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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO HUMAN SERVICES -- RHODE ISLAND WORKS PROGRAM

Introduced By: Representatives Casey, Phillips, Amore, Blazejewski, and Kazarian

Date Introduced: February 11, 2015

Referred To: House Finance

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 40-5.2-8, 40-5.2-12 and 40-5.2-20 of the General Laws in Chapter  
2 40-5.2 entitled "The Rhode Island Works Program" are hereby amended to read as follows:

3           **40-5.2-8. Definitions.** -- (a) As used in this chapter, the following terms having the  
4 meanings set forth herein, unless the context in which such terms are used clearly indicates to the  
5 contrary:

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

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

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

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

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

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

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

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

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

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

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

19 (12) "Family" means: (A) a pregnant woman from and including the seventh month of  
20 her pregnancy; or (B) a child and the following eligible persons living in the same household as  
21 the child: (C) each biological, adoptive or stepparent of the child, or in the absence of a parent,  
22 any adult relative who is responsible, in fact, for the care of such child; and (D) the child's minor  
23 siblings (whether of the whole or half blood); provided, however, that the term "family" shall not  
24 include any person receiving benefits under title XVI of the Social Security Act, 42 U.S.C. §  
25 1381 et seq. A family may be the same as the assistance unit.

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

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

33 (15) "Job Search and Job Readiness" means the mandatory act of seeking or obtaining  
34 employment by the participant, or the preparation to seek or obtain employment.

1 In accord with federal requirements, job search activities must be supervised by the  
2 department of labor and training and must be reported to the department of human services in  
3 accordance with TANF work verification requirements.

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

12 Preparation to seek employment, or job readiness, may include, but may not be limited  
13 to, the participant obtaining life skills training, homelessness services, domestic violence services,  
14 special services for families provided by the department of children youth and families, substance  
15 abuse treatment, mental health treatment, or rehabilitation activities as appropriate for those who  
16 are otherwise employable. Such services, treatment or therapy must be determined to be  
17 necessary and certified by a qualified medical or mental health professional. Intensive work  
18 readiness services may include work-based literacy, numeracy, hands-on training, work  
19 experience and case management services. Nothing in this section shall be interpreted to mean  
20 that the department of labor and training shall be the sole provider of job readiness activities  
21 described herein.

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

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

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

32 (19) "On-the-job-training" means training in the public or private sector that is given to a  
33 paid employee while he or she is engaged in productive work and that provides knowledge and  
34 skills essential to the full and adequate performance of the job. On-the-job training must be

1 supervised by an employer, work site sponsor, or other designee of the department of human  
2 services on an ongoing basis.

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

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

9 (22) "Relative" means a parent, stepparent, grandparent, great grandparent, great-great  
10 grandparent, aunt, great aunt, great-great aunt, uncle, great-uncle, great-great uncle, sister,  
11 brother, stepbrother, stepsister, half-brother, half-sister, first cousin, first cousin once removed,  
12 niece, great niece, great-great niece, nephew, great nephew, or great-great nephew.

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

15 (24) "Self-employment income" means the total profit from a business enterprise,  
16 farming, etc., resulting from a comparison of the gross receipts with the business expenses, i.e.,  
17 expenses directly related to producing the goods or services and without which the goods or  
18 services could not be produced. However, items such as depreciation, personal business and  
19 entertainment expenses, and personal transportation are not considered business expenses for the  
20 purposes of determining eligibility for cash assistance in accordance with this chapter.

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

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

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

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

32 (29) "Vocational Educational Training" means organized educational programs, not to  
33 exceed twelve (12) months with respect to any participant, that are directly related to the  
34 preparation of participants for employment in current or emerging occupations. Vocational

1 educational training must be supervised.

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

7 (31) "Work Supplementation" also known as "Grant Diversion" means the use of all or a  
8 portion of a participant's cash assistance grant and food stamp grant as a wage supplement to an  
9 employer. Such a supplement shall be limited to a maximum period of twelve (12) months. An  
10 employer must agree to continue the employment of the participant as part of the regular work  
11 force, beyond the supplement period, if the participant demonstrates satisfactory performance.

12 (32) "Work Activities" mean the specific work requirements which must be defined in  
13 the individual employment plan and must be complied with by the participant as a condition of  
14 eligibility for the receipt of cash assistance for single and two (2) family households outlined in §  
15 40-5.2-12 of this chapter.

