

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 526**

**Representatives Liston, McClain**

**Cosponsors: Representatives McNally, Baker, Williams, Russo, Johnson, Dean,  
Somani, Brennan, Daniels, Miller, A., Upchurch**

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**A BILL**

To amend sections 5107.05, 5107.10, and 5107.20 of 1  
the Revised Code regarding the pass-through of 2  
support payments under the Ohio Works First 3  
program. 4

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 5107.05, 5107.10, and 5107.20 of 5  
the Revised Code be amended to read as follows: 6

**Sec. 5107.05.** The director of job and family services 7  
shall adopt rules to implement this chapter. The rules shall be 8  
consistent with Title IV-A, Title IV-D, federal regulations, 9  
state law, the Title IV-A state plan submitted to the United 10  
States secretary of health and human services under section 11  
5101.80 of the Revised Code, amendments to the plan, and waivers 12  
granted by the United States secretary. Rules governing 13  
eligibility, program participation, and other applicant and 14  
participant requirements shall be adopted in accordance with 15  
Chapter 119. of the Revised Code. Rules governing financial and 16  
other administrative requirements applicable to the department 17  
of job and family services and county departments of job and 18

family services shall be adopted in accordance with section 19  
111.15 of the Revised Code. 20

(A) The rules shall specify, establish, or govern all of 21  
the following: 22

(1) A payment standard for Ohio works first based on 23  
federal and state appropriations that is increased in accordance 24  
with section 5107.04 of the Revised Code; 25

(2) For the purpose of section 5107.04 of the Revised 26  
Code, the method of determining the amount of cash assistance an 27  
assistance group receives under Ohio works first; 28

(3) Requirements for initial and continued eligibility for 29  
Ohio works first, including requirements regarding income, 30  
citizenship, age, residence, and assistance group composition; 31

(4) For the purpose of section 5107.12 of the Revised 32  
Code, application and verification procedures, including the 33  
minimum information an application must contain; 34

(5) The extent to which a participant of Ohio works first 35  
must notify, pursuant to section 5107.12 of the Revised Code, a 36  
county department of job and family services of additional 37  
income not previously reported to the county department; 38

(6) For the purpose of section 5107.16 of the Revised 39  
Code, both of the following: 40

(a) Standards for the determination of good cause for 41  
failure or refusal to comply in full with a provision of a self- 42  
sufficiency contract; 43

(b) The compliance activities a member of an assistance 44  
group must complete for the member to be considered to have 45  
ceased to fail or refuse to comply in full with a provision of a 46

self-sufficiency contract. 47

(7) The department of job and family services providing 48  
written notice of a sanction under section 5107.161 of the 49  
Revised Code; 50

(8) For the purpose of division (B) of section 5107.17 of 51  
the Revised Code, the circumstances under which the adult member 52  
of an assistance group or an assistance group's minor head of 53  
household whose failure or refusal, without good cause, to 54  
comply in full with a provision of a self-sufficiency contract 55  
causes a sanction under section 5107.16 of the Revised Code must 56  
enter into a new, or amend an existing, self-sufficiency 57  
contract before the assistance group may resume participation in 58  
Ohio works first following the sanction; 59

(9) Requirements for the collection and distribution of 60  
support payments owed participants of Ohio works first pursuant 61  
to section 5107.20 of the Revised Code; 62

(10) For the purpose of section 5107.22 of the Revised 63  
Code, what constitutes cooperating in establishing a minor 64  
child's paternity or establishing, modifying, or enforcing a 65  
child support order and good cause for failure or refusal to 66  
cooperate; 67

(11) The requirements governing the LEAP program, 68  
including the definitions of "equivalent of a high school 69  
diploma" and "good cause," and the incentives provided under the 70  
LEAP program; 71

(12) If the director implements section 5107.301 of the 72  
Revised Code, the requirements governing the award provided 73  
under that section, including the form that the award is to take 74  
and requirements an individual must satisfy to receive the 75

award;	76
(13) Circumstances under which a county department of job and family services may exempt a minor head of household or adult from participating in a work activity or developmental activity for all or some of the weekly hours otherwise required by section 5107.43 of the Revised Code.	77 78 79 80 81
(14) The maximum amount of time the department will subsidize positions created by state agencies and political subdivisions under division (C) of section 5107.52 of the Revised Code;	82 83 84 85
(15) The implementation of sections 5107.71 to 5107.717 of the Revised Code by county departments of job and family services;	86 87 88
(16) A domestic violence screening process to be used for the purpose of division (A) of section 5107.71 of the Revised Code;	89 90 91
(17) The minimum frequency with which county departments of job and family services must redetermine a member of an assistance group's need for a waiver issued under section 5107.714 of the Revised Code;	92 93 94 95
(18) Requirements for work activities, developmental activities, and alternative work activities for Ohio works first participants.	96 97 98
(B) <u>The rules adopted under division (A) (2) of this section shall be consistent with section 5107.20 of the Revised Code.</u>	99 100 101
<u>The</u> rules adopted under division (A) (3) of this section regarding income shall specify what is countable income, gross	102 103

earned income, and gross unearned income for the purpose of 104  
section 5107.10 of the Revised Code. The rules also shall 105  
specify the amount of an assistance group's gross earned income 106  
that is to be disregarded for the purpose of division (D) (3) of 107  
section 5107.10 of the Revised Code. The rules shall be 108  
consistent with section 5107.20 of the Revised Code. 109

