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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO HUMAN SERVICES -- THE RHODE ISLAND WORKS PROGRAM

Introduced By: Senators Anderson, Calkin, Mack, and Mendes

Date Introduced: February 10, 2021

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 40-5.2-10 of the General Laws in Chapter 40-5.2 entitled "The Rhode  
2 Island Works Program" is hereby amended to read as follows:

3 **40-5.2-10. Necessary requirements and conditions.**

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

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

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

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

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

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

19 (d) All individuals domiciled in this state shall be exempt from the application of

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

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

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

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

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

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

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

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

34 (ii) Parents under age twenty (20) without a high school diploma or general equivalency

1 diploma (GED) shall be referred to special teen-parent programs that will provide intensive services  
2 designed to assist teen parents to complete high school education or GED, and to continue approved  
3 work plan activities in accord with Rhode Island works program requirements.

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

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

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

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

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

24 (12) A participant who voluntarily quits or refuses a job without good cause, as defined in  
25 § 40-5.2-12(1), while receiving cash assistance in accordance with this chapter, shall be sanctioned  
26 in accordance with rules and regulations promulgated by the department.

27 (f) Resources.

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

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

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

- 1 (i) The home owned and occupied by a child, parent, relative, or other individual;
- 2 (ii) Real property owned by a husband and wife as tenants by the entirety, if the property  
3 is not the home of the family and if the spouse of the applicant refuses to sell his or her interest in  
4 the property;
- 5 (iii) Real property that the family is making a good-faith effort to dispose of, however, any  
6 cash assistance payable to the family for any such period shall be conditioned upon such disposal  
7 of the real property within six (6) months of the date of application and any payments of assistance  
8 for that period shall (at the time of disposal) be considered overpayments to the extent that they  
9 would not have occurred at the beginning of the period for which the payments were made. All  
10 overpayments are debts subject to recovery in accordance with the provisions of the chapter;
- 11 (iv) Income-producing property other than real estate including, but not limited to,  
12 equipment such as farm tools, carpenter's tools, and vehicles used in the production of goods or  
13 services that the department determines are necessary for the family to earn a living;
- 14 (v) One vehicle for each adult household member, but not to exceed two (2) vehicles per  
15 household, and in addition, a vehicle used primarily for income-producing purposes such as, but  
16 not limited to, a taxi, truck, or fishing boat; a vehicle used as a family's home; a vehicle that annually  
17 produces income consistent with its fair market value, even if only used on a seasonal basis; a  
18 vehicle necessary to transport a family member with a disability where the vehicle is specially  
19 equipped to meet the specific needs of the person with a disability or if the vehicle is a special type  
20 of vehicle that makes it possible to transport the person with a disability;
- 21 (vi) Household furnishings and appliances, clothing, personal effects, and keepsakes of  
22 limited value;
- 23 (vii) Burial plots (one for each child, relative, and other individual in the assistance unit)  
24 and funeral arrangements;
- 25 (viii) For the month of receipt and the following month, any refund of federal income taxes  
26 made to the family by reason of § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32 (relating  
27 to earned income tax credit), and any payment made to the family by an employer under § 3507 of  
28 the Internal Revenue Code of 1986, 26 U.S.C. § 3507 [repealed] (relating to advance payment of  
29 such earned income credit);
- 30 (ix) The resources of any family member receiving supplementary security income  
31 assistance under the Social Security Act, 42 U.S.C. § 301 et seq.

32 (g) Income.

33 (1) Except as otherwise provided for herein, in determining eligibility for and the amount  
34 of cash assistance to which a family is entitled under this chapter, the income of a family includes

1 all of the money, goods, and services received or actually available to any member of the family.

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

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

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

11 (ii) Earned income of any child;

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

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

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

23 (vi) Foster care payments;

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

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

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

32 (x) Certain payments to native Americans; payments distributed per capita to, or held in  
33 trust for, members of any Indian Tribe under P.L. 92-254, 25 U.S.C. § 1261 et seq., P.L. 93-134,  
34 25 U.S.C. § 1401 et seq., or P.L. 94-540; receipts distributed to members of certain Indian tribes

1 which are referred to in § 5 of P.L. 94-114, 25 U.S.C. § 459d, that became effective October 17,  
2 1975;

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

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

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

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

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

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

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

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

31 (5)(i) The department of human services shall mail a notice to each assistance unit when  
32 the assistance unit has six (6) months of cash assistance remaining and each month thereafter until  
33 the time limit has expired. The notice must be developed by the department of human services and  
34 must contain information about the lifetime time limit; the number of months the participant has

1 remaining; the hardship extension policy; the availability of a post-employment-and-closure bonus;  
2 and any other information pertinent to a family or an assistance unit nearing the forty-eight-month  
3 (48) lifetime time limit.

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

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

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

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

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

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

34 (j) Hardship exceptions.

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

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

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

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

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

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

1 supervision.

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

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

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

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

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

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO HUMAN SERVICES -- THE RHODE ISLAND WORKS PROGRAM

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1           This act would amend the current law so that monthly payments of child support (and  
2 payment of any arrearages) would be exempt from income in determining an applicant's  
3 qualifications for The Rhode Island Works Program.

4           This act would take effect upon passage.

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