

ARTICLE 13

RELATING TO HUMAN SERVICES

SECTION 1. Section 12-19-14 of the General Laws in Chapter 12-19 entitled "Sentence and Execution" is hereby amended to read as follows:

12-19-14. Violation of terms of probation – Notice to court – Revocation or continuation of suspension.

(a) Whenever any person who has been placed on probation by virtue of the suspension of execution of his or her sentence pursuant to § 12-19-13 violates the terms and conditions of his or her probation as fixed by the court by being formally charged with committing a new criminal offense, the police or department of corrections division of rehabilitative services shall cause the defendant to appear before the court. The department of corrections division of rehabilitative services shall determine when a technical violation of the terms and conditions of probation as fixed by the court that does not constitute a new criminal offense has occurred and shall cause the defendant to appear before the court. For technical violations, the ~~The~~ division of rehabilitative services shall promptly render a written report relative to the conduct of the defendant, including, as applicable, a description of the clear and articulable public safety risk posed by a defendant accused of a technical violation, and, as available, the information contained in any report under § 12-13-24.1. The division of rehabilitative services may recommend that the time served up to that point is a sufficient response to a violation that is not a new, alleged crime. The court may order the defendant held without bail for a period not exceeding ten (10) days excluding Saturdays, Sundays, and holidays if the new criminal charge(s) constitutes a violent crime as defined in the Rhode Island General Laws, a domestic violence crime, or a crime involving driving under the influence or if the court determines in its discretion that public safety concerns and/or concerns regarding the defendant's likelihood to appear before the court warrant holding the defendant without bail.

(b) The court shall conduct a hearing within thirty (30) days of arrest, unless waived by the defendant, to determine whether the defendant has violated the terms and conditions of his or her probation, at which hearing the defendant shall have the opportunity to be present and to respond. Upon a determination by a fair preponderance of the evidence that the defendant has violated the terms and conditions of his or her probation, the court, in open court and in the presence of the

1 defendant, may as to the court may seem just and proper:

- 2 (1) Revoke the suspension and order the defendant committed on the sentence previously
- 3 imposed, or on a lesser sentence;
- 4 (2) Impose a sentence if one has not been previously imposed;
- 5 (3) Stay all or a portion of the sentence imposed after removal of the suspension;
- 6 (4) Continue the suspension of a sentence previously imposed; or
- 7 (5) Convert a sentence of probation without incarceration to a suspended sentence.

8 SECTION 2. Chapter 13-8 of the General Laws entitled "Parole" is hereby amended by
9 adding thereto the following section:

10 **13-8-14.2. Special parole consideration for persons convicted as juveniles.**

11 (a) When a person who is serving a sentence imposed as the result of an offense or offenses
12 committed when he or she was less than eighteen years of age becomes eligible for parole pursuant
13 to applicable provisions of law, the parole board shall ensure that he or she is provided a meaningful
14 opportunity to obtain release and shall adopt rules and guidelines to do so, consistent with existing
15 law.

16 (b) During a parole hearing involving a person described in subsection (a) of this section,
17 in addition to other factors required by law or under the parole guidelines set forth by the parole
18 board, the parole board shall also take into consideration the diminished culpability of juveniles as
19 compared to that of adults and any subsequent growth and increased maturity of the prisoner during
20 incarceration. The board shall also consider the following:

- 21 (1) A review of educational and court documents;
- 22 (2) Participation in available rehabilitative and educational programs while in prison;
- 23 (3) Age at the time of the offense;
- 24 (4) Immaturity at the time of the offense;
- 25 (5) Home and community environment at the time of the offense;
- 26 (6) Efforts made toward rehabilitation;
- 27 (7) Evidence of remorse; and
- 28 (8) Any other factors or circumstances the Board considers relevant

29 (c) The parole board shall have access to all relevant records and information in the
30 possession of any state official or agency relating to the board's consideration of the factors detailed
31 in the foregoing sections.

32 SECTION 3. Sections 13-8-11, 13-8-13, 13-8-18 and 13-8-18.1 of the General Laws in
33 Chapter 13-8 entitled "Parole" are hereby amended to read as follows:

34 **13-8-11. ~~Good conduct, industrial, and meritorious service time included in~~**

1 **computation Good conduct, industrial, and meritorious service time.**

2 (a) In computing the one-third (1/3) of any term of sentence for the purpose of §§ 13-8-9 –
3 13-8-14, the time a prisoner shall have earned pursuant to §§ 42-56-24 and 42-56-26 shall be
4 considered by the parole board to reduce inmate overcrowding when directed by the criminal justice
5 oversight committee, pursuant to the provisions of § 42-26-13.3(e), or when directed by the
6 governor, pursuant to the provisions of § 42-26-13.3(f).

7 (b) As used in this section, the following words shall, unless the context clearly requires
8 otherwise, have the following meanings:

9 (i) "Compliance," the absence of a finding by a Parole Officer or the Parole Board of a
10 violation of the terms or conditions of a permit or conditions of parole supervision set by the Rhode
11 Island Parole Board.

12 (ii) "Compliance credits," credits that an eligible offender earns through compliance with
13 Parole Board-ordered conditions of parole supervision; provided, however, that such credits shall
14 operate to reduce the length of parole supervision.

15 (iii) "Eligible parolee," any offender who is currently serving a term of post-incarceration
16 parole supervision except any such person serving a sentence of a violation of §§ 11-5-1 (where
17 the specified felony is murder or sexual assault), 11-23-1, 11-26-1.4, 11-37-2, 11-37-8.1 or 11-37-
18 8.3.

19 (c) On the first day of each calendar month after July 1, 2021, an eligible parolee shall earn
20 5 days of compliance credits if the eligible parolee served on parole without any documented
21 behavior that could constitute a violation of the terms and conditions of parole for the prior calendar
22 month. Any compliance credits so granted and not rescinded pursuant to guidelines set forth by the
23 parole board shall reduce the period of time that a parolee is subject to the jurisdiction of the parole
24 board under § 13-8-9.

25 (d) The parole board shall issue guidelines governing the awarding of compliance credits,
26 any disqualifiers to the earning of compliance credits, and the rescission or suspension of
27 compliance credits as applicable.

28 (e) The award or rescission of credits pursuant to this section shall not be the subject of
29 judicial review.

30 (f) This section shall apply to all individuals sentenced to imprisonment and subsequently
31 granted parole including those sentences granted prior to passage of this legislation and shall not
32 alter the ability of the Parole Board to revoke parole. The calculation of compliance credits shall
33 be prospective from the date of passage, while eligibility to earn compliance credits shall be
34 prospective and retrospective.

1 [\(g\) The department of corrections shall keep a record of the eligible parolee's sentence,](#)
2 [including the person's end of supervision date based on earned credits for compliance with the](#)
3 [terms and conditions of parole.](#)

4 **13-8-13. Life prisoners and prisoners with lengthy sentences.**

5 (a) In the case of a prisoner sentenced to imprisonment for life, a parole permit may be
6 issued at any time after the prisoner has served not less than ten (10) years imprisonment; provided
7 that:

8 (1) In the case of a prisoner serving a sentence or sentences of a length making him or her
9 ineligible for a permit in less than ten (10) years, pursuant to §§ 13-8-9 and 13-8-10, the permit
10 may be issued at any time after the prisoner has served not less than ten (10) years imprisonment.

11 (2) In the case of a prisoner sentenced to imprisonment for life for a first- or second-degree
12 murder committed after July 10, 1989, the permit may be issued only after the prisoner has served
13 not less than fifteen (15) years imprisonment.

14 (3) In the case of a prisoner sentenced to imprisonment for life for a first- or second-degree
15 murder committed after June 30, 1995, the permit may be issued only after the prisoner has served
16 not less than twenty (20) years imprisonment; and

17 (4) In the case of a prisoner sentenced to imprisonment for life for a first- or second-degree
18 murder committed after July 1, 2015, the permit may be issued only after the prisoner has served
19 not less than twenty-five (25) years imprisonment.

20 (5) In the case of a prisoner sentenced to imprisonment for life for a crime, other than first-
21 or second-degree murder, committed after July 1, 2015, the permit may be issued only after the
22 prisoner has served not less than twenty (20) years imprisonment.

23 (b) The permit shall be issued only by a unanimous vote of all the attending members of
24 the board; provided that not less than four (4) members are present, and whenever, after the issue
25 of the permit, the prisoner shall be pardoned, then the control of the board over the prisoner shall
26 cease and terminate.

27 (c)(1) In the case of a prisoner sentenced to imprisonment for life who is convicted of
28 escape or attempted escape from the lawful custody of the warden of the adult correctional
29 institutions, the permit may be issued only after the prisoner has served not less than twenty-five
30 (25) years imprisonment; provided, however, that as to a prisoner who has been sentenced to
31 imprisonment for life for a conviction of first- or second-degree murder, committed after July 1,
32 2015, and who is convicted thereafter of escape or attempted escape from the lawful custody of the
33 warden of the adult correctional institutions, the permit may be issued only after the prisoner has
34 served not less than thirty-five (35) years imprisonment; and

1 (2) For each subsequent conviction of escape or attempted escape, an additional five (5)
2 years shall be added to the time required to be served.

3 (d) In the case of a prisoner sentenced consecutively to more than one life term for crimes
4 occurring after May 7, 1981, the permit may be issued only after the prisoner has served not less
5 than ten (10) years consecutively on each life sentence; provided, in the case of a prisoner sentenced
6 consecutively to more than one life term for crimes occurring after June 30, 1995, the permit may
7 be issued only after the prisoner has served not less than fifteen (15) years consecutively on each
8 life sentence. In the case of a prisoner sentenced consecutively to more than one life term for crimes
9 occurring after July 1, 2015, the permit may be issued only after the prisoner has served not less
10 than twenty (20) years consecutively on each life sentence. In the case of a prisoner sentenced
11 consecutively to more than one life term for crimes, including first- or second-degree murder,
12 occurring after July 1, 2015, the permit may be issued only after the prisoner has served not less
13 than twenty-five (25) years consecutively on each life sentence.

