

2014 -- H 7563

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LC004614  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO HUMAN SERVICES - TO IMPROVE EARLY EDUCATION ACCESS AND  
AFFORDABILITY

Introduced By: Representatives Diaz, Slater, Almeida, Williams, and Ferri

Date Introduced: February 26, 2014

Referred To: House Finance

It is enacted by the General Assembly as follows:

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

3 **40-5.2-20. Child care assistance.** -- Families or assistance units eligible for childcare  
4 assistance.

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

8 (b) Low-Income child care. - The department shall provide child care to all other  
9 working families with incomes at or below ~~one hundred eighty percent (180%)~~ two hundred  
10 twenty-five percent (225%) of the federal poverty level, if and to the extent such other families  
11 require child care in order to work at paid employment as defined in the department's rules and  
12 regulations. Beginning October 1, 2013, and until January 1, 2015, the department shall also  
13 provide child care to families with income below ~~one hundred eighty percent (180%)~~ two  
14 hundred twenty-five percent (225%) of the federal poverty level if and to the extent such families  
15 require child care to participate on a short term basis, as defined in the department's rules and  
16 regulations, in training, apprenticeship, internship, on-the-job training, work experience, work  
17 immersion, or other job readiness/job attachment program sponsored or funded by the human  
18 resource investment council (governor's workforce board) or state agencies that are part of the

1 coordinated program system pursuant to sections 42-102-9 and 42-102-11.

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

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

18 (e) For purposes of this section "appropriate child care" means child care, including  
19 infant, toddler, pre-school, nursery school, school-age, which is provided by a person or  
20 organization qualified, approved, and authorized to provide such care by the department of  
21 children, youth, and families, or by the department of elementary and secondary education, or  
22 such other lawful providers as determined by the department of human services, in cooperation  
23 with the department of children, youth and families and the department of elementary and  
24 secondary education.

25 (f) ~~(1)~~ Families with incomes below one hundred percent (100%) of the applicable  
26 federal poverty level guidelines shall be provided with free childcare. Families with incomes  
27 greater than one hundred percent (100%) and less than ~~one hundred eighty percent (180%)~~ two  
28 hundred twenty-five percent (225%) of the applicable federal poverty guideline shall be required  
29 to pay for some portion of the childcare they receive, according to a sliding fee scale adopted by  
30 the department in the department's rules.

31 ~~(2) For a twelve (12) month period beginning October 1, 2013, the Child Care Subsidy~~  
32 ~~Transition Program shall function within the department of human services. Under this program,~~  
33 ~~families who are already receiving childcare assistance and who become ineligible for childcare~~  
34 ~~assistance as a result of their incomes exceeding one hundred eighty percent (180%) of the~~

1 ~~applicable federal poverty guidelines shall continue to be eligible for childcare assistance from~~  
2 ~~October 1, 2013 to September 30, 2014 or until their incomes exceed two hundred twenty five~~  
3 ~~percent (225%) of the applicable federal poverty guidelines, whichever occurs first. To be~~  
4 ~~eligible, such families must continue to pay for some portion of the childcare they receive, as~~  
5 ~~indicated in a sliding fee scale adopted in the department's rules and in accordance with all other~~  
6 ~~eligibility standards.~~

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

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

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

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

21 SECTION 2. This act shall take effect on January 1, 2015.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would raise the ceiling for eligibility for partial coverage of child care expenses  
2    from one hundred eighty percent (180%) of the federal poverty guideline to two hundred twenty-  
3    five percent (225%) of the federal poverty guideline.

4           This act would take effect on January 1, 2015.

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