16 (33) "Institutions of post-secondary education" shall include, but not be limited to, any  
17 university, college, or community college, which is authorized to confer associate's degrees,  
18 bachelor's degrees, master's degrees or doctoral degrees.

19 **40-5.2-12. Work requirements for receipt of cash assistance.** -- (a) The department of  
20 human services and the department of labor and training shall assess the applicant/parent or non-  
21 parent caretaker relative's work experience, educational, and vocational abilities, and the  
22 department, together with the parent, shall develop and enter into a mandatory individual  
23 employment plan in accordance with § 40-5.2-10(e) of this chapter.

24 (b) In the case of a family including two (2) parents, at least one of the parents shall be  
25 required to participate in an employment plan leading to full-time employment. The department  
26 may also require the second parent in a two-parent (2) household to develop an employment plan  
27 if, and when, the youngest child reaches six (6) years of age or older.

28 (c) The written, individual employment plan shall specify, at minimum, the immediate  
29 steps necessary to support a goal of long-term, economic independence.

30 (d) All applicants and participants in the Rhode Island works employment program must  
31 attend and participate in required appointments, employment plan development, and employment-  
32 related activities, unless temporarily exempt for reasons specified in this chapter.

33 (e) A recipient/participant temporarily exempted from the work requirements may  
34 participate in an individual employment plan on a voluntary basis, however, remains subject to

1 the same program compliance requirements as a participant without a temporary exemption.

2 (f) The individual employment plan shall specify the participant's work activity(ies) and  
3 the supportive services that will be provided by the department to enable the participant to engage  
4 in the work activity(ies).

5 (g) Work Requirements for single parent families. - In single parent households, the  
6 participant parent or non-parent caretaker relative in the cash assistance payment, shall participate  
7 as a condition of eligibility, for a minimum of twenty (20) hours per week if the youngest child in  
8 the home is under the age of six (6), and for a minimum of thirty (30) hours per week if the  
9 youngest child in the home is six (6) years of age or older, in one or more of their required work  
10 activities, as appropriate, in order to help the parent obtain stable, full-time, paid employment, as  
11 determined by the department of human services and the department of labor and training;  
12 provided, however, that he or she shall begin with intensive employment services as the first step  
13 in the individual employment plan. Required work activities are as follows:

14 (1) At least twenty (20) hours per week must come from participation in one or more of  
15 the following ten (10) work activities:

16 (A) Unsubsidized employment;

17 (B) Subsidized, private-sector employment;

18 (C) Subsidized, public-sector employment;

19 (D) Work experience;

20 (E) On the Job Training;

21 (F) Job search and job readiness;

22 (G) Community service programs;

23 (H) Vocational educational training not to exceed twelve (12) months;

24 (I) Providing child care services to another participant parent who is participating in an  
25 approved community service program; and

26 (J) Adult education in an intensive work readiness program.

27 (2) Above twenty (20) hours per week, the parent may participate in one or more of the  
28 following three (3) activities in order to satisfy a thirty-hour (30) requirement:

29 (A) Job skills training directly related to employment;

30 (B) Education directly related to employment; and

31 (C) Satisfactory attendance at a secondary school or in a course of study leading to a  
32 certificate of general equivalence if it is a teen parent under the age twenty (20) who is without a  
33 high school diploma or General Equivalence Diploma (GED).

34 (3) In the case of a parent under the age of twenty (20), attendance at a secondary school

1 or the equivalent during the month, or twenty (20) hours per week on average for the month in  
2 education directly related to employment, will be counted as engaged in work.

3 (4) A parent who participates in a work experience or community service program for  
4 the maximum number of hours per week allowable by the Fair Labor Standards Act (FLSA) is  
5 deemed to have participated in his or her required minimum hours per week in core activities if  
6 actual participation falls short of his or her required minimum hours per week.

7 (5) A parent who has been determined to have a physical or mental impairment affecting  
8 employment, but who has not been found eligible for Social Security Disability Benefits or  
9 Supplemental Security Income must participate in his or her rehabilitation employment plan as  
10 developed with the office of rehabilitative services that leads to employment and/or to receipt of  
11 disability benefits through the Social Security Administration.

12 (6) A required work activity may be any other work activity permissible under federal  
13 TANF provisions or state-defined Rhode Island Works Program activity, including up to ten (10)  
14 hours of activities required by a parent's department of children, youth and families service plan.

