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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO HUMAN SERVICES -- THE RHODE ISLAND WORKS PROGRAM

Introduced By: Senators Murray, Felag, Seveney, Euer, Ruggerio, McCaffrey, Goodwin,
Cano, Pearson, and DiPalma

Date Introduced: February 10, 2021

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 40-5.2-8, 40-5.2-10, 40-5.2-11, 40-5.2-20 and 40-5.2-33 of the
2 General Laws in Chapter 40-5.2 entitled "The Rhode Island Works Program" are hereby amended
3 to read as follows:

4 **40-5.2-8. Definitions.**

5 As used in this chapter, the following terms having the meanings set forth herein, unless
6 the context in which such terms are used clearly indicates to the contrary:

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

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

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

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

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

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

2 (7) "Dependent child" means an individual, other than an individual with respect to whom
3 foster care maintenance payments are made, who is: (A) Under the age of eighteen (18); or (B)
4 Under the age of nineteen (19) and a full-time student in a secondary school (or in the equivalent
5 level of vocational or educational training), ~~if before he or she attains age nineteen (19), he or she~~
6 ~~may reasonably be expected to complete the program of the secondary school (or 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 through
9 the receipt of wages, salary, commissions, or profit from activities in which the person is self-
10 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 section,
13 the advanced payment of the earned income tax credit to an employee under § 3507 of the code, 26
14 U.S.C. § 3507 [repealed], or any successor section and any refund received as a result of the earned
15 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 equivalency,
18 related to a specific occupation, job, or job offer.

19 (12) "Family" means: (A) A pregnant woman from and including the seventh month of her
20 pregnancy; or (B) A child and the following eligible persons living in the same household as the
21 child: (C) Each biological, adoptive or stepparent of the child, or in the absence of a parent, any
22 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. § 1381
25 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 the
30 participant shall take toward long-term economic independence developed in accordance with §
31 40-5.2-10(e). A participant must comply with the terms of the individual employment plan as a
32 condition of eligibility in accordance with § 40-5.2-10(e).

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

12 Preparation to seek employment, or job readiness, may include, but may not be limited to,
13 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. The services, treatment, or therapy must be determined to be necessary
17 and certified by a qualified medical or mental health professional. Intensive work-readiness
18 services may include work-based literacy, numeracy, hands-on training, work experience, and case-
19 management services. Nothing in this section shall be interpreted to mean that the department of
20 labor and training shall be the sole provider of job-readiness activities described herein.

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

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

29 (18) "Net income" means the total gross income of the assistance unit less allowable
30 disregards and deductions as described in § 40-5.2-10(g).

31 (19) "On-the-job-training" means training in the public or private sector that is given to a
32 paid employee while he or she is engaged in productive work and that provides knowledge and
33 skills essential to the full and adequate performance of the job. On-the-job training must be
34 supervised by an employer, work-site sponsor, or other designee of the department of human

1 services on an ongoing basis.

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

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

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

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

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

20 (25) "State" means the state of Rhode Island ~~and Providence Plantations~~.

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

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

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

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

34 (30) "Work activities" mean the specific work requirements that must be defined in the

1 individual employment plan and must be complied with by the participant as a condition of
2 eligibility for the receipt of cash assistance for single and two-family (2) households outlined in §
3 40-5.2-12 of this chapter.

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

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

14 **40-5.2-10. Necessary requirements and conditions.**

15 The following requirements and conditions shall be necessary to establish eligibility for
16 the program.

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

18 (1) A person shall be a resident of the state of Rhode Island.

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

25 (b) The family/assistance unit must meet any other requirements established by the
26 department of human services by rules and regulations adopted pursuant to the administrative
27 procedures act, as necessary to promote the purpose and goals of this chapter.

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

30 (d) All individuals domiciled in this state shall be exempt from the application of
31 subdivision 115(d)(1)(A) of Pub. L. No. 104-193, the Personal Responsibility and Work
32 Opportunity Reconciliation Act of 1996, PRWORA [21 U.S.C. § 862a], which makes any
33 individual ineligible for certain state and federal assistance if that individual has been convicted
34 under federal or state law of any offense that is classified as a felony by the law of the jurisdiction

1 and that has as an element the possession, use, or distribution of a controlled substance as defined
2 in § 102(6) of the Controlled Substances Act (21 U.S.C. § 802(6)).

3 (e) Individual employment plan as a condition of eligibility.

4 (1) Following receipt of an application, the department of human services shall assess the
5 financial conditions of the family, including the non-parent caretaker relative who is applying for
6 cash assistance for himself or herself as well as for the minor child(ren), in the context of an
7 eligibility determination. If a parent or non-parent caretaker relative is unemployed or under-
8 employed, the department shall conduct an initial assessment, taking into account: (A) The physical
9 capacity, skills, education, work experience, health, safety, family responsibilities, and place of
10 residence of the individual; and (B) The child care and supportive services required by the applicant
11 to avail himself or herself of employment opportunities and/or work-readiness programs.

