

1 **ARTICLE 13**

2 RELATING TO HUMAN SERVICES

3 SECTION 1. Sections 40-5.2-10, 40-5.2-12 and 40-5.2-20 of the General Laws in Chapter  
4 40-5.2 entitled "The Rhode Island Works Program" are hereby amended to read as follows:

5 **40-5.2-10. Necessary requirements and conditions.**

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

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

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

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

16 (b) The family/assistance unit must meet any other requirements established by the  
17 department of human services by rules and regulations adopted pursuant to the Administrative  
18 Procedures Act, as necessary to promote the purpose and goals of this chapter.

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

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

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

29 (1) Following receipt of an application, the department of human services shall assess the  
30 financial conditions of the family, including the non-parent caretaker relative who is applying for

1 cash assistance for himself or herself as well as for the minor child(ren), in the context of an  
2 eligibility determination. If a parent or non-parent caretaker relative is unemployed or under-  
3 employed, the department shall conduct an initial assessment, taking into account:

4 (A) The physical capacity, skills, education, work experience, health, safety, family  
5 responsibilities, and place of residence of the individual; and

6 (B) The child care and supportive services required by the applicant to avail himself or  
7 herself of employment opportunities and/or work readiness programs.

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

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

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

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

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

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

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

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

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

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

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

16 (12) A participant who voluntarily quits or refuses a job without good cause, as defined in  
17 § 40-5.2-12(l), while receiving cash assistance in accordance with this chapter, shall be sanctioned  
18 in accordance with rules and regulations promulgated by the department.

19 (f) Resources.

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

22 (2) No family or assistance unit shall be eligible for assistance payments if the combined  
23 value of its available resources (reduced by any obligations or debts with respect to such resources)  
24 exceeds ~~one~~ five thousand dollars ~~(\$1,000)~~ (\$5,000).

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

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

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

31 (iii) Real property that the family is making a good faith effort to dispose of, however, any  
32 cash assistance payable to the family for any such period shall be conditioned upon such disposal  
33 of the real property within six (6) months of the date of application and any payments of assistance  
34 for that period shall (at the time of disposal) be considered overpayments to the extent that they

1 would not have occurred at the beginning of the period for which the payments were made. All  
2 overpayments are debts subject to recovery in accordance with the provisions of the chapter;

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

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

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

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

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

22 (ix) The resources of any family member receiving supplementary security income  
23 assistance under the Social Security Act, 42 U.S.C. § 301 et seq.;

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

26 (g) Income.

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

30 (2) In determining the eligibility for and the amount of cash assistance to which a  
31 family/assistance unit is entitled under this chapter, income in any month shall not include the first  
32 ~~one~~ three hundred ~~seventy~~ dollars ~~(\$170)~~ (\$300) of gross earnings plus fifty percent (50%) of the  
33 gross earnings of the family in excess of ~~one~~ three hundred ~~seventy~~ dollars ~~(\$170)~~ (\$300) earned  
34 during the month.

- 1           (3) The income of a family shall not include:
- 2           (i) The first fifty dollars (\$50.00) in child support received in any month from each  
3 noncustodial parent of a child plus any arrearages in child support (to the extent of the first fifty  
4 dollars (\$50.00) per month multiplied by the number of months in which the support has been in  
5 arrears) that are paid in any month by a noncustodial parent of a child;
- 6           (ii) Earned income of any child;
- 7           (iii) Income received by a family member who is receiving Supplemental Security Income  
8 (SSI) assistance under Title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq.;
- 9           (iv) The value of assistance provided by state or federal government or private agencies to  
10 meet nutritional needs, including: value of USDA-donated foods; value of supplemental food  
11 assistance received under the Child Nutrition Act of 1966, as amended, and the special food service  
12 program for children under Title VII, nutrition program for the elderly, of the Older Americans Act  
13 of 1965 as amended, and the value of food stamps;
- 14           (v) Value of certain assistance provided to undergraduate students, including any grant or  
15 loan for an undergraduate student for educational purposes made or insured under any loan program  
16 administered by the United States Commissioner of Education (or the Rhode Island council on  
17 postsecondary education or the Rhode Island division of higher education assistance);
- 18           (vi) Foster care payments;
- 19           (vii) Home energy assistance funded by state or federal government or by a nonprofit  
20 organization;
- 21           (viii) Payments for supportive services or reimbursement of out-of-pocket expenses made  
22 to foster grandparents, senior health aides, or senior companions and to persons serving in SCORE  
23 and ACE and any other program under Title II and Title III of the Domestic Volunteer Service Act  
24 of 1973, 42 U.S.C. § 5000 et seq.;
- 25           (ix) Payments to volunteers under AmeriCorps VISTA as defined in the department's rules  
26 and regulations;
- 27           (x) Certain payments to native Americans; payments distributed per capita to, or held in  
28 trust for, members of any Indian Tribe under P.L. 92-254, 25 U.S.C. § 1261 et seq., P.L. 93-134,  
29 25 U.S.C. § 1401 et seq., or P.L. 94-540; receipts distributed to members of certain Indian tribes  
30 which are referred to in § 5 of P.L. 94-114, 25 U.S.C. § 459d, that became effective October 17,  
31 1975;
- 32           (xi) Refund from the federal and state earned income tax credit;
- 33           (xii) The value of any state, local, or federal government rent or housing subsidy, provided  
34 that this exclusion shall not limit the reduction in benefits provided for in the payment standard