The rules adopted under division (A) (10) of this section 110  
shall be consistent with 42 U.S.C. 654 (29). 111

The rules adopted under division (A) (13) of this section 112  
shall specify that the circumstances include that a school or 113  
place of work is closed due to a holiday or weather or other 114  
emergency and that an employer grants the minor head of 115  
household or adult leave for illness or earned vacation. 116

(C) The rules may provide that a county department of job 117  
and family services is not required to take action under section 118  
5107.76 of the Revised Code to recover an erroneous payment 119  
under circumstances the rules specify. 120

**Sec. 5107.10.** (A) As used in this section: 121

(1) "Countable income," "gross earned income," and "gross 122  
unearned income" have the meanings established in rules adopted 123  
under section 5107.05 of the Revised Code. 124

(2) "Federal poverty guidelines" has the same meaning as 125  
in section 5101.46 of the Revised Code, except that references 126  
to a person's family in the definition shall be deemed to be 127  
references to the person's assistance group. 128

(3) "Gross income" means gross earned income and gross 129  
unearned income. 130

(4) "Strike" means continuous concerted action in failing 131

to report to duty; willful absence from one's position; or 132  
stoppage of work in whole from the full, faithful, and proper 133  
performance of the duties of employment, for the purpose of 134  
inducing, influencing, or coercing a change in wages, hours, 135  
terms, and other conditions of employment. "Strike" does not 136  
include a stoppage of work by employees in good faith because of 137  
dangerous or unhealthful working conditions at the place of 138  
employment that are abnormal to the place of employment. 139

(B) Under the Ohio works first program, an assistance 140  
group shall receive, except as otherwise provided by this 141  
chapter, time-limited cash assistance. In the case of an 142  
assistance group that includes a minor head of household or 143  
adult, assistance shall be provided in accordance with the self- 144  
sufficiency contract entered into under section 5107.14 of the 145  
Revised Code. 146

(C) (1) To be eligible to participate in Ohio works first, 147  
an assistance group must meet all of the following requirements: 148

(a) The assistance group, except as provided in division 149  
(E) of this section, must include at least one of the following: 150

(i) A minor child who, except as provided in section 151  
5107.24 of the Revised Code, resides with a parent, or specified 152  
relative caring for the child, or, to the extent permitted by 153  
Title IV-A and federal regulations adopted until Title IV-A, 154  
resides with a guardian or custodian caring for the child; 155

(ii) A parent residing with and caring for the parent's 156  
minor child who receives supplemental security income under 157  
Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 158  
U.S.C.A. 1383, as amended, or federal, state, or local adoption 159  
assistance; 160

(iii) A specified relative residing with and caring for a	161
minor child who is related to the specified relative in a manner	162
that makes the specified relative a specified relative and	163
receives supplemental security income or federal, state, or	164
local foster care assistance, kinship guardianship assistance,	165
kinship support program payments, or adoption assistance;	166
(iv) A pregnant woman.	167
(b) The assistance group must meet the income requirements	168
established by division (D) of this section.	169
(c) No member of the assistance group may be involved in a	170
strike.	171
(d) The assistance group must satisfy the requirements for	172
Ohio works first established by this chapter and section 5101.83	173
of the Revised Code.	174
(e) The assistance group must meet requirements for Ohio	175
works first established by rules adopted under section 5107.05	176
of the Revised Code.	177
(2) In addition to meeting the requirements specified in	178
division (C)(1) of this section, a member of an assistance group	179
who is required by section 5116.10 of the Revised Code to	180
participate in the comprehensive case management and employment	181
program must participate in that program to be eligible to	182
participate in Ohio works first.	183
(D)(1) Except as provided in division (D)(4) of this	184
section, to determine whether an assistance group is initially	185
eligible to participate in Ohio works first, a county department	186
of job and family services shall do the following:	187
(a) Determine whether the assistance group's gross income	188

exceeds fifty per cent of the federal poverty guidelines. In 189  
making this determination, the county department shall disregard 190  
amounts that federal statutes or regulations and sections 191  
5101.17, 5107.20, and 5117.10 of the Revised Code require be 192  
disregarded. The assistance group is ineligible to participate 193  
in Ohio works first if the assistance group's gross income, less 194  
the amounts disregarded, exceeds fifty per cent of the federal 195  
poverty guidelines. 196

(b) If the assistance group's gross income, less the 197  
amounts disregarded pursuant to division (D) (1) (a) of this 198  
section, does not exceed fifty per cent of the federal poverty 199  
guidelines, determine whether the assistance group's countable 200  
income is less than the payment standard. The assistance group 201  
is ineligible to participate in Ohio works first if the 202  
assistance group's countable income equals or exceeds the 203  
payment standard. 204

