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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

A N A C T

RELATING TO HUMAN SERVICES -- THE RHODE ISLAND WORKS PROGRAM

Introduced By: Representatives Edwards, Diaz, Williams, Filippi, and Bennett

Date Introduced: February 26, 2020

Referred To: House Labor

(Dept. of Health & Human Services)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 40-5.2-2, 40-5.2-8 and 40-5.2-10 of the General Laws in Chapter

2 40-5.2 entitled "The Rhode Island Works Program" are hereby amended to read as follows:

3 **40-5.2-2. The Rhode Island Works Program.**

4 Statement of Purpose.

5 (a) The purpose of the Rhode Island Works Program is to help parents who are eligible for
6 cash assistance to support their children by preparing for, accepting and retaining employment. It
7 is the intent of the Rhode Island general assembly that the Rhode Island Works Program shall
8 provide employment and support services along with temporary cash assistance so that parents can
9 participate in the workforce rather than depend on public assistance to support themselves and their
10 children.

11 (b) Under this law, parents are mandated to enter into an employment plan, ~~as a condition~~
12 ~~of to retain~~ eligibility for cash assistance, and unless they are found to be temporarily exempt from
13 the work requirements, they must participate in intensive employment services ~~at the department~~
14 ~~of labor and training as the first step in their employment plan with a department of human services~~
15 certified vendor. Because it is believed that employment is the most effective anti-poverty measure,
16 all activities and services provided through the Rhode Island Works Program are designed to
17 promote economic independence through employment and the development of employment skills
18 and to strengthen families through parental responsibility and short-term assistance.

19 **40-5.2-8. Definitions.**

1 (a) As used in this chapter, the following terms having the meanings set forth herein, unless
2 the context in which such terms are used clearly indicates to the contrary:

3 (1) "Applicant" means a person who has filed a written application for assistance for
4 herself/himself and her/his dependent child(ren). An applicant may be a parent or non parent
5 caretaker relative.

6 (2) "Assistance" means cash and any other benefits provided pursuant to this chapter.

7 (3) "Assistance unit" means the assistance filing unit consisting of the group of persons,
8 including the dependent child(ren), living together in a single household who must be included in
9 the application for assistance and in the assistance payment if eligibility is established. An
10 assistance unit may be the same as a family.

11 (4) "Benefits" shall mean assistance received pursuant to this chapter.

12 (5) "Community service programs" means structured programs and activities in which cash
13 assistance recipients perform work for the direct benefit of the community under the auspices of
14 public or nonprofit organizations. Community service programs are designed to improve the
15 employability of recipients not otherwise able to obtain paid employment.

16 (6) "Department" means the department of human services.

17 (7) "Dependent child" means an individual, other than an individual with respect to whom
18 foster care maintenance payments are made, who is: (A) under the age of eighteen (18); or (B)
19 under the age of nineteen (19) and a full-time student in a secondary school (or in the equivalent
20 level of vocational or educational training), if before he or she attains age nineteen (19), he or she
21 may reasonably be expected to complete the program of such secondary school (or such training).

22 (8) "Director" means the director of the department of human services.

23 (9) "Earned income" means income in cash or the equivalent received by a person through
24 the receipt of wages, salary, commissions, or profit from activities in which the person is self-
25 employed or as an employee and before any deductions for taxes.

26 (10) "Earned income tax credit" means the credit against federal personal income tax
27 liability under § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32, or any successor section,
28 the advanced payment of the earned income tax credit to an employee under § 3507 of the code, 26
29 U.S.C. § 3507, or any successor section and any refund received as a result of the earned income
30 tax credit, as well as any refundable state earned income tax credit.

31 (11) "Education directly related to employment" means education, in the case of a
32 participant who has not received a high school diploma or a certificate of high school equivalency,
33 related to a specific occupation, job, or job offer.

34 (12) "Family" means: (A) a pregnant woman from and including the seventh month of her

1 pregnancy; or (B) a child and the following eligible persons living in the same household as the
2 child: (C) each biological, adoptive or stepparent of the child, or in the absence of a parent, any
3 adult relative who is responsible, in fact, for the care of such child; and (D) the child's minor siblings
4 (whether of the whole or half blood); provided, however, that the term "family" shall not include
5 any person receiving benefits under title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq.

6 A family may be the same as the assistance unit.

7 (13) "Gross earnings" means earnings from employment and self-employment further
8 described in the department of human services rules and regulations.