14 (e) Any person sentenced for any offense committed prior to his or her twenty-second
15 birthday, other than a person serving life without parole, shall be eligible for parole review and a
16 parole permit may be issued after the person has served no fewer than twenty (20) years
17 imprisonment unless the person is entitled to earlier parole eligibility pursuant to any other
18 provisions of law. This subsection shall be given prospective and retroactive effect for all offenses
19 occurring on or after January 1, 1991.

20 **13-8-18. Revocation of parole – Hearing.**

21 The parole board may, by a majority vote of all of its members, revoke, in accordance with
22 the provisions of § 13-8-18.1, any permit issued by it to any prisoner under the provisions of this
23 chapter or revoke any permit issued by another state or jurisdiction where the prisoner is being
24 supervised by the Rhode Island parole board whenever it shall appear to the board that the prisoner
25 has violated any of the terms or conditions of his or her permit or conditions of parole set by an
26 out-of-state jurisdiction, or has during the period of his or her parole violated any state laws.
27 Whenever it shall come to the knowledge of the board that any prisoner at liberty under a permit
28 issued by this state or another state or jurisdiction has been guilty of a violation of parole related to
29 a new criminal charge, the chairperson shall issue his or her warrant to any officer authorized to
30 serve criminal process to arrest the prisoner and commit him or her to the adult correctional
31 institutions, to be detained until the board shall have an opportunity to determine whether the permit
32 of the prisoner is to be revoked in accordance with the provisions of § 13-8-18.1, or in the case of
33 prisoners granted parole by another state or jurisdiction, and supervised by the Rhode Island parole
34 board, until that state or jurisdiction takes custody of the prisoner. Whenever it shall come to the

1 knowledge of the board that any prisoner at liberty under a permit issued by this state or another
2 state or jurisdiction has been guilty of a technical violation of parole, absent a new criminal charge,
3 the chairperson may, at his or her discretion, issue his or her warrant to any officer authorized to
4 serve criminal process to arrest the prisoner and commit him or her to the adult correctional
5 institutions, to be detained until the board shall have an opportunity to determine whether the permit
6 of the prisoner is to be revoked in accordance with the provisions of § 13-8-18.1, or in the case of
7 prisoners granted parole by another state or jurisdiction, and supervised by the Rhode Island parole
8 board, until that state or jurisdiction takes custody of the prisoner. If the board shall determine that
9 the permit shall not be revoked, then the board shall immediately order the prisoner to be set at
10 liberty under the terms and conditions of his or her original permit.

11 **13-8-18.1. Preliminary parole violation hearing.**

12 (a) As soon as is practicable after a detention for an alleged violation of parole, the parole
13 board shall afford the alleged parole violator a preliminary parole revocation hearing before a
14 hearing officer designated by the board. Such hearing officer shall not have had any prior
15 supervisory involvement over the alleged violator.

16 (b) The alleged violator shall, within five (5) days of the detention, in Rhode Island be
17 given written notice of the time, place and purpose of the preliminary hearing. The notice shall state
18 the specific conditions of parole that are alleged to have been violated and in what manner. The
19 notice shall also inform the alleged violator of the following rights in connection with the
20 preliminary hearing:

- 21 (1) The right to appear and speak in his/her own behalf;
22 (2) The right to call witnesses and present evidence;
23 (3) The right to confront and cross-examine the witnesses against him/her, unless the
24 hearing officer finds on the record that a witness may be subjected to risk of harm if his or her
25 identity is revealed; and
26 (4) The right to retain counsel and, if unable to afford counsel, the right under certain
27 circumstances to the appointment of counsel for the preliminary hearing.

28 The determination of whether or not the alleged violator is entitled to appointed counsel, if
29 such a request is made, shall be made on the record and in accordance with all relevant statutory
30 and constitutional provisions.

31 (c) The notice form must explain in clear and unambiguous language the procedures
32 established by the parole board concerning an alleged violator's exercise of the rights denominated
33 in subsection (b), including the mechanism for compelling the attendance of witnesses, the
34 mechanism for obtaining documentary evidence, and the mechanism for requesting the

1 appointment of counsel.

2 (d) The preliminary hearing shall take place no later than ten (10) days after service of
3 notice set forth in subsection (b). A preliminary hearing may be postponed beyond the ten (10) day
4 time limit for good cause at the request of either party, but may not be postponed at the request of
5 the state for more than five (5) additional days. The parole revocation charges shall be dismissed
6 with prejudice if a preliminary hearing is not conducted within the time period established by this
7 paragraph, not including any delay directly attributed to a postponement requested by the alleged
8 violator.

9 (e) If the alleged violator has requested the appointment of counsel at least five (5) days
10 prior to the preliminary hearing, the preliminary hearing may not proceed without counsel present
11 unless the hearing officer finds on the record, in accordance with all relevant statutory and
12 constitutional provisions, that the alleged violator is not entitled to appointed counsel. If the alleged
13 violator is found to have been entitled to counsel and no such counsel has been appointed, the parole
14 violation charges must be dismissed with prejudice. If the request for counsel was made four (4) or
15 fewer days in advance of the preliminary hearing, the time limit within which the preliminary
16 hearing must be held may be extended up to five (5) additional days.

17 (f) The standard of proof at the preliminary hearing shall be probable cause to believe that
18 the alleged violator has violated one or more conditions of his or her parole and that the violation
19 or violations were not de minimus in nature. Proof of conviction of a crime committed subsequent
20 to release on parole shall constitute probable cause for the purposes of the preliminary hearing.

21 (g) At the preliminary hearing, the hearing officer shall review the violation charges with
22 the alleged violator, direct the presentation of the evidence concerning the alleged violation, receive
23 the statements of the witnesses and documentary evidence, and allow cross-examination of those
24 witnesses in attendance. All proceedings shall be recorded and preserved.

25 (h) At the conclusion of the preliminary hearing, the hearing officer shall inform the alleged
26 violator of his or her decision as to whether there is probable cause to believe that the alleged
27 violator has violated one or more conditions of his or her parole and, if so, whether the violation or
28 violations were de minimus in nature. Those determinations shall be based solely on the evidence
29 adduced at the preliminary hearing. The hearing officer shall state in writing the reasons for his or
30 her determinations and the evidence relied upon for those determinations. A copy of the written
31 findings shall be sent to the alleged violator, and his or her counsel if applicable, within fourteen
32 (14) days of the preliminary hearing.

33 (i) If the hearing officer finds that there is no probable cause to believe that the alleged
34 violator has violated one or more conditions of his or her parole or that the violation or violations,

1 if any, were de minimus in nature, the parole chairperson shall rescind the detention warrant and
2 direct that the alleged violator, unless in custody for other reasons, be released and restored to
3 parole supervision.

4 (j) If the hearing officer finds that there is probable cause to believe that the alleged violator
5 has violated one or more conditions of his or her parole and that the violation or violations were
6 not de minimus in nature, the alleged violator shall be held for a final parole revocation hearing. A
7 final parole revocation hearing must be held as soon as is practicable, but in no event more than
8 ninety (90) days after the conclusion of the preliminary hearing.

9 (k) An alleged violator may waive his or her right to a preliminary hearing. Such a waiver
10 must be in written form. In the event of such a written waiver, a final parole revocation hearing
11 must be held as soon as is practicable, but in no event more than ninety (90) days after the right to
12 a preliminary hearing is waived. Notwithstanding the above, a final parole revocation hearing may
13 be continued by the alleged violator beyond the ninety (90) day time period. [For parole violations](#)
14 [not involving a new criminal offense, an alleged violator may waive his or her right to a final parole](#)
15 [revocation hearing, where there is no dispute as to the alleged violation and the parolee charged](#)
16 [with such violation\(s\) freely admits to the violation and accepts the appropriate sanction imposed](#)
17 [by the parole board.](#)

18 SECTION 4. Sections 13-8.1-1, 13-8.1-2, 13-8.1-3 and 13-8.1-4 of the General Laws in
19 Chapter 13-8.1 entitled "Medical Parole" are hereby amended to read as follows:

20 **13-8.1-1. Short title.**

21 This chapter shall be known as the "Medical [and Geriatric](#) Parole Act".

22 **13-8.1-2. Purpose.**

23 [\(a\) Medical parole is made available for humanitarian reasons and to alleviate exorbitant](#)
24 [medical expenses associated with inmates whose chronic and incurable illness render their](#)
25 [incarceration non-punitive and non-rehabilitative. Notwithstanding other statutory or](#)
26 [administrative provisions to the contrary, all prisoners except those serving life without parole shall](#)
27 [at any time after they begin serving their sentences be eligible for medical parole consideration,](#)
28 [regardless of the crime committed or the sentence imposed.](#)

29 [\(b\) Geriatric parole is made available for humanitarian reasons and to alleviate exorbitant](#)
30 [expenses associated with the cost of aging, for inmates whose advanced age reduces the risk that](#)
31 [they pose to the public safety. Notwithstanding other statutory or administrative provisions to the](#)
32 [contrary, all prisoners except those serving life without parole shall be eligible for geriatric parole](#)
33 [consideration upon meeting the criteria set forth below, regardless of the crime committed or the](#)
34 [sentence imposed.](#)

1 **13-8.1-3. Definitions.**

2 (a) "Permanently physically incapacitated" means suffering from a physical condition
3 caused by injury, disease, illness, ~~or cognitive insult such as dementia~~ or persistent vegetative state,
4 which, to a reasonable degree of medical certainty, permanently and irreversibly physically
5 incapacitates the individual to the extent that the individual needs help with most of the activities
6 that are necessary for independence such as feeding, toileting, dressing, and bathing and
7 transferring, or no significant physical activity is possible, ~~and the individual is confined to bed or~~
8 ~~a wheelchair~~ or suffering from an incurable, progressive condition that substantially diminishes the
9 individual's capacity to function in a correctional setting.