12 (2) On the basis of this assessment, the department of human services and the department
13 of labor and training, as appropriate, in consultation with the applicant, shall develop an individual
14 employment plan for the family that requires the individual to participate in the intensive
15 employment services. Intensive employment services shall be defined as the work requirement
16 activities in § 40-5.2-12(g) and (i).

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

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

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

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

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

34 (7) The applicant shall become a participant in accordance with this chapter at the time the

1 individual employment plan is signed and entered into.

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

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

12 (10) As a condition of eligibility for assistance pursuant to this chapter, the
13 applicant/participant shall be obligated to keep appointments; attend orientation meetings at the
14 department of human services and/or the Rhode Island department of labor and training; participate
15 in any initial assessments or appraisals; and comply with all the terms of the individual employment
16 plan in accordance with department of human services rules and regulations.

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

20 (12) A participant who voluntarily quits or refuses a job without good cause, as defined in
21 § 40-5.2-12(l), while receiving cash assistance in accordance with this chapter, shall be sanctioned
22 in accordance with rules and regulations promulgated by the department.

23 (f) Resources.

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

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

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

31 (i) The home owned and occupied by a child, parent, relative, or other individual;

32 (ii) Real property owned by a husband and wife as tenants by the entirety, if the property
33 is not the home of the family and if the spouse of the applicant refuses to sell his or her interest in
34 the property;

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

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

10 (v) One vehicle for each adult household member, but not to exceed two (2) vehicles per
11 household, and in addition, a vehicle used primarily for income-producing purposes such as, but
12 not limited to, a taxi, truck, or fishing boat; a vehicle used as a family's home; a vehicle that annually
13 produces income consistent with its fair market value, even if only used on a seasonal basis; a
14 vehicle necessary to transport a family member with a disability where the vehicle is specially
15 equipped to meet the specific needs of the person with a disability or if the vehicle is a special type
16 of vehicle that makes it possible to transport the person with a disability;

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

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

21 (viii) For the month of receipt and the following month, any refund of federal income taxes
22 made to the family by reason of § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32 (relating
23 to earned income tax credit), and any payment made to the family by an employer under § 3507 of
24 the Internal Revenue Code of 1986, 26 U.S.C. § 3507 [repealed] (relating to advance payment of
25 such earned income credit);

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

28 [\(x\) Any veteran's disability pension benefits received as a result of any disability sustained](#)
29 [by the veteran while in the military service.](#)

30 (g) Income.

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

34 (2) In determining the eligibility for and the amount of cash assistance to which a

1 family/assistance unit is entitled under this chapter, income in any month shall not include the first
2 one hundred seventy dollars (\$170) of gross earnings plus fifty percent (50%) of the gross earnings
3 of the family in excess of one hundred seventy dollars (\$170) earned during the month.

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

5 (i) The first fifty dollars (\$50.00) in child support received in any month from each
6 noncustodial parent of a child plus any arrearages in child support (to the extent of the first fifty
7 dollars (\$50.00) per month multiplied by the number of months in which the support has been in
8 arrears) that are paid in any month by a noncustodial parent of a child;

9 (ii) Earned income of any child;

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

12 (iv) The value of assistance provided by state or federal government or private agencies to
13 meet nutritional needs, including: value of USDA-donated foods; value of supplemental food
14 assistance received under the Child Nutrition Act of 1966, as amended, and the special food service
15 program for children under Title VII, nutrition program for the elderly, of the Older Americans Act
16 of 1965 as amended, and the value of food stamps;

17 (v) Value of certain assistance provided to undergraduate students, including any grant or
18 loan for an undergraduate student for educational purposes made or insured under any loan program
19 administered by the United States Commissioner of Education (or the Rhode Island council on
20 postsecondary education or the Rhode Island division of higher education assistance);

21 (vi) Foster care payments;

22 (vii) Home energy assistance funded by state or federal government or by a nonprofit
23 organization;

24 (viii) Payments for supportive services or reimbursement of out-of-pocket expenses made
25 to foster grandparents, senior health aides, or senior companions and to persons serving in SCORE
26 and ACE and any other program under Title II and Title III of the Domestic Volunteer Service Act
27 of 1973, 42 U.S.C. § 5000 et seq.;

28 (ix) Payments to volunteers under AmeriCorps VISTA as defined in the department's rules
29 and regulations;

30 (x) Certain payments to native Americans; payments distributed per capita to, or held in
31 trust for, members of any Indian Tribe under P.L. 92-254, 25 U.S.C. § 1261 et seq., P.L. 93-134,
32 25 U.S.C. § 1401 et seq., or P.L. 94-540; receipts distributed to members of certain Indian tribes
33 which are referred to in § 5 of P.L. 94-114, 25 U.S.C. § 459d, that became effective October 17,
34 1975;