9 (14) "Individual employment plan" means a written, individualized plan for employment
10 developed jointly by the applicant and the department of human services that specifies the steps the
11 participant shall take toward long-term economic independence developed in accordance with
12 subsection 40-5.2-10(e). A participant must comply with the terms of the individual employment
13 plan as a condition of eligibility in accordance with subsection 40-5.2-10(e) of this chapter.

14 (15) "Job search and job readiness" means the mandatory act of seeking or obtaining
15 employment by the participant, or the preparation to seek or obtain employment.

16 In accord with federal requirements, job search activities must be supervised by ~~the~~
17 ~~department of labor and training~~ [a department of human services certified vendor](#) and must be
18 reported to the department of human services in accordance with TANF work verification
19 requirements.

20 Except in the context of rehabilitation employment plans, and special services provided by
21 the department of children, youth and families, job search and job readiness activities are limited
22 to four (4) consecutive weeks, or for a total of six (6) weeks in a twelve (12) month period, with
23 limited exceptions as defined by the department. The department of human services in consultation
24 with the department of labor and training shall extend job search, and job readiness assistance for
25 up to twelve (12) weeks in a fiscal year if a state has an unemployment rate at least fifty percent
26 (50%) greater than the United States unemployment rate if the state meets the definition of a "needy
27 state" under the contingency fund provisions of federal law.

28 Preparation to seek employment, or job readiness, may include, but may not be limited to,
29 the participant obtaining life skills training, homelessness services, domestic violence services,
30 special services for families provided by the department of children youth and families, substance
31 abuse treatment, mental health treatment, or rehabilitation activities as appropriate for those who
32 are otherwise employable. Such services, treatment or therapy must be determined to be necessary
33 and certified by a qualified medical or mental health professional. Intensive work readiness services
34 may include work-based literacy, numeracy, hands-on training, work experience and case

1 management services. Nothing in this section shall be interpreted to mean that the department of
2 labor and training shall be the sole provider of job readiness activities described herein.

3 (16) "Job skills training directly related to employment" means training or education for
4 job skills required by an employer to provide an individual with the ability to obtain employment
5 or to advance or adapt to the changing demands of the workplace. Job skills training directly related
6 to employment must be supervised on an ongoing basis.

7 (17) "Net income" means the total gross income of the assistance unit less allowable
8 disregards and deductions as described in subsection 40-5.2-10(g).

9 (18) "Minor parent" means a parent under the age of eighteen (18). A minor parent may be
10 an applicant or recipient with his or her dependent child(ren) in his/her own case or a member of
11 an assistance unit with his or her dependent child(ren) in a case established by the minor parent's
12 parent.

13 (19) "On-the-job-training" means training in the public or private sector that is given to a
14 paid employee while he or she is engaged in productive work and that provides knowledge and
15 skills essential to the full and adequate performance of the job. On-the-job training must be
16 supervised by an employer, work site sponsor, or other designee of the department of human
17 services on an ongoing basis.

18 (20) "Participant" means a person who has been found eligible for assistance in accordance
19 with this chapter and who must comply with all requirements of this chapter, and ~~has entered is~~
20 entering into an individual employment plan. A participant may be a parent or non-parent caretaker
21 relative included in the cash assistance payment.

22 (21) "Recipient" means a person who has been found eligible and receives cash assistance
23 in accordance with this chapter.

24 (22) "Relative" means a parent, stepparent, grandparent, great grandparent, great-great
25 grandparent, aunt, great aunt, great-great aunt, uncle, great-uncle, great-great uncle, sister, brother,
26 stepbrother, stepsister, half-brother, half-sister, first cousin, first cousin once removed, niece, great
27 niece, great-great niece, nephew, great nephew, or great-great nephew.

28 (23) "Resident" means a person who maintains residence by his or her continuous physical
29 presence in the state.

30 (24) "Self-employment income" means the total profit from a business enterprise, farming,
31 etc., resulting from a comparison of the gross receipts with the business expenses, i.e., expenses
32 directly related to producing the goods or services and without which the goods or services could
33 not be produced. However, items such as depreciation, personal business and entertainment
34 expenses, and personal transportation are not considered business expenses for the purposes of

1 determining eligibility for cash assistance in accordance with this chapter.

2 (25) "State" means the State of Rhode Island and Providence Plantations.