10 **(b) "Cognitively incapacitated" means suffering from a cognitive condition such as**
11 **dementia which greatly impairs activities that are necessary for independence such as feeding,**
12 **toileting, dressing, and bathing and renders their incarceration non-punitive and non-rehabilitative.**

13 ~~(b)~~ (c) "Terminally ill" means suffering from a condition caused by injury (except self-
14 inflicted injury), disease, or illness which, to a reasonable degree of medical certainty, is a life-
15 limiting diagnosis that will lead to profound functional, cognitive and/or physical decline, and
16 likely will result in death within eighteen (18) months.

17 ~~(c)~~ (d) "Severely ill" means suffering from a significant and permanent or chronic physical
18 and/or mental condition that: (1) Requires extensive medical and/or psychiatric treatment with little
19 to no possibility of recovery; and (2) ~~Precludes significant~~ Significantly impairs rehabilitation from
20 further incarceration.

21 **(e) "Aging prisoner" means an individual who is sixty-five (65) years of age or older and**
22 **suffers from functional impairment, infirmity, or illness.**

23 **13-8.1-4. Procedure.**

24 (a) The parole board is authorized to grant medical parole release of a prisoner, except a
25 prisoner serving life without parole, at any time, who is determined to be terminally ill, severely
26 ill, or permanently physically or cognitively incapacitated within the meaning of §§ 13-8.1-3(a) -
27 ~~(d). Inmates who are severely ill will only be considered for such release when their treatment~~
28 ~~causes the state to incur exorbitant expenses as a result of continued and frequent medical treatment~~
29 ~~during their incarceration, as determined by the office of financial resources of the department of~~
30 ~~corrections.~~

31 **(b) The parole board is authorized to grant geriatric parole release of a prisoner, except a**
32 **prisoner serving life without parole, who is an aging prisoner within the meaning of § 13-8.1-3(e)**
33 **or under medical parole as outlined by § 13-8.1-2.**

34 ~~(c)~~ (c) In order to apply for this relief, the prisoner or his or her family member or friend,

1 with an attending physician's written approval, or an attending physician, on behalf of the prisoner,
2 shall file an application with the director of the department of corrections. Within seventy-two (72)
3 hours after the filing of any application, the director shall refer the application to the health service
4 unit of the department of corrections for a medical report and a medical or geriatric discharge plan
5 to be completed within ten (10) days. Upon receipt of the ~~medical~~ discharge plan, the director of
6 the department of corrections shall immediately transfer the ~~medical~~ discharge plan, together with
7 the application, to the parole board for its consideration and decision.

8 ~~(e)~~ (d) The report shall contain, at a minimum, the following information:

9 (1) Diagnosis of the prisoner's medical conditions, including related medical history;

10 (2) Detailed description of the conditions and treatments;

11 (3) Prognosis, including life expectancy, likelihood of recovery, likelihood of
12 improvement, mobility and trajectory and rate of debilitation;

13 (4) Degree of incapacity or disability, including an assessment of whether the prisoner is
14 ambulatory, capable of engaging in any substantial physical activity, ability to independently
15 provide for their daily life activities, and the extent of that activity;

16 (5) An opinion from the medical director as to whether the person is terminally ill, and if
17 so, the stage of the illness, or whether the person is permanently physically or cognitively
18 incapacitated, ~~or~~ severely ill, or an aging prisoner. If the medical director's opinion is that the person
19 is not terminally ill, permanently, physically or cognitively incapacitated, ~~or~~ severely ill, or an aging
20 prisoner as defined in § 13-8.1-3, the petition for medical or geriatric parole shall not be forwarded
21 to the parole board.

22 ~~(6) In the case of a severely ill inmate, the report shall also contain a determination from~~
23 ~~the office of financial resources that the inmate's illness causes the state to incur exorbitant expenses~~
24 ~~as a result of continued and frequent medical treatment during incarceration.~~

25 ~~(d)~~(e) When the director of corrections refers a prisoner to the parole board for medical or
26 geriatric parole, the director shall provide to the parole board a medical or geriatric discharge plan
27 that is acceptable to the parole board.

28 ~~(e)~~ (f) The department of corrections and the parole board shall jointly develop standards
29 for the medical or geriatric discharge plan that are appropriately adapted to the criminal justice
30 setting. The discharge plan should ensure at the minimum that:

31 (1) An appropriate placement for the prisoner has been secured, including, but not limited
32 to: a hospital, nursing facility, hospice, or family home;

33 (2) A referral has been made for the prisoner to secure a source for payment of the prisoner's
34 medical expenses;

1 (3) A parole officer has been assigned to periodically obtain updates on the prisoner's
2 medical condition to report back to the board.

3 ~~(g)~~ If the parole board finds from the credible medical evidence that the prisoner is
4 terminally ill, permanently physically or cognitively incapacitated, ~~or~~ severely ill, or an aging
5 prisoner, the board shall grant release to the prisoner but only after the board also considers whether,
6 in light of the prisoner's medical condition, there is a reasonable probability that the prisoner, if
7 released, will live and remain at liberty without violating the law, and that the release is compatible
8 with the welfare of society and will not so depreciate the seriousness of the crime as to undermine
9 respect for the law. Notwithstanding any other provision of law, medical or geriatric release may
10 be granted an any time during the term of a prisoner's sentence.

11 ~~(h)~~ There shall be a presumption that the opinion of the physician and/or medical
12 director will be accepted. However, the applicant, the physician, the director, or the parole board
13 may request an independent medical evaluation within seven (7) days after the physician's and/or
14 medical director's report is presented. The evaluation shall be completed and a report, containing
15 the information required by subsection ~~(c)~~ of this section, filed with the director and the parole
16 board, and a copy sent to the applicant within fourteen (14) days from the date of the request.

17 ~~(i)~~ Within seven (7) days of receiving the application, the medical or geriatric report and
18 the discharge plan, the parole board shall determine whether the application, on its face,
19 demonstrates that relief may be warranted. If the face of the application clearly demonstrates that
20 relief is unwarranted, the board may deny the application without a hearing or further proceedings,
21 and within seven (7) days shall notify the prisoner in writing of its decision to deny the application,
22 setting forth its factual findings and a brief statement of the reasons for denying release without a
23 hearing. Denial of release does not preclude the prisoner from reapplying for medical or geriatric
24 parole after the expiration of sixty (60) days. A reapplication under this section must demonstrate
25 a material change in circumstances.

26 ~~(j)~~(1) Upon receipt of the application from the director of the department of corrections
27 the parole board shall, except as provided in subsection ~~(i)~~ of this section, set the case for a
28 hearing within thirty (30) days;

29 (2) Notice of the hearing shall be sent to the prosecutor and the victim(s), if any, of the
30 offense(s) for which the prisoner is incarcerated, and the prosecutor and the victim(s) shall have
31 the right to be heard at the hearing, or in writing, or both;

32 (3) At the hearing, the prisoner shall be entitled to be represented by an attorney or by the
33 public defender if qualified or other representative.

34 ~~(k)~~ Within seven (7) days of the hearing, the parole board shall issue a written decision

1 granting or denying medical [or geriatric](#) parole and explaining the reasons for the decision. If the
2 board determines that medical [or geriatric](#) parole is warranted, it shall impose conditions of release,
3 that shall include the following:

4 (1) Periodic medical examinations;

5 (2) Periodic reporting to a parole officer, and the reporting interval;

6 (3) Any other terms or conditions that the board deems necessary; and

7 (4) In the case of a prisoner who is medically paroled due to being severely ill, the parole
8 board shall require electronic monitoring as a condition of the medical parole, unless the health
9 care plan mandates placement in a medical facility that cannot accommodate the electronic
10 monitoring.

11 ~~(l)~~ If after release the releasee's condition or circumstances change so that he or she
12 would not then be eligible for medical [or geriatric](#) parole, the parole board may order him or her
13 returned to custody to await a hearing to determine whether his or her release should be revoked.
14 A release may also be revoked for violation of conditions otherwise applicable to parole.

15 ~~(m)~~ An annual report shall be prepared by the director of corrections for the parole board
16 and the general assembly. The report shall include:

17 (1) The number of inmates who have applied for medical [or geriatric](#) parole;

18 (2) The number [of inmates](#) who have been granted medical or geriatric parole;

19 (3) The nature of the illness, [cognitive condition, functional impairment, and/or infirmity](#)
20 of the applicants, and the nature of the placement pursuant to the ~~medical~~ discharge plan;

21 (4) The categories of reasons for denial for those who have been denied;

22 (5) The number of releasees on medical [or geriatric](#) parole who have been returned to the
23 custody of the department of corrections and the reasons for return.