1 (xi) Refund from the federal and state earned income tax credit;

2 (xii) The value of any state, local, or federal government rent or housing subsidy, provided
3 that this exclusion shall not limit the reduction in benefits provided for in the payment standard
4 section of this chapter.;

5 (xiii) The earned income of any adult family member who gains employment while an
6 active Rhode Island Works household member. Such income is excluded for the first six (6) months
7 of employment in which the income is earned, or until the household's total gross income exceeds
8 one hundred and eighty-five percent (185%) of the federal poverty level, unless the household
9 reaches its forty-eight (48) month time limit first;

10 (xiv) Any veteran's disability pension benefits received as a result of any disability
11 sustained by the veteran while in the military service.

12 (4) The receipt of a lump sum of income shall affect participants for cash assistance in
13 accordance with rules and regulations promulgated by the department.

14 (h) Time limit on the receipt of cash assistance.

15 (1) On or after January 1, 2020, no cash assistance shall be provided, pursuant to this
16 chapter, to a family or assistance unit that includes an adult member who has received cash
17 assistance for a total of forty-eight (48) months (whether or not consecutive), to include any time
18 receiving any type of cash assistance in any other state or territory of the United States of America
19 as defined herein. Provided further, in no circumstances other than provided for in subsection (h)(3)
20 with respect to certain minor children, shall cash assistance be provided pursuant to this chapter to
21 a family or assistance unit that includes an adult member who has received cash assistance for a
22 total of a lifetime limit of forty-eight (48) months.

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

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

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

1 the federal TANF program.

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

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

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

21 (7) The months of state or federally funded cash assistance received by a recipient family
22 since May 1, 1997, under Rhode Island's Temporary Assistance for Needy Families Program
23 (federal TANF described in Title IV-A of the federal Social Security Act, 42 U.S.C. § 601 et seq.),
24 formerly entitled the Rhode Island family independence program, shall be countable toward the
25 time-limited cash assistance described in this chapter.

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

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

34 (2) Effective August 1, 2008, no cash assistance shall be provided pursuant to this chapter

1 to a family in which a child has received cash assistance for a total of sixty (60) months (whether
2 or not consecutive) if the parent is ineligible for assistance under this chapter pursuant to
3 subdivision 40-5.2(a)(2) to include any time they received any type of cash assistance in any other
4 state or territory of the United States as defined herein.

5 (j) Hardship exceptions.

6 (1) The department may extend an assistance unit's or family's cash assistance beyond the
7 time limit, by reason of hardship; provided, however, that the number of families to be exempted
8 by the department with respect to their time limit under this subsection shall not exceed twenty
9 percent (20%) of the average monthly number of families to which assistance is provided for under
10 this chapter in a fiscal year; provided, however, that to the extent now or hereafter permitted by
11 federal law, any waiver granted under § 40-5.2-34, for domestic violence, shall not be counted in
12 determining the twenty percent (20%) maximum under this section.

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

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

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

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

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

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

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

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

17 (3) Absent good cause, as defined by the department of human services through the
18 rulemaking process, for refusing to comply with the requirements of subsections (1)(1) and (2), cash
19 assistance to the family shall be reduced by twenty-five percent (25%) until the adult member of
20 the family who has refused to comply with the requirements of this subsection consents to and
21 cooperates with the state in accordance with the requirements of this subsection.

22 (4) As a condition of eligibility for cash and medical assistance under this chapter, each
23 adult member, parent, or caretaker relative of the family/assistance unit must consent to and
24 cooperate with the state in identifying and providing information to assist the state in pursuing any
25 third party who may be liable to pay for care and services under Title XIX of the Social Security
26 Act, 42 U.S.C. § 1396 et seq.

27 **40-5.2-11. Cash assistance.**

28 (a) A family or assistance unit found by the department to meet the eligibility criteria set
29 forth in this chapter shall be eligible to receive cash assistance as of the date a signed, written
30 application, signed under a penalty of perjury, is received by the department.

31 (b) The family members or assistance unit shall be eligible for cash assistance for so long
32 as they continue to meet the eligibility criteria outlined in accordance with this chapter. Parents and
33 adult non-parent caretaker relatives receiving cash assistance shall be eligible so long as they meet
34 the terms and conditions of the work requirements of § 40-5.2-12. An adult caretaker relative shall

1 be eligible for assistance as a member of the assistance unit so long as he/she meets all the eligibility
2 requirements of this chapter.

3 (c) The monthly amount of cash assistance shall be equal to the payment standard for the
4 family minus the countable income of the family in that month. The department is authorized to
5 reduce the amount of assistance in the month of application to reflect the number of the days
6 between the first day of the month and the effective date of the application.