3 (26) "Subsidized employment" means employment in the private or public sectors for
4 which the employer receives a subsidy from TANF or other public funds to offset some or all of
5 the wages and costs of employing a recipient. It includes work in which all or a portion of the wages
6 paid to the recipient are provided to the employer either as a reimbursement for the extra costs of
7 training or as an incentive to hire the recipient, including, but not limited to, grant diversion.

8 (27) "Subsidized housing" means housing for a family whose rent is restricted to a
9 percentage of its income.

10 (28) "Unsubsidized employment" means full or part-time employment in the public or
11 private sector that is not subsidized by TANF or any other public program.

12 (29) "Vocational educational training" means organized educational programs, not to
13 exceed twelve (12) months with respect to any participant, that are directly related to the preparation
14 of participants for employment in current or emerging occupations. Vocational educational training
15 must be supervised.

16 (30) "Work experience" means a work activity that provides a participant with an
17 opportunity to acquire the general skills, training, knowledge, and work habits necessary to obtain
18 employment. The purpose of work experience is to improve the employability of those who cannot
19 find unsubsidized employment. An employer, work site sponsor, and/or other appropriate designee
20 of the department must supervise this activity.

21 (31) "Work supplementation" also known as "grant diversion" means the use of all or a
22 portion of a participant's cash assistance grant and food stamp grant as a wage supplement to an
23 employer. Such a supplement shall be limited to a maximum period of twelve (12) months. An
24 employer must agree to continue the employment of the participant as part of the regular work
25 force, beyond the supplement period, if the participant demonstrates satisfactory performance.

26 (32) "Work activities" mean the specific work requirements which must be defined in the
27 individual employment plan and must be complied with by the participant as a condition of
28 eligibility for the receipt of cash assistance for single and two (2) family households outlined in §
29 40-5.2-12 of this chapter.

30 **40-5.2-10. Necessary requirements and conditions.**

31 The following requirements and conditions shall be necessary to establish eligibility for
32 the program.

33 (a) Citizenship, alienage, and residency requirements.

34 (1) A person shall be a resident of the State of Rhode Island.

1 (2) Effective October 1, 2008, a person shall be a United States citizen, or shall meet the
2 alienage requirements established in § 402(b) of the Personal Responsibility and Work Opportunity
3 Reconciliation Act of 1996, PRWORA, Public Laws No. 104-193 and as that section may hereafter
4 be amended [8 U.S.C. § 1612]; a person who is not a United States citizen and does not meet the
5 alienage requirements established in PRWORA, as amended, is not eligible for cash assistance in
6 accordance with this chapter.

7 (b) The family/assistance unit must meet any other requirements established by the
8 department of human services by rules and regulations adopted pursuant to the Administrative
9 Procedures Act, as necessary to promote the purpose and goals of this chapter.

10 (c) Receipt of cash assistance is conditional upon compliance with all program
11 requirements.

12 (d) All individuals domiciled in this state shall be exempt from the application of
13 subdivision 115(d)(1)(A) of Public Law 104-193, the Personal Responsibility and Work
14 Opportunity Reconciliation Act of 1996, PRWORA [21 U.S.C. § 862a], which makes any
15 individual ineligible for certain state and federal assistance if that individual has been convicted
16 under federal or state law of any offense that is classified as a felony by the law of the jurisdiction
17 and that has as an element the possession, use, or distribution of a controlled substance as defined
18 in § 102(6) of the Controlled Substances Act (21 U.S.C. § 802(6)).

19 (e) Individual employment plan as a ~~condition part~~ of eligibility.

20 (1) Following receipt of an application, the department of human services shall assess the
21 financial conditions of the family, including the non-parent caretaker relative who is applying for
22 cash assistance for himself or herself as well as for the minor child(ren), in the context of an
23 eligibility determination. If a parent or non-parent caretaker relative is unemployed or under-
24 employed, the department shall conduct an initial assessment, ~~taking into account: (A) The physical~~
~~capacity, skills, education, work experience, health, safety, family responsibilities and place of~~
~~residence of the individual; and (B) The child care and supportive services required by the applicant~~
~~to avail himself or herself of employment opportunities and/or work readiness programs in~~
~~accordance with department of human services rules and regulations 218-RICR-20-00-02.10~~
~~Rhode Island Works Program Requirements and then a work readiness assessment to determine~~
~~the most effective employment plan for that family, so that the family can engage with intensive~~
~~services as quickly as possible.~~

32 (2) On the basis of this assessment, the department of human services and the department
33 of labor and training, as appropriate, in consultation with the applicant, shall develop an individual
34 employment plan for the family which requires the individual to participate in the intensive

1 employment services. Intensive employment services shall be defined as the work requirement
2 activities in § 40-5.2-12(g) and (i).