24 [\(6\) The number of inmates who meet the statutory definition of "aging prisoner" and would](#)
25 [be potentially-eligible for geriatric parole.](#)

26 [\(n\) An annual educational seminar will be offered by the department of corrections](#)
27 [healthcare services unit to the parole board and community stakeholders on aging and infirmity in](#)
28 [prison and special considerations that should be applied to aging prisoners and prisoners with](#)
29 [severe or terminal illnesses during parole consideration.](#)

30 SECTION 5. Section 14-1-6 of the General Laws in Chapter 14-1 entitled "Proceedings in
31 Family Court" is hereby amended to read as follows:

32 **14-1-6. Retention of jurisdiction.**

33 (a) When the court shall have obtained jurisdiction over any child prior to the child having
34 attained the age of eighteen (18) years by the filing of a petition alleging that the child is wayward

1 or delinquent pursuant to § 14-1-5, the child shall, except as specifically provided in this chapter,
2 continue under the jurisdiction of the court until he or she becomes nineteen (19) years of age,
3 unless discharged prior to turning nineteen (19).

4 (b) When the court shall have obtained jurisdiction over any child prior to the child's
5 eighteenth (18th) birthday by the filing of a miscellaneous petition or a petition alleging that the
6 child is dependent, neglected, or abused pursuant to §§ 14-1-5 and 40-11-7 or 42-72-14, the child
7 shall, except as specifically provided in this chapter, continue under the jurisdiction of the court
8 until he or she becomes eighteen (18) years of age; provided, that at least six (6) months prior to a
9 child turning eighteen (18) years of age, the court shall require the department of children, youth
10 and families to provide a description of the transition services including the child's housing, health
11 insurance, education and/or employment plan, available mentors and continuing support services,
12 including workforce supports and employment services afforded the child in placement, or a
13 detailed explanation as to the reason those services were not offered. As part of the transition
14 planning, the child shall be informed by the department of the opportunity to voluntarily agree to
15 extended care and placement by the department and legal supervision by the court until age twenty-
16 one (21). The details of a child's transition plan shall be developed in consultation with the child,
17 wherever possible, and approved by the court prior to the dismissal of an abuse, neglect,
18 dependency, or miscellaneous petition before the child's twenty-first birthday.

19 (c) A child, who is in foster care on their eighteenth birthday due to the filing of a
20 miscellaneous petition or a petition alleging that the child is dependent, neglected, or abused
21 pursuant to §§ 14-1-5, 40-11-7 or 42-72-14, may voluntarily elect to continue responsibility for
22 care and placement from DCYF and to remain under the legal supervision of the court as a young
23 adult until age twenty-one (21), provided:

24 (1) The young adult was in the legal custody of the department at age eighteen (18); and

25 (2) The young adult is participating in at least one of the following:

26 (i) Completing the requirements to receive a high school diploma or GED;

27 (ii) Completing a secondary education or a program leading to an equivalent credential;
28 enrolled in an institution that provides postsecondary or vocational education;

29 (iii) Participating in a job-training program or an activity designed to promote or remove
30 barriers to employment;

31 (iv) Be employed for at least eighty (80) hours per month; or

32 (v) Incapable of doing any of the foregoing due to a medical condition that is regularly
33 updated and documented in the case plan.

34 (d) A former foster child who was adopted or placed in guardianship with an adoption

1 assistance agreement or a guardianship assistance agreement that was executed on or after his or
2 her sixteenth birthday and prior to his or her eighteenth birthday may voluntarily agree to extended
3 care and placement by the department and legal supervision by the court until age twenty-one (21)
4 if the young adult satisfies the requirements in subsection (c)(2). Provided, however, the department
5 retains the right to review the request and first attempt to address the issues through the adoption
6 assistance agreement by providing post adoptive or post guardianship support services to the young
7 adult and his or her adoptive or guardianship family.

8 (e) Upon the request of the young adult, who voluntarily agreed to the extension of care
9 and placement by the department and legal supervision by the court, pursuant to subsections (c)
10 and (d) of this section, the court's legal supervision and the department's responsibility for care and
11 placement may be terminated. Provided, however, the young adult may request reinstatement of
12 responsibility and resumption of the court's legal supervision at any time prior to his or her twenty-
13 first birthday if the young adult meets the requirements set forth in subsection (c)(2). If the
14 department wishes to terminate the court's legal supervision and its responsibility for care and
15 placement, it may file a motion for good cause. The court may exercise its discretion to terminate
16 legal supervision over the young adult at any time.

17 (f) With the consent of the person previously under the court's supervision, the court may
18 reopen, extend or retain its jurisdiction beyond that persons' twenty-first birthday until his or her
19 twenty-second birthday or until September 30, 2021, whichever date occurs first, under the
20 following circumstances:

21 (1) The person aged out of DCYF care or left foster care during the COVID-19 public
22 health emergency, defined as beginning on January 27, 2020, and is entitled to extended benefits
23 pursuant to the terms of the Consolidated Appropriations Act of 2021, Pub. L. 116-260; and

24 (i) The court has or had obtained jurisdiction over the person prior to his or her eighteenth
25 birthday by the filing of a miscellaneous petition or a petition alleging that the child is dependent,
26 abused or neglected pursuant to § 14-1-5, 40-11-7 or § 42-72-14 or after the person's eighteenth
27 birthday pursuant to a Voluntary Extension of Care petition; and

28 (ii) Court supervision is necessary for the department of children, youth and families to
29 access IV-E funding to support such benefits, in whole or in part; and

30 (iii) Court supervision is required to continue transition planning and to ensure the safety,
31 permanency, and well-being of older youth who remain in or who age out of foster care and re-
32 enter foster care.

33 ~~(f)~~(g) The court may retain jurisdiction of any child who is seriously emotionally disturbed
34 or developmentally delayed pursuant to § 42-72-5(b)(24)(v) until that child turns age twenty-one

1 (21) when the court shall have obtained jurisdiction over any child prior to the child's eighteenth
2 birthday by the filing of a miscellaneous petition or a petition alleging that the child is dependent,
3 neglected, and/or abused pursuant to §§ 14-1-5, and 40-11-7, or 42-72-14.

4 ~~(e)~~(h) The department of children, youth and families shall work collaboratively with the
5 department of behavioral healthcare, developmental disabilities and hospitals, and other agencies,
6 in accordance with § 14-1-59, to provide the family court with a transition plan for those individuals
7 who come under the court's jurisdiction pursuant to a petition alleging that the child is dependent,
8 neglected, and/or abused and who are seriously emotionally disturbed or developmentally delayed
9 pursuant to § 42-72-5(b)(24)(v). This plan shall be a joint plan presented to the court by the
10 department of children, youth and families and the department of behavioral healthcare,
11 developmental disabilities and hospitals. The plan shall include the behavioral healthcare,
12 developmental disabilities and hospitals' community or residential service level, health insurance
13 option, education plan, available mentors, continuing support services, workforce supports and
14 employment services, and the plan shall be provided to the court at least twelve (12) months prior
15 to discharge. At least three (3) months prior to discharge, the plan shall identify the specific
16 placement for the child, if a residential placement is needed. The court shall monitor the transition
17 plan. In the instance where the department of behavioral healthcare, developmental disabilities and
18 hospitals has not made timely referrals to appropriate placements and services, the department of
19 children, youth and families may initiate referrals.

20 ~~(h)~~(i) The parent and/or guardian and/or guardian ad litem of a child who is seriously
21 emotionally disturbed or developmentally delayed pursuant to § 42-72-5(b)(24)(v), and who is
22 before the court pursuant to §§ 14-1-5(1)(iii) through 14-1-5(1)(v), 40-11-7 or 42-72-14, shall be
23 entitled to a transition hearing, as needed, when the child reaches the age of twenty (20) if no
24 appropriate transition plan has been submitted to the court by the department of children, youth and
25 families and the department of behavioral healthcare, developmental disabilities and hospitals. The
26 family court shall require that the department of behavioral healthcare, developmental disabilities
27 and hospitals shall immediately identify a liaison to work with the department of children, youth
28 and families until the child reaches the age of twenty-one (21) and an immediate transition plan be
29 submitted if the following facts are found:

30 (1) No suitable transition plan has been presented to the court addressing the levels of
31 service appropriate to meet the needs of the child as identified by the department of behavioral
32 healthcare, developmental disabilities and hospitals; or

33 (2) No suitable housing options, health insurance, educational plan, available mentors,
34 continuing support services, workforce supports, and employment services have been identified for

1 the child.

2 ~~(j)~~(j) In any case where the court shall not have acquired jurisdiction over any person prior
3 to the person's eighteenth (18th) birthday by the filing of a petition alleging that the person had
4 committed an offense, but a petition alleging that the person had committed an offense that would
5 be punishable as a felony if committed by an adult has been filed before that person attains the age
6 of nineteen (19) years of age, that person shall, except as specifically provided in this chapter, be
7 subject to the jurisdiction of the court until he or she becomes nineteen (19) years of age, unless
8 discharged prior to turning nineteen (19).

9 ~~(k)~~(k) In any case where the court shall not have acquired jurisdiction over any person prior
10 to the person attaining the age of nineteen (19) years by the filing of a petition alleging that the
11 person had committed an offense prior to the person attaining the age of eighteen (18) years that
12 would be punishable as a felony if committed by an adult, that person shall be referred to the court
13 that had jurisdiction over the offense if it had been committed by an adult. The court shall have
14 jurisdiction to try that person for the offense committed prior to the person attaining the age of
15 eighteen (18) years and, upon conviction, may impose a sentence not exceeding the maximum
16 penalty provided for the conviction of that offense.

17 ~~(l)~~(l) In any case where the court has certified and adjudicated a child in accordance with
18 the provisions of §§ 14-1-7.2 and 14-1-7.3, the jurisdiction of the court shall encompass the power
19 and authority to sentence the child to a period in excess of the age of nineteen (19) years. However,
20 in no case shall the sentence be in excess of the maximum penalty provided by statute for the
21 conviction of the offense.

22 ~~(m)~~(m) Nothing in this section shall be construed to affect the jurisdiction of other courts
23 over offenses committed by any person after he or she reaches the age of eighteen (18) years.