15 (7) A parent who is enrolled in a full-time course of study at an institution of post-  
16 secondary education in pursuit of an associate's degree or a bachelor's degree is deemed to have  
17 fulfilled his/her work requirements for the purposes of § 40-5.2-20.

18 (h) Exemptions from work requirements for the single parent family. - Work  
19 requirements outlined in § 40-5.2-12(g) above shall not apply to a single parent if (and for so long  
20 as) the department finds that he or she is:

21 (1) Caring for a child below the age of one; provided, however, that a parent may opt for  
22 the deferral from an individual employment plan for a maximum of twelve (12) months during  
23 the twenty-four (24) months of eligibility for cash assistance, and provided further that a minor  
24 parent without a high school diploma or the equivalent, and who is not married, shall not be  
25 exempt for more than twelve (12) weeks from the birth of the child;

26 (2) Caring for a disabled family member, who resides in the home and requires full-time  
27 care;

28 (3) A recipient of Social Security Disability benefits or Supplemental Security Income or  
29 other disability benefits that have the same standard of disability as defined by the Social Security  
30 Administration;

31 (4) An individual receiving assistance who is a victim of domestic violence as  
32 determined by the department in accordance with rules and regulations;

33 (5) An applicant for assistance in her third trimester or a pregnant woman in her third  
34 trimester who is a recipient of assistance and has medical documentation that she cannot work;

1 (6) An individual otherwise exempt by the department as defined in rules and regulations  
2 promulgated by the department.

3 (i) Work requirement for two-parent families.

4 (1) In families consisting of two (2) parents, one parent is required, and shall be engaged  
5 in, work activities as defined below, for at least thirty-five (35) hours per week during the month,  
6 not fewer than thirty (30) hours per week of that are attributable to one or more of the following  
7 listed work activities; provided, however, that he or she shall begin with intensive employment  
8 services as the first step in the Individual Employment Plan. Two parent work requirements shall  
9 be defined as the following:

10 (A) Unsubsidized employment;

11 (B) Subsidized private-sector employment;

12 (C) Subsidized public-sector employment;

13 (D) Work experience;

14 (E) On-the-job training;

15 (F) Job search and job readiness;

16 (G) Community service program;

17 (H) Vocational educational training not to exceed twelve (12) months;

18 (I) The provision of child care services to a participant individual who is participating in  
19 a community service program; and

20 (J) Adult education in an intensive work readiness program.

21 (2) Above thirty (30) hours per week, the following three (3) activities may also count  
22 for participation:

23 (A) Job skills training directly related to employment;

24 (B) Education directly related to employment; and

25 (C) Satisfactory attendance at secondary school or in a course of study leading to a  
26 certificate of general equivalence.

27 (3) A family with two (2) parents, in which one or both parents participate in a work  
28 experience or community service program, shall be deemed to have participated in core work  
29 activities for the maximum number of hours per week allowable by the Fair Labor Standards Act  
30 (FLSA) if actual participation falls short of his or her required minimum hours per week.

31 (4) If the family receives child care assistance and an adult in the family is not disabled  
32 or caring for a severely disabled child, then the work-eligible individuals must be participating in  
33 work activities for an average of at least fifty-five (55) hours per week to count as a two-parent  
34 family engaged in work for the month.



1 (5) At least fifty (50) of the fifty-five (55) hours per week must come from participation  
2 in the activities listed in § 40-5.1-12(i)(1).

3 Above fifty (50) hours per week, the three (3) activities listed in § 40-5.1-(i)(2) may also  
4 count as participation.

5 (6) A family with two (2) parents receiving child care in which one or both parents  
6 participate in a work experience or community service program for the maximum number of  
7 hours per week allowable by the Fair Labor Standards Act (FLSA) will be considered to have met  
8 their required core hours if actual participation falls short of the required minimum hours per  
9 week. For families that need additional hours beyond the core activity requirement, these hours  
10 must be satisfied in some other TANF work activity.

11 (j) Exemptions from work requirements for two-parent families. - Work requirements  
12 outlined in § 40-5.2-12(i) above shall not apply to two parent families if (and for so long as) the  
13 department finds that:

14 (1) Both parents receive Supplemental Security Income (SSI);

15 (2) One parent receives SSI, and the other parent is caring for a disabled family member  
16 who resides in the home and who requires full-time care; or

17 (3) The parents are otherwise exempt by the department as defined in rules and  
18 regulations.