1 section of this chapter;

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

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

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

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

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

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

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

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

33 (5) (i) The department of human services shall mail a notice to each assistance unit when  
34 the assistance unit has six (6) months of cash assistance remaining and each month thereafter until

1 the time limit has expired. The notice must be developed by the department of human services and  
2 must contain information about the lifetime time limit, the number of months the participant has  
3 remaining, the hardship extension policy, the availability of a post-employment-and-closure bonus;  
4 and any other information pertinent to a family or an assistance unit nearing the forty-eight-month  
5 (48) lifetime time limit.

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

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

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

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

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

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

1 of the United States as defined herein.

2 (j) Hardship exceptions.

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

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

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

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

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

32 (3) For purposes of this section, "supervised supportive-living arrangement" means an  
33 arrangement that requires minor parents to enroll and make satisfactory progress in a program  
34 leading to a high school diploma or a general education development certificate, and requires minor



1 parents to participate in the adolescent parenting program designated by the department, to the  
2 extent the program is available; and provides rules and regulations that ensure regular adult  
3 supervision.

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

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

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

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

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

24 **40-5.2-12. Work requirements for receipt of cash assistance.**

25 (a) The department of human services and the department of labor and training shall assess  
26 the applicant/parent or non-parent caretaker relative's work experience, educational, and vocational  
27 abilities, and the department, together with the parent, shall develop and enter into a mandatory,  
28 individual employment plan in accordance with § 40-5.2-10(e).

29 (b) In the case of a family including two (2) parents, at least one of the parents shall be  
30 required to participate in an employment plan leading to full-time employment. The department  
31 may also require the second parent in a two-parent (2) household to develop an employment plan  
32 if, and when, the youngest child reaches six (6) years of age or older.

33 (c) The written, individual employment plan shall specify, at minimum, the immediate  
34 steps necessary to support a goal of long-term, economic independence.

1 (d) All applicants and participants in the Rhode Island works employment program must  
2 attend and participate in required appointments, employment plan development, and employment-  
3 related activities, unless temporarily exempt for reasons specified in this chapter.

4 (e) A recipient/participant temporarily exempted from the work requirements may  
5 participate in an individual employment plan on a voluntary basis, however, the individual remains  
6 subject to the same program compliance requirements as a participant without a temporary  
7 exemption.

8 (f) The individual employment plan shall specify the participant's work activity(ies) and  
9 the supportive services that will be provided by the department to enable the participant to engage  
10 in the work activity(ies).

11 (g) Work requirements for single-parent families. In single-parent households, the  
12 participant parent or non-parent caretaker relative in the cash assistance payment, shall participate  
13 as a condition of eligibility, for a minimum of twenty (20) hours per week if the youngest child in  
14 the home is under the age of six (6), and for a minimum of thirty (30) hours per week if the youngest  
15 child in the home is six (6) years of age or older, in one or more of their required work activities,  
16 as appropriate, in order to help the parent obtain stable, full-time, paid employment, as determined  
17 by the department of human services and the department of labor and training; provided, however,  
18 that he or she shall begin with intensive employment services as the first step in the individual  
19 employment plan. Required work activities are as follows:

20 (1) At least twenty (20) hours per week must come from participation in one or more of  
21 the following ten (10) work activities:

22 (i) Unsubsidized employment;

23 (ii) Subsidized private-sector employment;

24 (iii) Subsidized public-sector employment;

25 (iv) Work experience;

26 (v) On-the-job training;

27 (vi) Job search and job readiness;

28 (vii) Community service programs;

29 (viii) Vocational educational training not to exceed twelve (12) months; provided,  
30 however, that a participant who successfully completes their first year of education at the  
31 community college of Rhode Island, may participate in vocational education training for an  
32 additional twelve (12) months;

33 (ix) Providing childcare services to another participant parent who is participating in an  
34 approved community service program; and

- 1 (x) Adult education in an intensive work-readiness program.
- 2 (2) Above twenty (20) hours per week, the parent may participate in one or more of the  
3 following three (3) activities in order to satisfy a thirty-hour (30) requirement:
- 4 (i) Job skills training directly related to employment;
- 5 (ii) Education directly related to employment; and
- 6 (iii) Satisfactory attendance at a secondary school or in a course of study leading to a  
7 certificate of general equivalence if it is a teen parent under the age of twenty (20) who is without  
8 a high school diploma or General Equivalence Diploma (GED).
- 9 (3) In the case of a parent under the age of twenty (20), attendance at a secondary school  
10 or the equivalent during the month, or twenty (20) hours per week on average for the month in  
11 education directly related to employment, will be counted as engaged in work.
- 12 (4) A parent who participates in a work experience or community service program for the  
13 maximum number of hours per week allowable by the Fair Labor Standards Act (FLSA) is deemed  
14 to have participated in his or her required minimum hours per week in core activities if actual  
15 participation falls short of his or her required minimum hours per week.
- 16 (5) A parent who has been determined to have a physical or mental impairment affecting  
17 employment, but who has not been found eligible for Social Security Disability benefits or  
18 Supplemental Security Income must participate in his or her rehabilitation employment plan as  
19 developed with the office of rehabilitation services that leads to employment and/or to receipt of  
20 disability benefits through the Social Security Administration.
- 21 (6) A required work activity may be any other work activity permissible under federal  
22 TANF provisions or state-defined Rhode Island works program activity, including up to ten (10)  
23 hours of activities required by a parent's department of children, youth and families service plan.
- 24 (h) Exemptions from work requirements for the single-parent family. Work requirements  
25 outlined in subsection (g) shall not apply to a single parent if (and for so long as) the department  
26 finds that he or she is:
- 27 (1) Caring for a child below the age of one; provided, however, that a parent may opt for  
28 the deferral from an individual employment plan for a maximum of twelve (12) months during the  
29 twenty-four (24) months of eligibility for cash assistance and provided, further, that a minor parent  
30 without a high school diploma or the equivalent, and who is not married, shall not be exempt for  
31 more than twelve (12) weeks from the birth of the child;
- 32 (2) Caring for a disabled family member who resides in the home and requires full-time  
33 care;
- 34 (3) A recipient of Social Security Disability benefits or Supplemental Security Income or

1 other disability benefits that have the same standard of disability as defined by the Social Security  
2 Administration;

3 (4) An individual receiving assistance who is a victim of domestic violence as determined  
4 by the department in accordance with rules and regulations;

5 (5) An applicant for assistance in her third trimester or a pregnant woman in her third  
6 trimester who is a recipient of assistance and has medical documentation that she cannot work;

7 (6) An individual otherwise exempt by the department as defined in rules and regulations  
8 promulgated by the department.

9 (i) Work requirement for two-parent families.

10 (1) In families consisting of two (2) parents, one or both parents are required, and shall be  
11 engaged in, work activities as defined below, for an individual or combined total of at least thirty-  
12 five (35) hours per week during the month, not fewer than thirty (30) hours per week of that are  
13 attributable to one or more of the following listed work activities; provided, however, that he or she  
14 shall begin with intensive employment services as the first step in the individual employment plan.  
15 Two-parent work requirements shall be defined as the following:

16 (i) Unsubsidized employment;

17 (ii) Subsidized private-sector employment;

18 (iii) Subsidized public-sector employment;

19 (iv) Work experience;

20 (v) On-the-job training;

21 (vi) Job search and job readiness;

22 (vii) Community service program;

23 (viii) Vocational educational training not to exceed twelve (12) months; provided,  
24 however, that a participant who successfully completes their first year of education at the  
25 community college of Rhode Island, may participate in vocational education training for an  
26 additional twelve (12) months;

27 (ix) The provision of childcare services to a participant individual who is participating in a  
28 community service program; and

29 (x) Adult education in an intensive work-readiness program.