3 (3) The director, or his or her designee, may assign a case manager to an
4 applicant/participant, as appropriate.

5 (4) The department of labor and training and the department of human services in
6 conjunction with the participant shall develop a revised individual employment plan that shall
7 identify employment objectives, taking into consideration factors above, and shall include a
8 strategy for immediate employment and for preparing for, finding, and retaining employment
9 consistent, to the extent practicable, with the individual's career objectives.

10 (5) The individual employment plan must include the provision for the participant to
11 engage in work requirements as outlined in § 40-5.2-12.

12 (6)(i) The participant shall attend and participate immediately in intensive assessment and
13 employment services as the first step in the individual employment plan, unless temporarily exempt
14 from this requirement in accordance with this chapter. Intensive assessment and employment
15 services shall be defined as the work requirement activities in § 40-5.2-12(g) and (i).

16 (ii) Parents under age twenty (20) without a high school diploma or general equivalency
17 diploma (GED) shall be referred to special teen parent programs which will provide intensive
18 services designed to assist teen parents to complete high school education or GED, and to continue
19 approved work plan activities in accord with Rhode Island works program requirements.

20 (7) The applicant shall become a participant in accordance with this chapter at the time the
21 individual takes the required steps to develop, enter, and maintain an employment plan ~~is signed~~
22 ~~and entered into~~.

23 (8) Applicants and participants of the Rhode Island works program shall agree to comply
24 with the terms of the individual employment plan, and shall cooperate fully with the steps
25 established in the individual employment plan, including the work requirements.

26 (9) The department of human services has the authority under the chapter to require
27 attendance by the applicant/participant, either at the department of human services or at the
28 department of labor and training, at appointments deemed necessary for the purpose of having the
29 applicant enter into and become eligible for assistance through the Rhode Island works program.
30 The appointments include, but are not limited to, the initial interview, orientation and assessment;
31 job readiness and job search. Attendance is required as a condition of eligibility for cash assistance
32 in accordance with rules and regulations established by the department.

33 (10) As a condition of eligibility for assistance pursuant to this chapter, the
34 applicant/participant shall be obligated to keep appointments, attend orientation meetings at the

1 department of human services and/or the Rhode Island department of labor and training, participate
2 in any initial assessments or appraisals and comply with all the terms of the individual employment
3 plan in accordance with department of human services rules and regulations.

4 (11) A participant, including a parent or non-parent caretaker relative included in the cash
5 assistance payment, shall not voluntarily quit a job or refuse a job unless there is good cause as
6 defined in this chapter or the department's rules and regulations.

7 (12) A participant who voluntarily quits or refuses a job without good cause, as defined in
8 § 40-5.2-12(l), while receiving cash assistance in accordance with this chapter, shall be sanctioned
9 in accordance with rules and regulations promulgated by the department.

10 (f) Resources.

11 (1) The family or assistance unit's countable resources shall be less than the allowable
12 resource limit established by the department in accordance with this chapter.

13 (2) No family or assistance unit shall be eligible for assistance payments if the combined
14 value of its available resources (reduced by any obligations or debts with respect to such resources)
15 exceeds one thousand dollars (\$1,000).

16 (3) For purposes of this subsection, the following shall not be counted as resources of the
17 family/assistance unit in the determination of eligibility for the works program:

18 (i) The home owned and occupied by a child, parent, relative or other individual;
19 (ii) Real property owned by a husband and wife as tenants by the entirety, if the property
20 is not the home of the family and if the spouse of the applicant refuses to sell his or her interest in
21 the property;

22 (iii) Real property that the family is making a good faith effort to dispose of, however, any
23 cash assistance payable to the family for any such period shall be conditioned upon such disposal
24 of the real property within six (6) months of the date of application and any payments of assistance
25 for that period shall (at the time of disposal) be considered overpayments to the extent that they
26 would not have occurred at the beginning of the period for which the payments were made. All
27 overpayments are debts subject to recovery in accordance with the provisions of the chapter;

28 (iv) Income producing property other than real estate including, but not limited to,
29 equipment such as farm tools, carpenter's tools and vehicles used in the production of goods or
30 services that the department determines are necessary for the family to earn a living;

