



Ohio Administrative Code

Rule 5101:1-3-20 Ohio works first: domestic violence- information, screening, referral and waiver of eligibility requirements.

Effective: May 1, 2017

Effective January 1, 2008, each applicant for and recipient of Ohio works first (OWF) shall receive information, screening, referral and waiver of certain OWF eligibility requirements when the individual has been subjected to domestic violence. This rule complies with sections 5107.71 to 5107.717 of the Revised Code, which were contained in Amended Substitute House Bill 119 (Am. Sub. H.B. 119, 127th General Assembly, (2007)).

(A) What is the definition of domestic violence?

"Domestic violence" means being subjected to any of the following:

- (1) Physical acts that resulted in, or threatened to result in, physical injury to the individual;
- (2) Sexual abuse;
- (3) Sexual activity involving a dependent child;
- (4) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;
- (5) Threats of, or attempts at, physical or sexual abuse;
- (6) Mental abuse (including emotional harm);
- (7) Neglect or deprivation of medical care.

(B) What are the responsibilities of the county agency?

The county agency shall be aware and recognize the signs of domestic violence and develop a



process for addressing the domestic violence. The county agency shall:

- (1) Inform all applicants for OWF that waivers of OWF eligibility requirements are available for victims of domestic violence;
 - (2) Screen all applicants for domestic violence as provided in this rule;
 - (3) Refer all individuals who respond affirmatively to any screening question to counseling and supportive services;
 - (4) When the county agency determines that the individual has been subjected to domestic violence and requiring compliance with the OWF eligibility requirement(s) would make it more difficult for the individual to escape the domestic violence, identify and waive the OWF eligibility requirements;
 - (5) Report information regarding domestic violence waivers to the Ohio department of job and family services (ODJFS) for statistical and federal reporting purposes.
- (C) When does the county agency need to provide information and what information should be provided?

Each county agency shall provide the JFS 07501, "Program Enrollment and Benefit Information," (rev. 11/2016) to every applicant as described in paragraph (L) of rule 5101:1-2-01 of the Administrative Code. The county agency may provide additional information about local supportive services or programs.

- (D) What screening is required and when must individuals be screened?

Each county agency shall screen for domestic violence. Screening is an ongoing process and shall be conducted at several different intervals including the following:

- (1) Appraisal

At each appraisal and reappraisal conducted in accordance with section 5107.41 of the Revised



Code, and rule 5101:1-3-12 of the Administrative Code. The county agency shall use the screening questions developed by ODJFS that are in the statewide automated eligibility system. The county agency must maintain confidentiality. Except as provided in paragraph (G)(5) of this rule, the county agency shall maintain and protect the confidentiality of the information about an individual who has been subjected to domestic violence.

(2) OWF time limits

Each time an individual requests or applies for an extension beyond the thirty-six month time limit for receipt of cash assistance due to a state hardship or good cause condition; and each time an individual requests or applies for an extension beyond the federal sixty-month limit for receipt of cash assistance due to a federal hardship condition, as described in section 5107.18 of the Revised Code, and rule 5101:1-23-01 of the Administrative Code.

(3) Cooperation with child support (IV-D)

When an individual claims good cause for refusal to cooperate in establishing paternity and securing support, that information is sent to the county child support enforcement agency (CSEA) for a determination of good cause. This information will be transmitted to the CSEA via the JFS 07092, "Notice to Individuals Applying for or Participating in Ohio Works First (OWF) Regarding Cooperation with the Child Support Enforcement Agency (CSEA)" (rev. 3/2009).

(4) Good cause for failure to comply with self-sufficiency contract

Each time the county agency reviews whether an individual has good cause for a failure to comply with the self-sufficiency contract required by rule 5101:1-3-11 of the Administrative Code.

(5) Other

At any other time the county agency determines that a review of the family's circumstances and continued eligibility for OWF should be completed.

(E) When must a county agency make a referral?



