AN ACT RELATING TO HUMAN SERVICES -- RHODE ISLAND WORKS PROGRAM

Introduced By: Senators Anderson, Murray, DiPalma, Valverde, Quezada, Bell, Coyne, Acosta, Cano, and Lawson

Date Introduced: March 10, 2022

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

SECTION 1. Sections 40-5.2-10 and 40-5.2-35 of the General Laws in Chapter 40-5.2 entitled "The Rhode Island Works Program" are hereby amended to read as follows:

40-5.2-10. Necessary requirements and conditions.

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

(a) Citizenship, alienage, and residency requirements.

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

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

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

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

(d) All individuals domiciled in this state shall be exempt from the application of
subdivision 115(d)(1)(A) of Pub. L. No. 104-193, the Personal Responsibility and Work
Opportunity Reconciliation Act of 1996, PRWORA [21 U.S.C. § 862a], which makes any
individual ineligible for certain state and federal assistance if that individual has been convicted
under federal or state law of any offense that is classified as a felony by the law of the jurisdiction
and that has as an element the possession, use, or distribution of a controlled substance as defined
in § 102(6) of the Controlled Substances Act (21 U.S.C. § 802(6)).

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

(1) Following receipt of an application, the department of human services shall assess the
financial conditions of the family, including the non-parent caretaker relative who is applying for
cash assistance for himself or herself as well as for the minor child(ren), in the context of an
eligibility determination. If a parent or non-parent caretaker relative is unemployed or under-
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.

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

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

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

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

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

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

(7) The applicant shall become a participant in accordance with this chapter at the time the
individual employment plan is signed and entered into.

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

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

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

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

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

(f) Resources.

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

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

(3) For purposes of this subsection, the following shall not be counted as resources of the
family/assistance unit in the determination of eligibility for the works program:
(i) The home owned and occupied by a child, parent, relative, or other individual;
(ii) Real property owned by a husband and wife as tenants by the entirety, if the property
is not the home of the family and if the spouse of the applicant refuses to sell his or her interest in
the property;
(iii) Real property that the family is making a good-faith effort to dispose of, however, any
cash assistance payable to the family for any such period shall be conditioned upon disposal of the
real property within six (6) months of the date of application and any payments of assistance for
that period shall (at the time of disposal) be considered overpayments to the extent that they would
not have occurred at the beginning of the period for which the payments were made. All
overpayments are debts subject to recovery in accordance with the provisions of the chapter;
(iv) Income-producing property other than real estate including, but not limited to,
equipment such as farm tools, carpenter’s tools, and vehicles used in the production of goods or
services that the department determines are necessary for the family to earn a living;
(v) One vehicle for each adult household member, but not to exceed two (2) vehicles per
household, and in addition, a vehicle used primarily for income-producing purposes such as, but
not limited to, a taxi, truck, or fishing boat; a vehicle used as a family’s home; a vehicle that annually
produces income consistent with its fair market value, even if only used on a seasonal basis; a
vehicle necessary to transport a family member with a disability where the vehicle is specially
equipped to meet the specific needs of the person with a disability or if the vehicle is a special type
of vehicle that makes it possible to transport the person with a disability;
(vi) Household furnishings and appliances, clothing, personal effects, and keepsakes of
limited value;
(vii) Burial plots (one for each child, relative, and other individual in the assistance unit)
and funeral arrangements;
(viii) For the month of receipt and the following month, any refund of federal income taxes
made to the family by reason of § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32 (relating
to earned income tax credit), and any payment made to the family by an employer under § 3507 of
the Internal Revenue Code of 1986, 26 U.S.C. § 3507 [repealed] (relating to advance payment of
such earned income credit);
(ix) The resources of any family member receiving supplementary security income
assistance under the Social Security Act, 42 U.S.C. § 301 et seq.;
(x) Any veteran’s disability pension benefits received as a result of any disability sustained
by the veteran while in the military service.
(g) Income.
(1) Except as otherwise provided for herein, in determining eligibility for and the amount of cash assistance to which a family is entitled under this chapter, the income of a family includes all of the money, goods, and services received or actually available to any member of the family.

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

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

(i) The first one hundred dollars ($100) of the child support payment, or the actual amount of the child support payment, if the payment is less than one hundred dollars ($100), shall be paid to the family in which one child resides, two hundred dollars ($200) shall be paid when two (2) or more children from the same non-custodial parent reside in the home. If more than one noncustodial parent makes a child support payment to children living in the same family, both payments shall be paid to the custodial parent, not to exceed three hundred dollars ($300) fifty dollars ($50.00) in child support received in any month from each noncustodial parent of a child plus any arrearages in child support (to the extent of the first fifty dollars ($50.00) per month multiplied by the number of months in which the support has been in arrears) that are paid in any month by a noncustodial parent of a child;

(ii) Earned income of any child;

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

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

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

(vi) Foster care payments;

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

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

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

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

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

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

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

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

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

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

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

(2) Cash benefits received by a minor dependent child shall not be counted toward their
lifetime time limit for receiving benefits under this chapter should that minor child apply for cash
(3) Certain minor children not subject to time limit. This section regarding the lifetime time limit for the receipt of cash assistance shall not apply only in the instances of a minor child(ren) living with a parent who receives SSI benefits and a minor child(ren) living with a responsible adult non-parent caretaker relative who is not in the cash assistance payment.

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

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

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

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

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

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

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

(j) Hardship exceptions.

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

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

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

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

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

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

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

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

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

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

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

40-5.2-35. Child support pass-through.

For any month in which a noncustodial parent makes a child support payment in the month when due and the support is collected by the department of human services, for a child or children receiving cash assistance pursuant to this chapter, the first fifty dollars ($50.00) of the child support payment, or the actual amount of the child support payment if the payment is less than fifty dollars ($50.00), shall be paid to the family in which the child resides. If more than one noncustodial parent makes a child support payment to children living in the same family, there shall only be one payment of fifty ($50.00) paid to the family from the child support collected. One hundred dollars ($100) of the child support payment, or the actual amount of the child support payment, if the payment is less than one hundred dollars ($100), shall be paid to the family in which one child resides, two hundred dollars ($200) shall be paid when two (2) or more children from the same non-custodial parent reside in the home. If more than one noncustodial parent makes a child support payment to children living in the same family, both payments shall be paid to the custodial parent, not to exceed three hundred dollars ($300). This payment is known as the "pass through" payment and shall be sent to the family within two (2) business days of the determination that the amount is due and owing and no later than within two (2) business days of the end of the month in which the support was collected.

SECTION 2. This act shall take effect upon passage.
This act would exempt the receipt of child support, from being considered earned income, for purposes of eligibility for Rhode Island Children Works' Program benefits. This act would take effect upon passage.