24 SECTION 6. Sections 40-5.2-8, 40-5.2-108, 40-5.2-11, 40-5.2-20 and 40-5.2-33 of the
25 General Laws in Chapter 40-5.2 entitled "The Rhode Island Works Program" are hereby amended
26 to read as follows:

27 **40-5.2-8. Definitions.**

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

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

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

34 (3) "Assistance unit" means the assistance-filing unit consisting of the group of persons,

1 including the dependent child(ren), living together in a single household who must be included in
2 the application for assistance and in the assistance payment if eligibility is established. An
3 assistance unit may be the same as a family.

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

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

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

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

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

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

19 (10) "Earned income tax credit" means the credit against federal personal income tax
20 liability under § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32, or any successor section,
21 the advanced payment of the earned income tax credit to an employee under § 3507 of the code, 26
22 U.S.C. § 3507 [repealed], or any successor section and any refund received as a result of the earned
23 income tax credit, as well as any refundable state earned income tax credit.

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

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

34 (13) "Gross earnings" means earnings from employment and self-employment further

1 described in the department of human services rules and regulations.

2 (14) "Individual employment plan" means a written, individualized plan for employment
3 developed jointly by the applicant and the department of human services that specifies the steps the
4 participant shall take toward long-term economic independence developed in accordance with §
5 40-5.2-10(e). A participant must comply with the terms of the individual employment plan as a
6 condition of eligibility in accordance with § 40-5.2-10(e).

7 (15) "Job search and job readiness" means the mandatory act of seeking or obtaining
8 employment by the participant, or the preparation to seek or obtain employment.

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

12 Except in the context of rehabilitation employment plans, and special services provided by
13 the department of children, youth and families, job-search and job-readiness activities are limited
14 to four (4) consecutive weeks, or for a total of six (6) weeks in a twelve-month (12) period, with
15 limited exceptions as defined by the department. The department of human services, in consultation
16 with the department of labor and training, shall extend job-search, and job-readiness assistance for
17 up to twelve (12) weeks in a fiscal year if a state has an unemployment rate at least fifty percent
18 (50%) greater than the United States unemployment rate if the state meets the definition of a "needy
19 state" under the contingency fund provisions of federal law.

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

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

33 (17) "Minor parent" means a parent under the age of eighteen (18). A minor parent may be
34 an applicant or recipient with his or her dependent child(ren) in his/her own case or a member of

1 an assistance unit with his or her dependent child(ren) in a case established by the minor parent's
2 parent.

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

5 (19) "On-the-job-training" means training in the public or private sector that is given to a
6 paid employee while he or she is engaged in productive work and that provides knowledge and
7 skills essential to the full and adequate performance of the job. On-the-job training must be
8 supervised by an employer, work-site sponsor, or other designee of the department of human
9 services on an ongoing basis.

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

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

16 (22) "Relative" means a parent, stepparent, grandparent, great grandparent, great-great
17 grandparent, aunt, great-aunt, great-great aunt, uncle, great-uncle, great-great uncle, sister, brother,
18 stepbrother, stepsister, half-brother, half-sister, first cousin, first cousin once removed, niece, great-
19 niece, great-great niece, nephew, great-nephew, or great-great nephew.

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

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

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

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

34 (27) "Subsidized housing" means housing for a family whose rent is restricted to a

1 percentage of its income.

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

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

8 (30) "Work activities" mean the specific work requirements that must be defined in the
9 individual employment plan and must be complied with by the participant as a condition of
10 eligibility for the receipt of cash assistance for single and two-family (2) households outlined in §
11 40-5.2-12 of this chapter.

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

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

22 **40-5.2-10. Necessary requirements and conditions.**

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

25 (a) *Citizenship, alienage, and residency requirements.*

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

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

33 (b) The family/assistance unit must meet any other requirements established by the
34 department of human services by rules and regulations adopted pursuant to the Administrative

1 Procedures Act, as necessary to promote the purpose and goals of this chapter.

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

4 (d) All individuals domiciled in this state shall be exempt from the application of
5 subdivision 115(d)(1)(A) of Public Law 104-193, the Personal Responsibility and Work
6 Opportunity Reconciliation Act of 1996, PRWORA [21 U.S.C. § 862a], which makes any
7 individual ineligible for certain state and federal assistance if that individual has been convicted
8 under federal or state law of any offense that is classified as a felony by the law of the jurisdiction
9 and that has as an element the possession, use, or distribution of a controlled substance as defined
10 in § 102(6) of the Controlled Substances Act (21 U.S.C. § 802(6)).

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

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

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

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

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

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

34 (6)(i) The participant shall attend and participate immediately in intensive assessment and

1 employment services as the first step in the individual employment plan, unless temporarily exempt
2 from this requirement in accordance with this chapter. Intensive assessment and employment
3 services shall be defined as the work requirement activities in § 40-5.2-12(g) and (i).

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

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

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

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

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

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

28 (12) A participant who voluntarily quits or refuses a job without good cause, as defined in
29 § 40-5.2-12(1), while receiving cash assistance in accordance with this chapter, shall be sanctioned
30 in accordance with rules and regulations promulgated by the department.

31 (f) Resources.

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

34 (2) No family or assistance unit shall be eligible for assistance payments if the combined

1 value of its available resources (reduced by any obligations or debts with respect to such resources)
2 exceeds one thousand dollars (\$1,000).

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

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

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

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

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

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

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

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

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

34 (ix) The resources of any family member receiving supplementary security income

1 assistance under the Social Security Act, 42 U.S.C. § 301 et seq.

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

4 (g) Income.

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

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

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

13 (i) The first fifty dollars (\$50.00) in child support received in any month from each non-
14 custodial parent of a child plus any arrearages in child support (to the extent of the first fifty dollars
15 (\$50.00) per month multiplied by the number of months in which the support has been in arrears)
16 that are paid in any month by a non-custodial parent of a child;

17 (ii) Earned income of any child;

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

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

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

29 (vi) Foster care payments;

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

32 (viii) Payments for supportive services or reimbursement of out-of-pocket expenses made
33 to foster grandparents, senior health aides or senior companions and to persons serving in SCORE
34 and ACE and any other program under Title II and Title III of the Domestic Volunteer Service Act

1 of 1973, 42 U.S.C. § 5000 et seq.;

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

4 (x) Certain payments to native Americans; payments distributed per capita to, or held in
5 trust for, members of any Indian Tribe under P.L. 92-254, 25 U.S.C. § 1261 et seq., P.L. 93-134,
6 25 U.S.C. § 1401 et seq., or P.L. 94-540; receipts distributed to members of certain Indian tribes
7 which are referred to in § 5 of P.L. 94-114, 25 U.S.C. § 459d, that became effective October 17,
8 1975;

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

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

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

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

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

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

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

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

34 (3) Certain minor children not subject to time limit. This section regarding the lifetime time

1 limit for the receipt of cash assistance, shall not apply only in the instances of a minor child(ren)
2 living with a parent who receives SSI benefits and a minor child(ren) living with a responsible adult
3 non-parent caretaker relative who is not in the cash assistance payment.

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

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

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

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

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

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

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

8 (2) Effective August 1, 2008, no cash assistance shall be provided pursuant to this chapter
9 to a family in which a child has received cash assistance for a total of sixty (60) months (whether
10 or not consecutive) if the parent is ineligible for assistance under this chapter pursuant to
11 subdivision 40-5.2(a) (2) to include any time they received any type of cash assistance in any other
12 state or territory of the United States as defined herein.

13 (j) Hardship exceptions.

14 (1) The department may extend an assistance unit's or family's cash assistance beyond the
15 time limit, by reason of hardship; provided, however, that the number of families to be exempted
16 by the department with respect to their time limit under this subsection shall not exceed twenty
17 percent (20%) of the average monthly number of families to which assistance is provided for under
18 this chapter in a fiscal year; provided, however, that to the extent now or hereafter permitted by
19 federal law, any waiver granted under § 40-5.2-35, for domestic violence, shall not be counted in
20 determining the twenty percent (20%) maximum under this section.

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

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

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

31 (2) This subsection shall not apply if the minor parent or pregnant minor has no parent,
32 legal guardian, or other adult relative who is living and/or whose whereabouts are unknown; or the
33 department determines that the physical or emotional health or safety of the minor parent, or his or
34 her child, or the pregnant minor, would be jeopardized if he or she was required to live in the same

1 residence as his or her parent, legal guardian, or other adult relative (refusal of a parent, legal
2 guardian or other adult relative to allow the minor parent or his or her child, or a pregnant minor,
3 to live in his or her home shall constitute a presumption that the health or safety would be so
4 jeopardized); or the minor parent or pregnant minor has lived apart from his or her own parent or
5 legal guardian for a period of at least one year before either the birth of any child to a minor parent
6 or the onset of the pregnant minor's pregnancy; or there is good cause, under departmental
7 regulations, for waiving the subsection; and the individual resides in a supervised supportive living
8 arrangement to the extent available.

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

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

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

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

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

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

1 **40-5.2-11. Cash assistance.**

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

5 (b) The family members or assistance unit shall be eligible for cash assistance for so long
6 as they continue to meet the eligibility criteria outlined in accordance with this chapter. Parents and
7 adult non-parent caretaker relatives receiving cash assistance shall be eligible so long as they meet
8 the terms and conditions of the work requirements of § 40-5.2-12. An adult caretaker relative shall
9 be eligible for assistance as a member of the assistance unit so long as he/she meets all the eligibility
10 requirements of this chapter.