19 (k) Failure to comply with work requirements. Sanctions and Terminations.

20 (1) The cash assistance to which an otherwise eligible family/assistance unit is entitled  
21 under this chapter, shall be reduced for three (3) months, whether or not consecutive, in  
22 accordance with rules and regulations promulgated by the department, whenever any participant,  
23 without good cause as defined by the department in its rules and regulations, has failed to enter  
24 into an individual employment plan; has failed to attend a required appointment; has refused or  
25 quit employment; or has failed to comply with any other requirements for the receipt of cash  
26 assistance under this chapter. If the family's benefit has been reduced, benefits shall be restored to  
27 the full amount beginning with the initial payment made on the first of the month following the  
28 month in which the parent: (i) Enters into an individual employment plan or rehabilitation plan  
29 and demonstrates compliance with the terms thereof; or (ii) Demonstrates compliance with the  
30 terms of his or her existing individual employment plan or rehabilitation plan, as such plan may  
31 be amended by agreement of the parent and the department.

32 (2) In the case where appropriate child care has been made available in accordance with  
33 this chapter, a participant's failure, without good cause, to accept a bona fide offer of work,  
34 including full-time, part-time, and/or temporary employment, or unpaid work experience or

1 community service, shall be deemed a failure to comply with the work requirements of this  
2 section and shall result in reduction or termination of cash assistance, as defined by the  
3 department in rules and regulations duly promulgated.

4 (3) If the family/assistance unit's benefit has been reduced for a total of three (3) months,  
5 whether or not consecutive in accordance with this section due to the failure by one or more  
6 parents to enter into an individual employment plan, or failure to comply with the terms of his or  
7 her individual employment plan, or the failure to comply with the requirements of this chapter,  
8 cash assistance to the entire family shall end. The family/assistance unit may reapply for benefits,  
9 and the benefits shall be restored to the family/assistance unit the full amount the  
10 family/assistance unit is otherwise eligible for under this chapter beginning on the first of the  
11 month following the month in which all parents in the family/assistance unit who are subject to  
12 the employment or rehabilitation plan requirements under this chapter: (1) Enter into an  
13 individual employment or rehabilitation plan as applicable, and demonstrate compliance with the  
14 terms thereof, or (2) Demonstrate compliance with the terms of the parent's individual  
15 employment or rehabilitation employment plan in effect at the time of termination of benefits, as  
16 such plan may be amended by agreement of the parent and the department.

17 (4) Up to ten (10) days following a notice of adverse action to reduce or terminate  
18 benefits under this subsection, the client may request the opportunity to meet with a social worker  
19 to identify the reasons for non-compliance, establish good cause, and seek to resolve any issues  
20 that have prevented the parent from complying with the employment plan requirements.

21 (5) Participants whose cases had closed in sanction status pursuant to Rhode Island's  
22 prior Temporary Assistance for Needy Families Program, (federal TANF described in Title IVA  
23 of the federal Social Security Act, 42 U.S.C. § 601 et seq.), the Family Independence Program,  
24 more specifically, § 40-5.1-9(2)(c), due to failure to comply with the cash assistance program  
25 requirements, but who had received less than forty-eight (48) months of cash assistance at the  
26 time of closure, and who reapply for cash assistance under the Rhode Island works program, must  
27 demonstrate full compliance, as defined by the department in its rules and regulations, before they  
28 shall be eligible for cash assistance pursuant to this chapter.

29 (l) Good Cause. - Good Cause for failing to meet any program requirements including  
30 leaving employment, and failure to fulfill documentation requirements, shall be outlined in rules  
31 and regulations promulgated by the department of human services.

32 **40-5.2-20. Child care assistance.** -- Families or assistance units eligible for childcare  
33 assistance.

34 (a) The department shall provide appropriate child care to every participant who is

1 eligible for cash assistance and who requires child care in order to meet the work requirements in  
2 accordance with this chapter.