31 (v) One vehicle for each adult household member, but not to exceed two (2) vehicles per
32 household, and in addition, a vehicle used primarily for income producing purposes such as, but
33 not limited to, a taxi, truck or fishing boat; a vehicle used as a family's home; a vehicle that annually
34 produces income consistent with its fair market value, even if only used on a seasonal basis; a

1 vehicle necessary to transport a family member with a disability where the vehicle is specially
2 equipped to meet the specific needs of the person with a disability or if the vehicle is a special type
3 of vehicle that makes it possible to transport the person with a disability;

4 (vi) Household furnishings and appliances, clothing, personal effects, and keepsakes of
5 limited value;

6 (vii) Burial plots (one for each child, relative, and other individual in the assistance unit)
7 and funeral arrangements;

8 (viii) For the month of receipt and the following month, any refund of federal income taxes
9 made to the family by reason of § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32 (relating
10 to earned income tax credit), and any payment made to the family by an employer under § 3507 of
11 the Internal Revenue Code of 1986, 26 U.S.C. § 3507 (relating to advance payment of such earned
12 income credit);

13 (ix) The resources of any family member receiving supplementary security income
14 assistance under the Social Security Act, 42 U.S.C. § 301 et seq.

15 (g) Income.

16 (1) Except as otherwise provided for herein, in determining eligibility for and the amount
17 of cash assistance to which a family is entitled under this chapter, the income of a family includes
18 all of the money, goods, and services received or actually available to any member of the family.

19 (2) In determining the eligibility for and the amount of cash assistance to which a
20 family/assistance unit is entitled under this chapter, income in any month shall not include the first
21 one hundred seventy dollars (\$170) of gross earnings plus fifty percent (50%) of the gross earnings
22 of the family in excess of one hundred seventy dollars (\$170) earned during the month.

23 (3) The income of a family shall not include:

24 (i) The first fifty dollars (\$50.00) in child support received in any month from each non-
25 custodial parent of a child plus any arrearages in child support (to the extent of the first fifty dollars
26 (\$50.00) per month multiplied by the number of months in which the support has been in arrears)
27 that are paid in any month by a non-custodial parent of a child;

28 (ii) Earned income of any child;

29 (iii) Income received by a family member who is receiving supplemental security income
30 (SSI) assistance under Title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq.;

31 (iv) The value of assistance provided by state or federal government or private agencies to
32 meet nutritional needs, including: value of USDA donated foods; value of supplemental food
33 assistance received under the Child Nutrition Act of 1966, as amended and the special food service
34 program for children under Title VII, nutrition program for the elderly, of the Older Americans Act

- 1 of 1965 as amended, and the value of food stamps;
- 2 (v) Value of certain assistance provided to undergraduate students, including any grant or
- 3 loan for an undergraduate student for educational purposes made or insured under any loan program
- 4 administered by the U.S. Commissioner of Education (or the Rhode Island council on
- 5 postsecondary education or the Rhode Island division of higher education assistance);
- 6 (vi) Foster care payments;
- 7 (vii) Home energy assistance funded by state or federal government or by a nonprofit
- 8 organization;
- 9 (viii) Payments for supportive services or reimbursement of out-of-pocket expenses made
- 10 to foster grandparents, senior health aides or senior companions and to persons serving in SCORE
- 11 and ACE and any other program under Title II and Title III of the Domestic Volunteer Service Act
- 12 of 1973, 42 U.S.C. § 5000 et seq.;
- 13 (ix) Payments to volunteers under AmeriCorps VISTA as defined in the department's rules
- 14 and regulations;
- 15 (x) Certain payments to native Americans; payments distributed per capita to, or held in
- 16 trust for, members of any Indian Tribe under P.L. 92-254, 25 U.S.C. § 1261 et seq., P.L. 93-134,
- 17 25 U.S.C. § 1401 et seq., or P.L. 94-540; receipts distributed to members of certain Indian tribes
- 18 which are referred to in § 5 of P.L. 94-114, 25 U.S.C. § 459d, that became effective October 17,
- 19 1975;
- 20 (xi) Refund from the federal and state earned income tax credit;
- 21 (xii) The value of any state, local, or federal government rent or housing subsidy, provided
- 22 that this exclusion shall not limit the reduction in benefits provided for in the payment standard
- 23 section of this chapter.
- 24 (4) The receipt of a lump sum of income shall affect participants for cash assistance in
- 25 accordance with rules and regulations promulgated by the department.
- 26 (h) Time limit on the receipt of cash assistance.
- 27 (1) On or after January 1, 2020, no cash assistance shall be provided, pursuant to this
- 28 chapter, to a family or assistance unit that includes an adult member who has received cash
- 29 assistance for a total of forty-eight (48) months (whether or not consecutive), to include any time
- 30 receiving any type of cash assistance in any other state or territory of the United States of America
- 31 as defined herein. Provided further, in no circumstances other than provided for in subsection (h)(3)
- 32 with respect to certain minor children, shall cash assistance be provided pursuant to this chapter to
- 33 a family or assistance unit which includes an adult member who has received cash assistance for a
- 34 total of a lifetime limit of forty-eight (48) months.