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

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

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

24 **40-5.2-20. Childcare assistance - Families or assistance units eligible.**

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

28 (b) Low-income child care. The department shall provide child care to all other working
29 families with incomes at or below one hundred eighty percent (180%) of the federal poverty level
30 if, and to the extent, these other families require child care in order to work at paid employment as
31 defined in the department's rules and regulations. Beginning October 1, 2013, the department shall
32 also provide child care to families with incomes below one hundred eighty percent (180%) of the
33 federal poverty level if, and to the extent, these families require child care to participate on a short-
34 term basis, as defined in the department's rules and regulations, in training, apprenticeship,

1 internship, on-the-job training, work experience, work immersion, or other job-readiness/job-
2 attachment program sponsored or funded by the human resource investment council (governor's
3 workforce board) or state agencies that are part of the coordinated program system pursuant to §
4 42-102-11. Effective from January 1, 2021 through June 30, 2022, the department shall also provide
5 child care assistance to families with incomes below one hundred eighty percent (180%) of the
6 federal poverty level when such assistance is necessary for a member of these families to enroll or
7 maintain enrollment in a Rhode Island public institution of higher education provided that
8 eligibility to receive funding is capped when expenditures reach \$200,000 for this provision.

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

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

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

32 (f)(1) Families with incomes below one hundred percent (100%) of the applicable federal
33 poverty level guidelines shall be provided with free child care. Families with incomes greater than
34 one hundred percent (100%) and less than one hundred eighty percent (180%) of the applicable

1 federal poverty guideline shall be required to pay for some portion of the child care they receive,
2 according to a sliding-fee scale adopted by the department in the department's rules.

3 (2) Families who are receiving childcare assistance and who become ineligible for
4 childcare assistance as a result of their incomes exceeding one hundred eighty percent (180%) of
5 the applicable federal poverty guidelines shall continue to be eligible for childcare assistance until
6 their incomes exceed two hundred twenty-five percent (225%) of the applicable federal poverty
7 guidelines. To be eligible, the families must continue to pay for some portion of the child care they
8 receive, as indicated in a sliding-fee scale adopted in the department's rules and in accordance with
9 all other eligibility standards.

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

13 (h) For purposes of this section, "income" for families receiving cash assistance under §
14 40-5.2-11 means gross, earned income and unearned income, subject to the income exclusions in
15 §§ 40-5.2-10(g)(2) and 40-5.2-10(g)(3), and income for other families shall mean gross, earned and
16 unearned income as determined by departmental regulations.

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

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

24 **40-5.2-33. ~~School-age children~~ Child clothing allowance.**

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

30 SECTION 7. Sections 40-6.2-1.1 of the General Laws in Chapter 40-6.2 entitled "Child
31 Care – State Subsidies" is hereby amended to read as follows:

32 **40-6.2-1.1. Rates established.**

33 (a) Through June 30, 2015, subject to the payment limitations in subsection (c), the
34 maximum reimbursement rates to be paid by the departments of human services and children, youth

1 and families for licensed childcare centers and licensed family childcare providers shall be based
2 on the following schedule of the 75th percentile of the 2002 weekly market rates adjusted for the
3 average of the 75th percentile of the 2002 and the 2004 weekly market rates:

4 LICENSED CHILDCARE CENTERS	75th PERCENTILE OF WEEKLY
5	MARKET RATE
6 INFANT	\$182.00
7 PRESCHOOL	\$150.00
8 SCHOOL-AGE	\$135.00
9 LICENSED FAMILY CHILDCARE	75th PERCENTILE OF WEEKLY
10 PROVIDERS	MARKET RATE
11 INFANT	\$150.00
12 PRESCHOOL	\$150.00
13 SCHOOL-AGE	\$135.00

14 Effective July 1, 2015, subject to the payment limitations in subsection (c), the maximum
15 reimbursement rates to be paid by the departments of human services and children, youth and
16 families for licensed childcare centers and licensed family childcare providers shall be based on the
17 above schedule of the 75th percentile of the 2002 weekly market rates adjusted for the average of
18 the 75th percentile of the 2002 and the 2004 weekly market rates. These rates shall be increased by
19 ten dollars (\$10.00) per week for infant/toddler care provided by licensed family childcare
20 providers and license-exempt providers and then the rates for all providers for all age groups shall
21 be increased by three percent (3%). For the fiscal year ending June 30, 2018, licensed childcare
22 centers shall be reimbursed a maximum weekly rate of one hundred ninety-three dollars and sixty-
23 four cents (\$193.64) for infant/toddler care and one hundred sixty-one dollars and seventy-one
24 cents (\$161.71) for preschool-age children.

25 (b) Effective July 1, 2018, subject to the payment limitations in subsection (c), the
26 maximum infant/toddler and preschool-age reimbursement rates to be paid by the departments of
27 human services and children, youth and families for licensed childcare centers shall be
28 implemented in a tiered manner, reflective of the quality rating the provider has achieved within
29 the state's quality rating system outlined in § 42-12-23.1.

30 (1) For infant/toddler child care, tier one shall be reimbursed two and one-half percent
31 (2.5%) above the FY 2018 weekly amount, tier two shall be reimbursed five percent (5%) above
32 the FY 2018 weekly amount, tier three shall be reimbursed thirteen percent (13%) above the FY
33 2018 weekly amount, tier four shall be reimbursed twenty percent (20%) above the FY 2018 weekly
34 amount, and tier five shall be reimbursed thirty-three percent (33%) above the FY 2018 weekly

1 amount.

2 (2) For preschool reimbursement rates, tier one shall be reimbursed two and one-half
3 (2.5%) percent above the FY 2018 weekly amount, tier two shall be reimbursed five percent (5%)
4 above the FY 2018 weekly amount, tier three shall be reimbursed ten percent (10%) above the FY
5 2018 weekly amount, tier four shall be reimbursed thirteen percent (13%) above the FY 2018
6 weekly amount, and tier five shall be reimbursed twenty-one percent (21%) above the FY 2018
7 weekly amount.

8 (c) [Deleted by P.L. 2019, ch. 88, art. 13, § 4.]

9 (d) By June 30, 2004, and biennially through June 30, 2014, the department of labor and
10 training shall conduct an independent survey or certify an independent survey of the then-current
11 weekly market rates for child care in Rhode Island and shall forward the weekly market rate survey
12 to the department of human services. The next survey shall be conducted by June 30, 2016, and
13 triennially thereafter. The departments of human services and labor and training will jointly
14 determine the survey criteria including, but not limited to, rate categories and sub-categories.

15 (e) In order to expand the accessibility and availability of quality child care, the department
16 of human services is authorized to establish, by regulation, alternative or incentive rates of
17 reimbursement for quality enhancements, innovative or specialized child care, and alternative
18 methodologies of childcare delivery, including nontraditional delivery systems and collaborations.

19 (f) Effective January 1, 2007, all childcare providers have the option to be paid every two
20 (2) weeks and have the option of automatic direct deposit and/or electronic funds transfer of
21 reimbursement payments.

22 (g) Effective July 1, 2019, the maximum infant/toddler reimbursement rates to be paid by
23 the departments of human services and children, youth and families for licensed family childcare
24 providers shall be implemented in a tiered manner, reflective of the quality rating the provider has
25 achieved within the state's quality rating system outlined in § 42-12-23.1. Tier one shall be
26 reimbursed two percent (2%) above the prevailing base rate for step 1 and step 2 providers, three
27 percent (3%) above prevailing base rate for step 3 providers, and four percent (4%) above the
28 prevailing base rate for step 4 providers; tier two shall be reimbursed five percent (5%) above the
29 prevailing base rate; tier three shall be reimbursed eleven percent (11%) above the prevailing base
30 rate; tier four shall be reimbursed fourteen percent (14%) above the prevailing base rate; and tier
31 five shall be reimbursed twenty-three percent (23%) above the prevailing base rate.

32 (h) Through December 31, 2021, the maximum reimbursement rates paid by the
33 departments of human services, and children, youth and families to licensed childcare centers shall
34 be consistent with the enhanced emergency rates provided as of June 1, 2021 as follows:

	<u>Tier 1</u>	<u>Tier 2</u>	<u>Tier 3</u>	<u>Tier 4</u>	<u>Tier 5</u>
<u>Infant/Toddler</u>	<u>\$257.54</u>	<u>\$257.54</u>	<u>\$257.54</u>	<u>\$257.54</u>	<u>\$273.00</u>
<u>Pre-school Age</u>	<u>\$195.67</u>	<u>\$195.67</u>	<u>\$195.67</u>	<u>\$195.67</u>	<u>\$260.00</u>
<u>School Age</u>	<u>\$200.00</u>	<u>\$200.00</u>	<u>\$200.00</u>	<u>\$200.00</u>	<u>\$245.00</u>

The maximum reimbursement rates paid by the departments of human services, and children, youth and families to licensed family childcare providers shall be consistent with the enhanced emergency rates provided as of June 1, 2021 as follows:

	<u>Tier 1</u>	<u>Tier 2</u>	<u>Tier 3</u>	<u>Tier 4</u>	<u>Tier 5</u>
<u>Infant/Toddler</u>	<u>\$224.43</u>	<u>\$224.43</u>	<u>\$224.43</u>	<u>\$224.43</u>	<u>\$224.43</u>
<u>Pre-school Age</u>	<u>\$171.45</u>	<u>\$171.45</u>	<u>\$171.45</u>	<u>\$171.45</u>	<u>\$171.45</u>
<u>School Age</u>	<u>\$162.30</u>	<u>\$162.30</u>	<u>\$162.30</u>	<u>\$162.30</u>	<u>\$162.30</u>

(i) Effective July 1, 2022, the maximum reimbursement rates to be paid by the departments of human services and children, youth and families for licensed childcare centers shall be implemented in a tiered manner, reflective of the quality rating the provider has achieved within the state's quality rating system outlined in § 42-12-23.1. Maximum weekly rates shall be reimbursed as follows:

LICENSED CHILDCARE

<u>CENTERS</u>	<u>Tier One</u>	<u>Tier Two</u>	<u>Tier Three</u>	<u>Tier Four</u>	<u>Tier Five</u>
<u>Infant/Toddler</u>	<u>\$236.36</u>	<u>\$244.88</u>	<u>\$257.15</u>	<u>\$268.74</u>	<u>\$284.39</u>
<u>Preschool</u>	<u>\$207.51</u>	<u>\$212.27</u>	<u>\$218.45</u>	<u>\$223.50</u>	<u>\$231.39</u>
<u>School-Age</u>	<u>\$180.38</u>	<u>\$182.77</u>	<u>\$185.17</u>	<u>\$187.57</u>	<u>\$189.97</u>

The maximum reimbursement rates for licensed family childcare providers paid by the departments of human services, and children, youth and families is determined through collective bargaining. The maximum reimbursement rates for infant/toddler and preschool age children paid to licensed family childcare providers by both departments is implemented in a tiered manner that reflects the quality rating the provider has achieved in accordance with § 42-12-23.1.

