

2023 -- H 6169

LC002556

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO HUMAN SERVICES -- THE RHODE ISLAND WORKS PROGRAM

Introduced By: Representatives Diaz, Shallcross Smith, Casimiro, McNamara,
DeSimone, Messier, Cruz, Kislak, Donovan, and Caldwell

Date Introduced: March 17, 2023

Referred To: House Finance

It is enacted by the General Assembly as follows:

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

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

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

7 (b) Low-income child care. The department shall provide child care to all other working
8 families with incomes at or below two hundred percent (200%) of the federal poverty level if, and
9 to the extent, these other families require child care in order to work at paid employment as defined
10 in the department's rules and regulations. The department shall also provide child care to families
11 with incomes below two hundred percent (200%) of the federal poverty level if, and to the extent,
12 these families require child care to participate on a short-term basis, as defined in the department's
13 rules and regulations, in training, apprenticeship, internship, on-the-job training, work experience,
14 work immersion, or other job-readiness/job-attachment program sponsored or funded by the human
15 resource investment council (governor's workforce board) or state agencies that are part of the
16 coordinated program system pursuant to § 42-102-11. Effective from January 1, 2021, through June
17 30, 2022, the department shall also provide childcare assistance to families with incomes below
18 one hundred eighty percent (180%) of the federal poverty level when such assistance is necessary
19 for a member of these families to enroll or maintain enrollment in a Rhode Island public institution

1 of higher education provided that eligibility to receive funding is capped when expenditures reach
2 \$200,000 for this provision. Effective July 1, 2022, the department shall also provide childcare
3 assistance to families with incomes below two hundred percent (200%) of the federal poverty level
4 when such assistance is necessary for a member of these families to enroll or maintain enrollment
5 in a Rhode Island public institution of higher education.

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

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

24 The parent or caretaker relative of any family applying for childcare assistance may
25 voluntarily access the department's office of child support services for assistance in locating a non-
26 custodial parent, establishing parentage, establishing child support and medical orders, and
27 enforcement of the order, but shall not be required to do so in order to qualify for childcare
28 assistance.

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

33 (f)(1) Families with incomes below one hundred percent (100%) of the applicable federal
34 poverty level guidelines shall be provided with free child care. Families with incomes greater than

1 one hundred percent (100%) and less than two hundred percent (200%) of the applicable federal
2 poverty guideline shall be required to pay for some portion of the child care they receive, according
3 to a sliding-fee scale adopted by the department in the department's rules, not to exceed seven
4 percent (7%) of income as defined in subsection (h) of this section.

5 (2) Families who are receiving childcare assistance and who become ineligible for
6 childcare assistance as a result of their incomes exceeding two hundred percent (200%) of the
7 applicable federal poverty guidelines shall continue to be eligible for childcare assistance until their
8 incomes exceed three hundred percent (300%) of the applicable federal poverty guidelines. To be
9 eligible, the families must continue to pay for some portion of the child care they receive, as
10 indicated in a sliding-fee scale adopted in the department's rules, not to exceed seven percent (7%)
11 of income as defined in subsection (h) of this section, and in accordance with all other eligibility
12 standards.

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

16 (h) For purposes of this section, "income" for families receiving cash assistance under §
17 40-5.2-11 means gross, earned income and unearned income, subject to the income exclusions in
18 §§ 40-5.2-10(g)(2) and 40-5.2-10(g)(3), and income for other families shall mean gross, earned and
19 unearned income as determined by departmental regulations.

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

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

27 (k) Eligibility for child care staff and child care educators. The department shall provide
28 funding for child care, for child care educators, and child care staff, who work at least twenty (20)
29 hours a week in licensed child care centers and licensed family child care homes as defined in the
30 department's rules and regulations. Qualifying child care educators and child care staff are not
31 subject to any family or household income requirements or income limitations, will have no
32 copayments, and may select the child care center or family child care home for their children. The
33 department shall promulgate regulations necessary to implement this section.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO HUMAN SERVICES -- THE RHODE ISLAND WORKS PROGRAM

1 This act would permit a parent or caretaker relative of a family applying for child care
2 assistance to qualify for child care assistance without first establishing paternity, or enforcing child
3 support and medical support orders. The act would also require the department to provide funding
4 for child care educators and staff who work at least 20 hours a week in licensed child care centers
5 and licensed family child care homes. Qualifying child care educators and child care staff would
6 not be subject to any income requirements or limitations, would have no copayments, and would
7 be allowed to select the child care center or family child care home for their children.

8 This act would take effect upon passage.

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