3 (b) Low-Income child care. - The department shall provide child care to all other  
4 working families with incomes at or below one hundred eighty percent (180%) of the federal  
5 poverty level if, and to the extent, such other families require child care in order to work at paid  
6 employment [or to fulfill requirements relating to enrollment in a full-time course of study at an](#)  
7 [institution of post-secondary education in pursuit of an associate's degree or a bachelor's degree](#)  
8 as defined in the department's rules and regulations. Beginning October 1, 2013, and until June  
9 30, 2015, subject to available funding, the department shall also provide child care to families  
10 with income below one hundred eighty percent (180%) of the federal poverty level if, and to the  
11 extent, such families require child care to participate on a short-term basis, as defined in the  
12 department's rules and regulations, in training, apprenticeship, internship, on-the-job training,  
13 work experience, work immersion, or other job readiness/job attachment program sponsored or  
14 funded by the human resource investment council (governor's workforce board) or state agencies  
15 that are part of the coordinated program system pursuant to §§ 42-102-9 and 42-102-11.

16 (c) No family/assistance unit shall be eligible for child care assistance under this chapter  
17 if the combined value of its liquid resources exceeds ten thousand dollars (\$10,000). Liquid  
18 resources are defined as any interest(s) in property in the form of cash or other financial  
19 instruments or accounts that are readily convertible to cash or cash equivalents. These include,  
20 but are not limited to, cash, bank, credit union, or other financial institution savings, checking,  
21 and money market accounts; certificates of deposit or other time deposits; stocks; bonds; mutual  
22 funds; and other similar financial instruments or accounts. These do not include educational  
23 savings accounts, plans, or programs; retirement accounts, plans, or programs; or accounts held  
24 jointly with another adult, not including a spouse. The department is authorized to promulgate  
25 rules and regulations to determine the ownership and source of the funds in the joint account.

26 (d) As a condition of eligibility for child care assistance under this chapter, the parent or  
27 caretaker relative of the family must consent to, and must cooperate with, the department in  
28 establishing paternity, and in establishing and/or enforcing child support and medical support  
29 orders for all children in the family in accordance with title 15, as amended, unless the parent or  
30 caretaker relative is found to have good cause for refusing to comply with the requirements of this  
31 subsection.

32 (e) For purposes of this section "appropriate child care" means child care, including  
33 infant, toddler, pre-school, nursery school, school-age, that is provided by a person or  
34 organization qualified, approved, and authorized to provide such care by the department of

1 children, youth, and families, or by the department of elementary and secondary education, or  
2 such other lawful providers as determined by the department of human services, in cooperation  
3 with the department of children, youth and families and the department of elementary and  
4 secondary education.

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

10 (2) For a thirty-six (36) month period beginning October 1, 2013, the child care subsidy  
11 transition program shall function within the department of human services. Under this program,  
12 families who are already receiving childcare assistance and who become ineligible for childcare  
13 assistance as a result of their incomes exceeding one hundred eighty percent (180%) of the  
14 applicable federal poverty guidelines shall continue to be eligible for childcare assistance from  
15 October 1, 2013, to September 30, 2016 or until their incomes exceed two hundred twenty-five  
16 percent (225%) of the applicable federal poverty guidelines, whichever occurs first. To be  
17 eligible, such families must continue to pay for some portion of the childcare they receive, as  
18 indicated in a sliding-fee scale adopted in the department's rules and in accordance with all other  
19 eligibility standards.

20 (g) In determining the type of childcare to be provided to a family, the department shall  
21 take into account the cost of available childcare options; the suitability of the type of care  
22 available for the child; and the parent's preference as to the type of child care.

23 (h) For purposes of this section "income" for families receiving cash assistance under §  
24 40-5.2-11 means gross earned income and unearned income, subject to the income exclusions in  
25 subdivisions 40-5.2-10(g)(2) and 40-5.2-10(g)(3), and income for other families shall mean gross  
26 earned and unearned income as determined by departmental regulations.

27 (i) The caseload estimating conference established by chapter 17 of title 35 shall forecast  
28 the expenditures for childcare in accordance with the provisions of § 35-17-1.

29 (j) In determining eligibility for child care assistance for children of members of reserve  
30 components called to active duty during a time of conflict, the department shall freeze the family  
31 composition and the family income of the reserve component member as it was in the month prior  
32 to the month of leaving for active duty. This shall continue until the individual is officially  
33 discharged from active duty.

SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO HUMAN SERVICES -- RHODE ISLAND WORKS PROGRAM

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1           This act would include Rhode Island Works Program participants who are full-time  
2 students in a post-secondary program for eligibility for child care assistance.

3           This act would take effect upon passage.

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LC000482  
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