

2021 -- H 5932

=====
LC000023
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO HUMAN SERVICES -- CHILD CARE SUBSIDY ELIGIBILITY

Introduced By: Representatives Ranglin-Vassell, Barros, Fogarty, Hull, Alzate, and
Henries

Date Introduced: February 25, 2021

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 40-5.2-20 of the General Laws in Chapter 40-5.2 entitled "The Rhode
2 Island Works Program" is hereby amended to read as follows:

3 **40-5.2-20. Childcare assistance -- Families or assistance units eligible.**

4 (a) The department shall provide appropriate child care to every participant who is eligible
5 for cash assistance and who requires child care in order to meet the work requirements in
6 accordance with this chapter.

7 (b) Low-income child care. The department shall provide child care to all other working
8 families with incomes at or below one hundred eighty percent (180%) of the federal poverty level
9 if, and to the extent, these other families require child care in order to work at paid employment as
10 defined in the department's rules and regulations. Beginning October 1, 2013, the department shall
11 also provide child care to families with incomes below one hundred eighty percent (180%) of the
12 federal poverty level if, and to the extent, these families require child care to participate on a short-
13 term basis, as defined in the department's rules and regulations, in training, apprenticeship,
14 internship, on-the-job training, work experience, work immersion, or other job-readiness/job-
15 attachment program sponsored or funded by the human resource investment council (governor's
16 workforce board) or state agencies that are part of the coordinated program system pursuant to §
17 42-102-11.

18 (c) No family/assistance unit shall be eligible for childcare assistance under this chapter if
19 the combined value of its liquid resources exceeds one million dollars (\$1,000,000), which

1 corresponds to the amount permitted by the federal government under the state plan and set forth
2 in the administrative rulemaking process by the department. Liquid resources are defined as any
3 interest(s) in property in the form of cash or other financial instruments or accounts that are readily
4 convertible to cash or cash equivalents. These include, but are not limited to: cash, bank, credit
5 union, or other financial institution savings, checking, and money market accounts; certificates of
6 deposit or other time deposits; stocks; bonds; mutual funds; and other similar financial instruments
7 or accounts. These do not include educational savings accounts, plans, or programs; retirement
8 accounts, plans, or programs; or accounts held jointly with another adult, not including a spouse.
9 The department is authorized to promulgate rules and regulations to determine the ownership and
10 source of the funds in the joint account.

11 (d) As a condition of eligibility for childcare assistance under this chapter, the parent or
12 caretaker relative of the family must consent to, and must cooperate with, the department in
13 establishing paternity, and in establishing and/or enforcing child support and medical support
14 orders for any children in the family receiving appropriate child care under this section in
15 accordance with the applicable sections of title 15 of the state's general laws, as amended, unless
16 the parent or caretaker relative is found to have good cause for refusing to comply with the
17 requirements of this subsection.

18 (e) For purposes of this section, "appropriate child care" means child care, including infant,
19 toddler, pre-school, nursery school, and school-age, that is provided by a person or organization
20 qualified, approved, and authorized to provide the care by the state agency or agencies designated
21 to make the determinations in accordance with the provisions set forth herein.

22 (f)(1) Families with incomes below one hundred percent (100%) of the applicable federal
23 poverty level guidelines shall be provided with free child care. Families with incomes greater than
24 one hundred percent (100%) and less than one hundred eighty percent (180%) of the applicable
25 federal poverty guideline shall be required to pay for some portion of the child care they receive,
26 according to a sliding-fee scale adopted by the department in the department's rules.

27 (2) Families who are receiving childcare assistance and who become ineligible for
28 childcare assistance as a result of their incomes exceeding one hundred eighty percent (180%) of
29 the applicable federal poverty guidelines shall continue to be eligible for childcare assistance until
30 their incomes exceed two hundred twenty-five percent (225%) of the applicable federal poverty
31 guidelines. To be eligible, the families must continue to pay for some portion of the child care they
32 receive, as indicated in a sliding-fee scale adopted in the department's rules and in accordance with
33 all other eligibility standards.

34 (g) In determining the type of child care to be provided to a family, the department shall

1 take into account the cost of available childcare options; the suitability of the type of care available
2 for the child; and the parent's preference as to the type of child care.

3 (h) For purposes of this section, "income" for families receiving cash assistance under §
4 40-5.2-11 means gross, earned income and unearned income, subject to the income exclusions in
5 §§ 40-5.2-10(g)(2) and 40-5.2-10(g)(3), and income for other families shall mean gross, earned and
6 unearned income as determined by departmental regulations.

7 (i) The caseload estimating conference established by chapter 17 of title 35 shall forecast
8 the expenditures for child care in accordance with the provisions of § 35-17-1.

9 (j) In determining eligibility for childcare assistance for children of members of reserve
10 components called to active duty during a time of conflict, the department shall freeze the family
11 composition and the family income of the reserve component member as it was in the month prior
12 to the month of leaving for active duty. This shall continue until the individual is officially
13 discharged from active duty.

14 (k) Notwithstanding any general law, or state department rule or regulation to the contrary,
15 both the custodial and the noncustodial parent shall have the right to file an application for childcare
16 state financial assistance, based upon their individual need for childcare services.

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

=====
LC000023
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO HUMAN SERVICES -- CHILD CARE SUBSIDY ELIGIBILITY

- 1 This act would authorize both parents to seek financial child care benefits for their children
- 2 rather than restricting it solely to the custodial parent.
- 3 This act would take effect upon passage.

=====
LC000023
=====