The county agency shall refer an individual for counseling and supportive services when that individual responds affirmatively to any screening question asked at any of the intervals listed in paragraph (D) of this rule. The county agency shall also refer an individual for counseling and supportive services when the county agency otherwise becomes aware that the individual is, or is at risk of becoming, a victim of domestic violence.

The individual may decline the referral for counseling and supportive services at the point of referral or may stop counseling or refuse supportive services at any time.

(F) When shall a county agency grant a waiver?

When a county agency determines that the individual has been subjected to domestic violence and requiring compliance with the requirement would make it more difficult for the individual to escape domestic violence or unfairly penalize the individual, the county agency shall waive the requirement and exempt the individual from that requirement.

The county agency shall; collect supporting documentation including the following:

(1) Where available, records from any of the following sources:

(a) Police, courts and other governmental entities;

(b) Shelters, and legal, religious, medical and other professionals from whom the individual sought assistance in dealing with domestic violence;

(c) Other persons with knowledge of the domestic violence.

(2) In the absence of any of the above documentation, the individual's allegation of domestic violence, as identified by the individual requesting the waiver on the JFS 03803, "Ohio Works First (OWF) & Food Assistance: Domestic Violence Waiver Request and Verification Form" (rev. 1/2010), unless the county agency has an independent, reasonable basis to find that the individual's allegation is not credible.



(G) What OWF eligibility requirements can be waived?

(1) The following OWF eligibility requirements shall be waived when the requirements described in paragraph (F) of this rule are met:

(a) Mandatory participation in a work activity

An individual may be assigned to and engaged in an activity; however the individual cannot be sanctioned for failure to comply with any activities outlined in the individual's self-sufficiency contract.

(b) Cooperation with child support in establishing paternity and support

Waiver of cooperation with child support is determined by the CSEA pursuant to rule 5101:12-10-32 of the Administrative Code.

(c) OWF thirty-six month time limit for receipt of OWF cash assistance

Extensions beyond the thirty-six month time limit, as described in rule 5101:1-23-01 of the Administrative Code, due to a domestic violence waiver will not count in the determination of the county twenty per cent limit for hardship extensions, as described in rule 5101:1-23-01.1 of the Administrative Code.

(2) The following OWF eligibility requirements may be waived at county option depending upon the individual's or family's circumstances.

(a) Verification of income

The requirement to verify income as described in rules 5101:1-2-20 and 5101:1-23-20 of the Administrative Code may be waived. However, in the absence of verification, the county agency shall document in the case record that verification was unavailable, and that the income that was used to determine eligibility was based on the individual's signed statement.



(b) Penalty for quitting a job without just cause

The penalty for quitting a job as described in section 5107.26 of the Revised Code, and rule 5101:1-3-14 of the Administrative Code may be waived.

(3) How long does a waiver last?

The county agency shall review the individual's continued eligibility for the waiver of OWF eligibility requirements described in this rule. There is no limit on the number of times (or length of time) that a waiver can be extended. The county agency shall review the necessity for a waiver at least once every six months. The county agency may at its option, review the individual's continued eligibility for a waiver more frequently than every six months. However, the length of time for a waiver of cooperation with child support granted under the provisions contained in paragraph (G)(1)(b) of this rule, and rule 5101:12-10-32 of the Administrative Code, is determined and shall be governed by the CSEA.

(4) How are individuals told about a county agency decision on a waiver?

The county agency shall issue written prior notice, in accordance with division 5101:6 of the Administrative Code, of its decision approving or denying waiver of the OWF eligibility requirement. The individual may appeal the county agency's determination pursuant to section 5101.35 of the Revised Code.

(a) The individual may decline a waiver that would otherwise be approved under paragraphs (F) and (G) of this rule.

(b) The individual may also accept a waiver of eligibility requirements, but may terminate the waiver at any time.

(5) What reporting responsibilities does the county agency have?

The county agency shall provide information to ODJFS about each individual to whom a waiver is



granted under the provisions described in this rule for federal reporting and statistical analysis purposes only.

(H) What are the responsibilities of ODJFS?

The ODJFS will monitor county agency implementation and compliance regarding the provisions described in this rule.