7 (d) A decision on the application for assistance shall be made or rejected by the department
8 no later than thirty (30) days following the date submitted and shall be effective as of the date of
9 application.

10 (e) The payment standard is equal to the sum of the following: ~~three hundred twenty seven~~
11 ~~dollars (\$327) (two hundred seventy seven dollars (\$277))~~ four hundred twenty-five dollars (\$425)
12 (three hundred sixty dollars (\$360) for a family residing in subsidized housing) for the first person,
13 ~~one hundred twenty two dollars (\$122)~~ one hundred fifty-nine dollars (\$159) for the second person,
14 ~~one hundred five dollars (\$105)~~ one hundred thirty-seven dollars (\$137) for the third person and
15 ~~eighty dollars (\$80)~~ one hundred four dollars (\$104) for each additional person.

16 **40-5.2-20. Childcare assistance -- Families or assistance units eligible.**

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

20 (b) Low-income child care. The department shall provide child care to all other working
21 families with incomes at or below one hundred eighty percent (180%) of the federal poverty level
22 if, and to the extent, these other families require child care in order to work at paid employment as
23 defined in the department's rules and regulations. Beginning October 1, 2013, the department shall
24 also provide child care to families with incomes below one hundred eighty percent (180%) of the
25 federal poverty level if, and to the extent, these families require child care to participate on a short-
26 term basis, as defined in the department's rules and regulations, in training, apprenticeship,
27 internship, on-the-job training, work experience, work immersion, or other job-readiness/job-
28 attachment program sponsored or funded by the human resource investment council (governor's
29 workforce board) or state agencies that are part of the coordinated program system pursuant to §
30 42-102-11. Effective from January 1, 2021, through June 30, 2022, the department shall also
31 provide child care assistance to families with incomes below one hundred eighty percent (180%)
32 of the federal poverty level when such assistance is necessary for a member of these families to
33 enroll or maintain enrollment in a Rhode Island public institution of higher education; provided
34 that, eligibility to receive funding is capped when expenditures reach two hundred thousand dollars

1 [\(\\$200,000\) for this provision.](#)

2 (c) No family/assistance unit shall be eligible for childcare assistance under this chapter if
3 the combined value of its liquid resources exceeds one million dollars (\$1,000,000), which
4 corresponds to the amount permitted by the federal government under the state plan and set forth
5 in the administrative rulemaking process by the department. Liquid resources are defined as any
6 interest(s) in property in the form of cash or other financial instruments or accounts that are readily
7 convertible to cash or cash equivalents. These include, but are not limited to: cash, bank, credit
8 union, or other financial institution savings, checking, and money market accounts; certificates of
9 deposit or other time deposits; stocks; bonds; mutual funds; and other similar financial instruments
10 or accounts. These do not include educational savings accounts, plans, or programs; retirement
11 accounts, plans, or programs; or accounts held jointly with another adult, not including a spouse.
12 The department is authorized to promulgate rules and regulations to determine the ownership and
13 source of the funds in the joint account.

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

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

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

30 (2) Families who are receiving childcare assistance and who become ineligible for
31 childcare assistance as a result of their incomes exceeding one hundred eighty percent (180%) of
32 the applicable federal poverty guidelines shall continue to be eligible for childcare assistance until
33 their incomes exceed two hundred twenty-five percent (225%) of the applicable federal poverty
34 guidelines. To be eligible, the families must continue to pay for some portion of the child care they

1 receive, as indicated in a sliding-fee scale adopted in the department's rules and in accordance with
2 all other eligibility standards.

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

6 (h) For purposes of this section, "income" for families receiving cash assistance under §
7 40-5.2-11 means gross, earned income and unearned income, subject to the income exclusions in
8 §§ 40-5.2-10(g)(2) and 40-5.2-10(g)(3), and income for other families shall mean gross, earned and
9 unearned income as determined by departmental regulations.

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

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

17 ~~40-5.2-33. School-age children Children's clothing allowance. Child clothing~~
18 ~~allowance.~~

19 ~~Subject to general assembly appropriation, one~~ One month each year, each ~~dependent~~
20 ~~school-age~~ child ~~as defined by the department of human services~~ who lives in a family receiving
21 cash assistance under this chapter in that month shall be given a supplementary payment of no less
22 than one hundred dollars (\$100) for the purchase of clothing in accordance with Title IV-A of the
23 Social Security Act, 42 U.S.C. § 601 et seq.

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

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LC001612/SUB A
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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 in determining eligibility for cash assistance the family income
2 calculation shall not include the earned income of any adult family member who gains employment
3 in compliance with their employment plan while an active Rhode Island Works household member,
4 would provide for a one hundred dollar (\$100) clothing allowance for qualifying children, and
5 would amend the work requirements for child care assistance.

6 This act would take effect upon passage.

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LC001612/SUB A
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