1 (2) Cash benefits received by a minor dependent child shall not be counted toward their
2 lifetime time limit for receiving benefits under this chapter should that minor child apply for cash
3 benefits as an adult.

4 (3) Certain minor children not subject to time limit. This section regarding the lifetime time
5 limit for the receipt of cash assistance, shall not apply only in the instances of a minor child(ren)
6 living with a parent who receives SSI benefits and a minor child(ren) living with a responsible adult
7 non-parent caretaker relative who is not in the case assistance payment.

8 (4) Receipt of family cash assistance in any other state or territory of the United States of
9 America shall be determined by the department of human services and shall include family cash
10 assistance funded in whole or in part by Temporary Assistance for Needy Families (TANF) funds
11 [Title IV-A of the Federal Social Security Act 42 U.S.C. § 601 et seq.] and/or family cash assistance
12 provided under a program similar to the Rhode Island families work and opportunity program or
13 the federal TANF program.

14 (5)(i) The department of human services shall mail a notice to each assistance unit when
15 the assistance unit has six (6) months of cash assistance remaining and each month thereafter until
16 the time limit has expired. The notice must be developed by the department of human services and
17 must contain information about the lifetime time limit, the number of months the participant has
18 remaining, the hardship extension policy, the availability of a post-employment-and-closure bonus,
19 and any other information pertinent to a family or an assistance unit nearing the forty-eight-month
20 (48) lifetime time limit.

21 (ii) For applicants who have less than six (6) months remaining in the forty-eight-month
22 (48) lifetime time limit because the family or assistance unit previously received cash assistance in
23 Rhode Island or in another state, the department shall notify the applicant of the number of months
24 remaining when the application is approved and begin the process required in subsection (h)(5)(i).

25 (6) If a cash assistance recipient family closed pursuant to Rhode Island's Temporary
26 Assistance for Needy Families Program (federal TANF described in Title IV A of the Federal
27 Social Security Act, 42 U.S.C. § 601 et seq.), formerly entitled the Rhode Island family
28 independence program, more specifically under § 40-5.1-9(2)(c) [repealed], due to sanction
29 because of failure to comply with the cash assistance program requirements; and that recipient
30 family received forty-eight (48) months of cash benefits in accordance with the family
31 independence program, then that recipient family is not able to receive further cash assistance for
32 his/her family, under this chapter, except under hardship exceptions.

33 (7) The months of state or federally funded cash assistance received by a recipient family
34 since May 1, 1997, under Rhode Island's Temporary Assistance for Needy Families Program

1 (federal TANF described in Title IV A of the Federal Social Security Act, 42 U.S.C. § 601 et seq.),
2 formerly entitled the Rhode Island family independence program, shall be countable toward the
3 time limited cash assistance described in this chapter.

4 (i) Time limit on the receipt of cash assistance.

5 (1) No cash assistance shall be provided, pursuant to this chapter, to a family assistance
6 unit in which an adult member has received cash assistance for a total of sixty (60) months (whether
7 or not consecutive) to include any time receiving any type of cash assistance in any other state or
8 territory of the United States as defined herein effective August 1, 2008. Provided further, that no
9 cash assistance shall be provided to a family in which an adult member has received assistance for
10 twenty-four (24) consecutive months unless the adult member has a rehabilitation employment plan
11 as provided in § 40-5.2-12(g)(5).

12 (2) Effective August 1, 2008, no cash assistance shall be provided pursuant to this chapter
13 to a family in which a child has received cash assistance for a total of sixty (60) months (whether
14 or not consecutive) if the parent is ineligible for assistance under this chapter pursuant to
15 subdivision 40-5.2(a) (2) to include any time received any type of cash assistance in any other state
16 or territory of the United States as defined herein.

