the application, describe the case circumstances that must be present for services to be considered needed, describe the service array that is available, and set standards for the amount, scope, and duration of the services offered. The PRC plan may also include recipient co-payment requirements.

Authorization and delivery of post-adoption finalization-type services using the county's PRC allocation should be documented in a case record that is developed and maintained by the county PCSA. The case record must narratively describe:

- A. The circumstances that are presented by the application including a discussion of why these circumstances are creating a need for assistance, and why that need for assistance, if allowed to go unmet, imperils maintenance of the adoption;
- B. The services the applicant is seeking;
- C. An analysis and determination by the PCSA if the services requested will in fact act to remediate the need for assistance;
- D. A service plan detailing the services to be delivered, the duration of service delivery, service providers to be used, the outcomes expected for each service to be delivered, and all responsibilities, including any co-payments, that are being assumed by the applicant; and;
- E. The results of periodic evaluations undertaken by the PCSA to determine the effectiveness of the services delivered and any adjustments undertaken to improve the effectiveness of future services to achieve the stated outcomes and any alterations made to the service plan.

The case record must also affirmatively document and evidence the existence of the applicant's financial need.

Allowability of a service under Ohio's Post Adoption Special Services Subsidy (PASSS) program does not automatically make it an allowable PRC service. PASSS type services are only allowable to the extent that they meet PRC requirements. Recipients of PRC post adoption finalization services are only eligible if they meet TANF eligibility criteria set forth in the county's PRC plan.