



Ohio Administrative Code

Rule 5101:1-3-04.1 Ohio works first: shared parenting (joint custody).

Effective: November 1, 2020

(A) Is there eligibility for Ohio works first (OWF) when there is a shared parenting (joint custody) arrangement?

(1) Potential OWF eligibility may exist in a shared parenting arrangement. A dependent child can only be considered to be sharing a home with one parent despite a shared parenting/joint custody order permitting the child to reside with each parent for a part of the month.

(2) For OWF eligibility purposes, a child can only have one home and cannot be considered to be temporarily absent from another home (i.e., both of the child's parents cannot receive benefits concurrently for the same child in the same month.)

(3) The provisions described in this rule shall be used by the county agency in determining eligibility for a dependent child in a shared parenting arrangement.

(B) What happens when only one of the parents in a shared parenting arrangement applies for OWF?

(1) When only one parent applies for assistance, the county agency shall determine when the child resides with the parent who submits the application for assistance.

(2) When there is no application submitted by the other parent, and there is not an existing OWF assistance group containing the other parent and the child, the child shall be considered to be living and sharing a home with the parent who submitted the application for assistance.

(C) What happens when both parents in the shared parenting arrangement apply for OWF for the same child?

When both parents apply for assistance for the child and both parents claim that the child is living



with and sharing a home with them, the county agency shall first determine whether each applicant is maintaining a home for the child.

(1) When both parents agree and one of the applications is withdrawn, the county agency shall proceed to determine if the other parent is otherwise eligible for OWF.

(2) When the parents cannot agree and neither application is withdrawn, the county agency shall review the following list of parental activities and responsibilities to determine with which parent the child shares a home:

(a) Is there a court order granting sole custody to one parent, or designating one of the parents' residences as the child's home for public assistance purposes?

(b) When the parents reside in different school districts, where does the child attend school? Who selected the school?

(c) Who assists the child with homework or school-related tasks?

(d) Who attends parent/teacher conferences and who works with the school regarding the child's educational progress?

(e) When the child is enrolled in child care, who makes the child care arrangements?

(f) Who takes the child to and from school and/or child care?

(g) Which parent is listed as the contact for emergencies at the child's school or child care provider? When both parents are listed, who is the one to be contacted first?

(h) Who arranges and transports the child to medical and dental appointments? Who selects the physician and dentist? Who maintains the child's medical records?

(i) Who initiates decisions regarding the child's future?



(j) Who responds to medical or law enforcement emergencies involving the child? When both parents are to be contacted, who is the one to be contacted first?

(k) Who arranges for food, clothing, and other household necessities on an ongoing basis?

(l) Who disciplines the child?

(m) Who plays with the child and arranges for entertainment?

(n) Which parent supervises the child's daily dressing and personal hygiene tasks?

The list of parental activities contained in paragraphs (C)(2)(a) to (C)(2)(n) of this rule is not an all-inclusive list, and other factors may need to be examined in making this determination. There will be situations in which these questions will be answered positively for both parents. However, in reviewing parental activities, one parent is often identified more than the other. The parent most often identified is the parent who is considered to be sharing a home with the child, and the parent with whom the child's eligibility shall be explored.

(3) When the result of the exploration of conditions described in paragraph (C) of this rule reveals a parent is not otherwise eligible for OWF, eligibility for the other parent shall be explored when that parent has a pending application.

(4) When the result of the exploration of the conditions described in paragraph (C) of this rule are inconclusive, the county agency will include the child with the parent who applied first.

(D) What should the county agency do to document its decision?

The county agency shall document the decision made on the case and the basis for the decision in the assistance group record(s), as well as in running record comments in the statewide automated eligibility system.