17 (j) Hardship exceptions.

18 (1) The department may extend an assistance unit's or family's cash assistance beyond the
19 time limit, by reason of hardship; provided, however, that the number of families to be exempted
20 by the department with respect to their time limit under this subsection shall not exceed twenty
21 percent (20%) of the average monthly number of families to which assistance is provided for under
22 this chapter in a fiscal year; provided, however, that to the extent now or hereafter permitted by
23 federal law, any waiver granted under § 40-5.2-35, for domestic violence, shall not be counted in
24 determining the twenty percent (20%) maximum under this section.

25 (2) Parents who receive extensions to the time limit due to hardship must have and comply
26 with employment plans designed to remove or ameliorate the conditions that warranted the
27 extension.

28 (k) Parents under eighteen (18) years of age.

29 (1) A family consisting of a parent who is under the age of eighteen (18), and who has
30 never been married, and who has a child; or a family consisting of a woman under the age of
31 eighteen (18) who is at least six (6) months pregnant, shall be eligible for cash assistance only if
32 the family resides in the home of an adult parent, legal guardian, or other adult relative. The
33 assistance shall be provided to the adult parent, legal guardian, or other adult relative on behalf of
34 the individual and child unless otherwise authorized by the department.

1 (2) This subsection shall not apply if the minor parent or pregnant minor has no parent,
2 legal guardian, or other adult relative who is living and/or whose whereabouts are unknown; or the
3 department determines that the physical or emotional health or safety of the minor parent, or his or
4 her child, or the pregnant minor, would be jeopardized if he or she was required to live in the same
5 residence as his or her parent, legal guardian, or other adult relative (refusal of a parent, legal
6 guardian or other adult relative to allow the minor parent or his or her child, or a pregnant minor,
7 to live in his or her home shall constitute a presumption that the health or safety would be so
8 jeopardized); or the minor parent or pregnant minor has lived apart from his or her own parent or
9 legal guardian for a period of at least one year before either the birth of any child to a minor parent
10 or the onset of the pregnant minor's pregnancy; or there is good cause, under departmental
11 regulations, for waiving the subsection; and the individual resides in a supervised supportive living
12 arrangement to the extent available.

13 (3) For purposes of this section, "supervised supportive living arrangement" means an
14 arrangement that requires minor parents to enroll and make satisfactory progress in a program
15 leading to a high school diploma or a general education development certificate, and requires minor
16 parents to participate in the adolescent parenting program designated by the department, to the
17 extent the program is available; and provides rules and regulations that ensure regular adult
18 supervision.

19 (l) Assignment and cooperation. As a condition of eligibility for cash and medical
20 assistance under this chapter, each adult member, parent, or caretaker relative of the
21 family/assistance unit must:

22 (1) Assign to the state any rights to support for children within the family from any person
23 that the family member has at the time the assignment is executed or may have while receiving
24 assistance under this chapter;

25 (2) Consent to and cooperate with the state in establishing the paternity and in establishing
26 and/or enforcing child support and medical support orders for all children in the family or assistance
27 unit in accordance with title 15 of the general laws, as amended, unless the parent or caretaker
28 relative is found to have good cause for refusing to comply with the requirements of this subsection.

29 (3) Absent good cause, as defined by the department of human services through the rule-
30 making process, for refusing to comply with the requirements of (l)(1) and (l)(2), cash assistance
31 to the family shall be reduced by twenty-five percent (25%) until the adult member of the family
32 who has refused to comply with the requirements of this subsection consents to and cooperates with
33 the state in accordance with the requirements of this subsection.

34 (4) As a condition of eligibility for cash and medical assistance under this chapter, each

1 adult member, parent, or caretaker relative of the family/assistance unit must consent to and
2 cooperate with the state in identifying and providing information to assist the state in pursuing any
3 third-party who may be liable to pay for care and services under Title XIX of the Social Security
4 Act, 42 U.S.C. § 1396 et seq.

5 SECTION 2. This act shall take effect upon passage.

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LC004538

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HUMAN SERVICES -- THE RHODE ISLAND WORKS PROGRAM

- 1 This act would provide that benefits under the Rhode Island works program would be
- 2 conditional on the participation in certain employment and job search requirements to be supervised
- 3 by the department of human services.
- 4 This act would take effect upon passage.

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