(2) For the purpose of determining whether an assistance 205  
group meets the income requirement established by division (D) 206  
(1) (a) of this section, the annual revision that the United 207  
States department of health and human services makes to the 208  
federal poverty guidelines shall go into effect on the first day 209  
of July of the year for which the revision is made. 210

(3) To determine whether an assistance group participating 211  
in Ohio works first continues to be eligible to participate, a 212  
county department of job and family services shall determine 213  
whether the assistance group's countable income continues to be 214  
less than the payment standard. In making this determination, 215  
the county department shall disregard an amount specified in 216  
rules adopted under section 5107.05 of the Revised Code and 217  
fifty per cent of the remainder of the assistance group's gross 218



earned income. ~~No~~ Except as provided in section 5107.20 of the 219  
Revised Code, no amounts shall be disregarded from the 220  
assistance group's gross unearned income. The assistance group 221  
ceases to be eligible to participate in Ohio works first if its 222  
countable income, less the amounts disregarded, equals or 223  
exceeds the payment standard. 224

(4) If an assistance group reapplies to participate in 225  
Ohio works first not more than four months after ceasing to 226  
participate, a county department of job and family services 227  
shall use the income requirement established by division (D)(3) 228  
of this section to determine eligibility for resumed 229  
participation rather than the income requirement established by 230  
division (D)(1) of this section. 231

(E)(1) An assistance group may continue to participate in 232  
Ohio works first even though a public children services agency 233  
removes the assistance group's minor children from the 234  
assistance group's home due to abuse, neglect, or dependency if 235  
the agency does both of the following: 236

(a) Notifies the county department of job and family 237  
services at the time the agency removes the children that it 238  
believes the children will be able to return to the assistance 239  
group within six months; 240

(b) Informs the county department at the end of each of 241  
the first five months after the agency removes the children that 242  
the parent, guardian, custodian, or specified relative of the 243  
children is cooperating with the case plans prepared for the 244  
children under section 2151.412 of the Revised Code and that the 245  
agency is making reasonable efforts to return the children to 246  
the assistance group. 247

(2) An assistance group may continue to participate in 248  
Ohio works first pursuant to division (E) (1) of this section for 249  
not more than six payment months. This division does not affect 250  
the eligibility of an assistance group that includes a pregnant 251  
woman. 252

**Sec. 5107.20.** (A) As used in this section, "support" means 253  
child support, spousal support, and support for a spouse or a 254  
former spouse. 255

(B) Participation in Ohio works first constitutes an 256  
assignment to the department of job and family services of any 257  
rights members of an assistance group have to support from any 258  
other person. The rights to support assigned to the department 259  
pursuant to this section constitute an obligation of the person 260  
who is responsible for providing the support to the state for 261  
the amount of cash assistance provided to the assistance group. 262

(C) The office of child support in the department of job 263  
and family services shall collect and distribute support 264  
payments owed to Ohio works first participants, whether assigned 265  
to the department or unassigned, in accordance with 42 U.S.C. 266  
654 B and 657 and regulations adopted under those statutes, 267  
state statutes, and rules adopted under section 5107.05 of the 268  
Revised Code. 269

(D) Upon implementation of centralized collection and 270  
disbursement under Chapter 3121. of the Revised Code, in 271  
accordance with 42 U.S.C. 654 B and 657 and regulations adopted 272  
under those statutes, the department shall deposit support 273  
payments it receives on behalf of Ohio works first participants 274  
pursuant to this section into the state treasury to the credit 275  
of the child support collections fund or the child support 276  
administrative fund, both of which are hereby created. Money 277

credited to the funds shall be used <u>as follows:</u>	278
<u>(1) The following portion of the amount of support</u>	279
<u>collected on behalf of an assistance group during a month shall</u>	280
<u>be paid to the assistance group:</u>	281
<u>(a) If the assistance group includes one minor child, one</u>	282
<u>hundred dollars;</u>	283
<u>(b) If the assistance group includes two or more minor</u>	284
<u>children, two hundred dollars.</u>	285
<u>(2) All of the remaining amount shall be used to make cash</u>	286
<u>assistance payments under Ohio works first.</u>	287
<u>(E) The amount of support paid to an assistance group</u>	288
<u>pursuant to division (D) (1) of this section shall be disregarded</u>	289
<u>and not included as countable income when both of the following</u>	290
<u>are determined:</u>	291
<u>(1) The amount of cash assistance the assistance group is</u>	292
<u>to receive under Ohio works first;</u>	293
<u>(2) Whether the assistance group is initially eligible to</u>	294
<u>participate in Ohio works first and continues to be eligible to</u>	295
<u>participate.</u>	296
<b>Section 2.</b> That existing sections 5107.05, 5107.10, and	297
5107.20 of the Revised Code are hereby repealed.	298
<b>Section 3.</b> Sections 1 and 2 of this act take effect	299
eighteen months after the effective date of this section.	300