SECTION 8. Sections 42-56-20.2, 42-56-24 and 42-56-38 of the General Laws in Chapter 42-56 entitled "Corrections Department" are hereby amended to read as follows:

42-56-20.2. Community confinement.

(a) Persons subject to this section. Every person who shall have been adjudged guilty of any crime after trial before a judge, a judge and jury, or before a single judge entertaining the person's plea of nolo contendere or guilty to an offense ("adjudged person"), and every person sentenced to imprisonment in the adult correctional institutions ("sentenced person") including those sentenced or imprisoned for civil contempt, and every person awaiting trial at the adult

1 correctional institutions ("detained person") who meets the criteria set forth in this section shall be
2 subject to the terms of this section except:

3 (1) Any person who is unable to demonstrate that a permanent place of residence ("eligible
4 residence") within this state is available to that person; or

5 (2) Any person who is unable to demonstrate that he or she will be regularly employed, or
6 enrolled in an educational or vocational training program within this state, and within thirty (30)
7 days following the institution of community confinement; or

8 (3)(i) Any adjudged person or sentenced person or detained person who has been
9 convicted, within the five (5) years next preceding the date of the offense for which he or she is
10 currently so adjudged or sentenced or detained, of a violent felony.

11 A "violent felony" as used in this section shall mean any one of the following crimes or an
12 attempt to commit that crime: murder, manslaughter, sexual assault, mayhem, robbery, burglary,
13 assault with a dangerous weapon, assault or battery involving serious bodily injury, arson, breaking
14 and entering into a dwelling, child molestation, kidnapping, DWI resulting in death or serious
15 injury, driving to endanger resulting in death or serious injury; or

16 (ii) Any person currently adjudged guilty of or sentenced for or detained on any capital
17 felony; or

18 (iii) Any person currently adjudged guilty of or sentenced for or detained on a felony
19 offense involving the use of force or violence against a person or persons.

20 These shall include, but are not limited to, those offenses listed in subsection (a)(3)(i) of
21 this section; or

22 (iv) Any person currently adjudged guilty, sentenced, or detained for the sale, delivery, or
23 possession with intent to deliver a controlled substance in violation of § 21-28-4.01(a)(4)(i) or
24 possession of a certain enumerated quantity of a controlled substance in violation of §§ 21-28-
25 4.01.1 or 21-28-4.01.2; or

26 (v) Any person currently adjudged guilty of, or sentenced for, or detained on an offense
27 involving the illegal possession of a firearm.

28 (b) Findings prior to sentencing to community confinement. In the case of adjudged
29 persons, if the judge intends to impose a sentence of community confinement, he or she shall first
30 make specific findings, based on evidence regarding the nature and circumstances of the offense
31 and the personal history, character, record, and propensities of the defendant which are relevant to
32 the sentencing determination, and these findings shall be placed on the record at the time of
33 sentencing. These findings shall include, but are not limited to:

34 (1) A finding that the person does not demonstrate a pattern of behavior indicating a

1 propensity for violent behavior;

2 (2) A finding that the person meets each of the eligibility criteria set forth in subsection (a);

3 (3) A finding that simple probation is not an appropriate sentence;

4 (4) A finding that the interest of justice requires, for specific reasons, a sentence of non-
5 institutional confinement; and

6 (5) A finding that the person will not pose a risk to public safety if placed in community
7 confinement.

8 The facts supporting these findings shall be placed on the record and shall be subject to
9 review on appeal.

10 (c) Community confinement.

11 (1) There shall be established within the department of corrections, a community
12 confinement program to serve that number of adjudged persons, sentenced persons, and detainees,
13 that the director of the department of corrections ("director") shall determine on or before July 1 of
14 each year. Immediately upon that determination, the director shall notify the presiding justice of
15 the superior court of the number of adjudged persons, sentenced persons, and detainees that can be
16 accommodated in the community confinement program for the succeeding twelve (12) months.
17 One-half (1/2) of all persons sentenced to community confinement shall be adjudged persons, and
18 the balance shall be detainees and sentenced persons. The director shall provide to the presiding
19 justice of the superior court and the family court on the first day of each month a report to set forth
20 the number of adjudged persons, sentenced persons, and detainees participating in the community
21 confinement program as of each reporting date. Notwithstanding any other provision of this section,
22 if on April 1 of any fiscal year less than one-half (1/2) of all persons sentenced to community
23 confinement shall be adjudged persons, then those available positions in the community
24 confinement program may be filled by sentenced persons or detainees in accordance with the
25 procedures set forth in subsection (c)(2) of this section.

26 (2) In the case of inmates other than those classified to community confinement under
27 subsection (h) of this section, the director may make written application ("application") to the
28 sentencing judge for an order ("order") directing that a sentenced person or detainee be confined
29 within an eligible residence for a period of time, which in the case of a sentenced person, shall not
30 exceed the term of imprisonment. This application and order shall contain a recommendation for a
31 program of supervision and shall contain the findings set forth in subsections (b)(1), (b)(2), (b)(3),
32 (b)(4), and (b)(5) of this section and facts supporting these findings. The application and order may
33 contain a recommendation for the use of electronic surveillance or monitoring devices. The hearing
34 on this application shall be held within ten (10) business days following the filing of this

1 application. If the sentencing judge is unavailable to hear and consider the application the presiding
2 justice of the superior court shall designate another judge to do so.

3 (3) In lieu of any sentence that may be otherwise imposed upon any person subject to this
4 section, the sentencing judge may cause an adjudged person to be confined within an eligible
5 residence for a period of time not to exceed the term of imprisonment otherwise authorized by the
6 statute the adjudged person has been adjudged guilty of violating.

7 (4) With authorization by the sentencing judge, or, in the case of sentenced persons
8 classified to community confinement under subsection (h) of this section by the director of
9 corrections, or in accordance with the order, persons confined under the provisions of this chapter
10 may be permitted to exit the eligible residence in order to travel directly to and from their place of
11 employment or education or training and may be confined in other terms or conditions consistent
12 with the basic needs of that person that justice may demand, including the right to exit the eligible
13 residence to which that person is confined for certain enumerated purposes such as religious
14 observation, medical and dental treatment, participation in an education or vocational training
15 program, and counseling, all as set forth in the order.

16 (d) Administration.

17 (1) Community confinement. The supervision of persons confined under the provisions of
18 this chapter shall be conducted by the director, or his or her designee.

19 (2) Intense surveillance. The application and order shall prescribe a program of intense
20 surveillance and supervision by the department of corrections. Persons confined under the
21 provisions of this section shall be subject to searches of their persons or of their property when
22 deemed necessary by the director, or his or her designee, in order to ensure the safety of the
23 community, supervisory personnel, the safety and welfare of that person, and/or to ensure
24 compliance with the terms of that person's program of community confinement; provided, however,
25 that no surveillance, monitoring or search shall be done at manifestly unreasonable times or places
26 nor in a manner or by means that would be manifestly unreasonable under the circumstances then
27 present.

28 (3) The use of any electronic surveillance or monitoring device which is affixed to the body
29 of the person subject to supervision is expressly prohibited unless set forth in the application and
30 order or, in the case of sentenced persons classified to community confinement under subsection
31 (h), otherwise authorized by the director of corrections.

32 (4) Regulatory authority. The director shall have full power and authority to enforce any
33 of the provisions of this section by regulation, subject to the provisions of the Administrative
34 Procedures Act, chapter 35 of title 42. Notwithstanding any provision to the contrary, the

1 department of corrections may contract with private agencies to carry out the provisions of this
2 section. The civil liability of those agencies and their employees, acting within the scope of their
3 employment, and carrying out the provisions of this section, shall be limited in the same manner
4 and dollar amount as if they were agencies or employees of the state.

5 (e) Violations. Any person confined pursuant to the provisions of this section, who is found
6 to be a violator of any of the terms and conditions imposed upon him or her according to the order,
7 or in the case of sentenced persons classified to community confinement under subsection (h),
8 otherwise authorized by the director of corrections, this section, or any rules, regulations, or
9 restrictions issued pursuant hereto shall serve the balance of his or her sentence in a classification
10 deemed appropriate by the director. If that conduct constitutes a violation of § 11-25-2, the person,
11 upon conviction, shall be subject to an additional term of imprisonment of not less than one year
12 and not more than twenty (20) years. However, it shall be a defense to any alleged violation that
13 the person was at the time of the violation acting out of a necessary response to an emergency
14 situation. An "emergency situation" shall be construed to mean the avoidance by the defendant of
15 death or of substantial personal injury, as defined above, to him or herself or to others.

16 (f) Costs. Each person confined according to this section shall reimburse the state for the
17 costs or a reasonable portion thereof incurred by the state relating to the community confinement
18 of those persons. Costs shall be initially imposed by the sentencing judge or in the order and shall
19 be assessed by the director prior to the expiration of that person's sentence. Once assessed, those
20 costs shall become a lawful debt due and owing to the state by that person. Monies received under
21 this section shall be deposited as general funds.

22 (g) Severability. Every word, phrase, clause, section, subsection, and any of the provisions
23 of this section are hereby declared to be severable from the whole, and a declaration of
24 unenforceability or unconstitutionality of any portion of this section, by a judicial court of
25 competent jurisdiction, shall not affect the portions remaining.

26 (h) Sentenced persons approaching release. Notwithstanding the provisions set forth within
27 this section, any sentenced person committed under the direct care, custody, and control of the adult
28 correctional institutions, who is within ~~six (6) months~~ one (1) year of the projected good time
29 release date, provided that the person shall have completed at least one-half (1/2) of the full term
30 of incarceration, or any person who is sentenced to a term of six (6) months or less of incarceration,
31 provided that the person shall have completed at least ~~three-fourths (3/4)~~ one-half (1/2) of the term
32 of incarceration, may in the discretion of the director of corrections be classified to community
33 confinement. This provision shall not apply to any person whose current sentence was imposed
34 upon conviction of murder, first degree sexual assault or first degree child molestation.

1 (i) Notification to police departments. The director, or his or her designee, shall notify the
2 appropriate police department when a sentenced, adjudged or detained person has been placed into
3 community confinement within that department's jurisdiction. That notice will include the nature
4 of the offense and the express terms and conditions of that person's confinement. That notice shall
5 also be given to the appropriate police department when a person in community confinement within
6 that department's jurisdiction is placed in escape status.

7 (j) No incarceration credit for persons awaiting trial. No detainee shall be given
8 incarceration credit by the director for time spent in community confinement while awaiting trial.

9 (k) No confinement in college or university housing facilities. Notwithstanding any
10 provision of the general laws to the contrary, no person eligible for community confinement shall
11 be placed in any college or university housing facility, including, but not limited to, dormitories,
12 fraternities or sororities. College or university housing facilities shall not be considered an "eligible
13 residence" for "community confinement."

14 (l) A sentencing judge shall have authority to waive overnight stay or incarceration at the
15 adult correctional institution after the sentencing of community confinement. Such a waiver shall
16 be binding upon the adult correctional institution and the staff thereof, including, but not limited to
17 the community confinement program.

18 **42-56-24. Earned time for good behavior or program participation or completion.**

19 (a) A person serving a sentence of a violation of §§ 11-5-1 (where the specified felony is
20 murder), 11-23-1, 11-26-1.4, 11-37-2, 11-37-8.1 or 11-37-8.3 shall not be eligible to earn time off
21 their term or terms of incarceration for good behavior.

22 (b) The director, or his or her designee, shall keep a record of the conduct of each prisoner,
23 and for each month that a prisoner who has been sentenced to imprisonment for six (6) months or
24 more and not under sentence to imprisonment for life, appears by the record to have faithfully
25 observed all the rules and requirements of the institutions and not to have been subjected to
26 discipline, and is serving a sentence imposed for violation of sexual offenses under §§ 11-37-4, 11-
27 37-6, 11-37-8 or 11-9-1.3 there shall, with the consent of the director of the department of
28 corrections, or his or her designee, upon recommendation to him or her by the assistant director of
29 institutions/operations, be deducted from the term or terms of sentence of that prisoner the same
30 number of days that there are years in the term of his or her sentence; provided, that when the
31 sentence is for a longer term than ten (10) years, only ten (10) days shall be deducted for one
32 month's good behavior; and provided, further, that in the case of sentences of at least six (6) months
33 and less than one year, one day per month shall be deducted.

34 For the purposes of this subsection computing the number of days to be deducted for good

1 behavior, consecutive sentences shall be counted as a whole sentence. This subsection recognizes
2 the serious nature of sex offenses; promotes community safety and protection of the public; and
3 maintains the ability of the department of corrections to oversee the rehabilitation and supervision
4 of sex offenders.

5 (c) For all prisoners serving sentences of more than one month, and not serving a sentence
6 of imprisonment for life or a sentence imposed for a violation of the offenses identified in
7 subsection (a) or (b) the director, or his or her designee, shall keep a record of the conduct of each
8 prisoner, and for each month that prisoner has faithfully observed all the rules and requirements of
9 the institutions and has not been subjected to discipline, there shall, with the consent of the director
10 of the department of corrections or his or her designee and upon recommendation by the assistant
11 director of institutions/operations, be deducted from the term or terms of sentence of that prisoner
12 ten (10) days for each month's good behavior.

13 (d) For every day a prisoner shall be shut up or otherwise disciplined for bad conduct, as
14 determined by the assistant director, institutions/operations, subject to the authority of the director,
15 there shall be deducted one day from the time he or she shall have gained for good conduct.

16 (e) The assistant director, or his or her designee, subject to the authority of the director,
17 shall have the power to restore lost good conduct time in whole or in part upon a showing by the
18 prisoner of subsequent good behavior and disposition to reform.

19 (f) For each month that a prisoner who has been sentenced to imprisonment for more than
20 one month and not under sentence to imprisonment for life who has faithfully engaged in
21 institutional industries there shall, with the consent of the director, upon the recommendations to
22 him or her by the assistant director, institutions/operations, be deducted from the term or terms of
23 the prisoner an additional two (2) days a month.

24 (g) Except those prisoners serving a sentence imposed for violation of subsection (a) or (b),
25 for each month that a prisoner who has been sentenced to imprisonment for more than one month
26 and not under sentence to imprisonment for life has participated faithfully in programs that have
27 been determined by the director or his/her designee to address that prisoner's individual needs that
28 are related to his/her criminal behavior, there may, with the consent of the director and upon the
29 recommendation of the assistant director, rehabilitative services, be deducted from the term or
30 terms of the prisoner up to an additional five (5) days a month. Furthermore, whenever the prisoner
31 has successfully completed such program, they may; with the consent of the director and upon the
32 recommendation by the assistant director, rehabilitative services, be deducted from the term or
33 terms of the prisoner up to an additional thirty (30) days.

34 [\(h\) A person who is serving a term or terms of a probation sentence of one year or](#)

1 longer, including a person who has served a term of incarceration followed by a probation
2 sentence, except those serving a term of probation for a sentence in violation of §§ 11-5-1 (where
3 the specified felony is murder or sexual assault), 11-23-1, 11-26-1.4, 11-37-2, 11-37-8.1 or 11-37-
4 8.3 shall upon serving three years of their probation sentence be eligible to earn time off their term
5 or terms of the probation sentence for compliance with court-ordered terms and conditions of
6 probation. Calculation of these credits shall commence upon the probationer's completion
7 of all terms of incarceration.

8 (i) The director, or his or her designee, shall keep a record of the conduct of each
9 probationer. For each month that the probationer has not had a judicial finding of a violation of
10 conditions of probation, there shall, with the consent of the director of the department of
11 corrections, or designee, upon recommendation of the assistant director of
12 institutions/operations, or designee, be deducted from the term or terms of the probationer's
13 sentence (10) ten days for each month's compliance with the terms and conditions of their
14 probation.

15 (ii) For each month that a violation of probation is pending the probationer shall not be
16 eligible to earn probation compliance credits. In the event there is a judicial determination that the
17 probationer did not violate his or her terms and conditions of probation, credit will be awarded
18 retroactive to the date of the filing of the probation violation. In the event there is a judicial
19 determination that the probationer did violate his or her terms and conditions of
20 probation, the probationer shall not be awarded compliance credits for the time during which the
21 violation was pending, and further, the court may order revocation of prior
22 earned compliance credits.

23 (iii) The probation department of the department of corrections shall keep a record of the
24 probationer's sentence to include the person's end of sentence date based on earned credits for
25 compliance with their terms and conditions of probation.

26 (iv) This section shall apply to all individuals sentenced to probation, including those
27 sentenced prior to enactment of the statute. However, the award of probation compliance
28 credits shall be prospective only from the date of enactment of the statute.

29 **42-56-38. Assessment of costs.**

30 (a) Each sentenced offender committed to the care, custody or control of the department of
31 corrections shall reimburse the state for the cost or the reasonable portion of the cost incurred by
32 the state relating to that commitment; provided, however, that a person committed, awaiting trial
33 and not convicted, shall not be liable for the reimbursement. Items of cost shall include physical
34 services and commodities such as food, medical, clothing and specialized housing, as well as social

1 services such as specialized supervision and counseling. Costs shall be assessed by the director of
2 corrections, or his or her designee, based upon each person's ability to pay, following a public
3 hearing of proposed fee schedules. Each offender's family income and number of dependents shall
4 be among the factors taken into consideration when determining ability to pay. Moneys received
5 under this section shall be deposited as general revenues. The director shall promulgate rules and
6 regulations necessary to carry out the provisions of this section. The rules and regulations shall
7 provide that the financial situation of persons, financially dependent on the person, be considered
8 prior to the determination of the amount of reimbursement. This section shall not be effective until
9 the date the rules and regulations are filed with the office of the secretary of state.

10 (b) Notwithstanding the provision of subsection (a), or any rule or regulation promulgated
11 by the director, any sentenced offender who is ordered or directed to the work release program,
12 shall pay no less than thirty percent (30%) of his or her ~~gross~~ net salary for room and board.

13 SECTION 9. This article shall take effect upon passage.

14