30 (2) Above thirty (30) hours per week, the following three (3) activities may also count for  
31 participation:

32 (i) Job skills training directly related to employment;

33 (ii) Education directly related to employment; and

34 (iii) Satisfactory attendance at secondary school or in a course of study leading to a

1 certificate of general equivalence.

2 (3) A family with two (2) parents, in which one or both parents participate in a work  
3 experience or community service program, shall be deemed to have participated in core work  
4 activities for the maximum number of hours per week allowable by the Fair Labor Standards Act  
5 (FLSA) if actual participation falls short of his or her required minimum hours per week.

6 (4) If the family receives childcare assistance and an adult in the family is not disabled or  
7 caring for a severely disabled child, then the work-eligible individuals must be participating in work  
8 activities for an average of at least fifty-five (55) hours per week to count as a two-parent family  
9 engaged in work for the month.

10 (5) At least fifty (50) of the fifty-five (55) hours per week must come from participation in  
11 the activities listed in subsection (i)(1).

12 Above fifty (50) hours per week, the three (3) activities listed in subsection (i)(2) may also  
13 count as participation.

14 (6) A family with two (2) parents receiving child care in which one or both parents  
15 participate in a work experience or community service program for the maximum number of hours  
16 per week allowable by the Fair Labor Standards Act (FLSA) will be considered to have met their  
17 required core hours if actual participation falls short of the required minimum hours per week. For  
18 families that need additional hours beyond the core activity requirement, these hours must be  
19 satisfied in some other TANF work activity.

20 (j) Exemptions from work requirements for two-parent families. Work requirements  
21 outlined in subsection (i) shall not apply to two-parent families if (and for so long as) the department  
22 finds that:

23 (1) Both parents receive Supplemental Security Income (SSI);

24 (2) One parent receives SSI, and the other parent is caring for a disabled family member  
25 who resides in the home and who requires full-time care; or

26 (3) The parents are otherwise exempt by the department as defined in rules and regulations.

27 (k) Failure to comply with work requirements -- Sanctions and terminations.

28 (1) The cash assistance to which an otherwise eligible family/assistance unit is entitled  
29 under this chapter shall be reduced for three (3) months, whether or not consecutive, in accordance  
30 with rules and regulations promulgated by the department, whenever any participant, without good  
31 cause as defined by the department in its rules and regulations, has failed to enter into an individual  
32 employment plan; has failed to attend a required appointment; has refused or quit employment; or  
33 has failed to comply with any other requirements for the receipt of cash assistance under this  
34 chapter. If the family's benefit has been reduced, benefits shall be restored to the full amount

1 beginning with the initial payment made on the first of the month following the month in which the  
2 parent: (i) Enters into an individual employment plan or rehabilitation plan and demonstrates  
3 compliance with the terms thereof; or (ii) Demonstrates compliance with the terms of his or her  
4 existing individual employment plan or rehabilitation plan, as such plan may be amended by  
5 agreement of the parent and the department.

6 (2) In the case where appropriate child care has been made available in accordance with  
7 this chapter, a participant's failure, without good cause, to accept a bona fide offer of work,  
8 including full-time, part-time, and/or temporary employment, or unpaid work experience or  
9 community service, shall be deemed a failure to comply with the work requirements of this section  
10 and shall result in reduction or termination of cash assistance, as defined by the department in rules  
11 and regulations duly promulgated.

12 (3) If the family/assistance unit's benefit has been reduced for a total of three (3) months,  
13 whether or not consecutive in accordance with this section due to the failure by one or more parents  
14 to enter into an individual employment plan, or failure to comply with the terms of his or her  
15 individual employment plan, or the failure to comply with the requirements of this chapter, cash  
16 assistance to the entire family shall end. The family/assistance unit may reapply for benefits, and  
17 the benefits shall be restored to the family/assistance unit in the full amount the family/assistance  
18 unit is otherwise eligible for under this chapter beginning on the first of the month following the  
19 month in which all parents in the family/assistance unit who are subject to the employment or  
20 rehabilitation plan requirements under this chapter: (i) Enter into an individual employment or  
21 rehabilitation plan as applicable, and demonstrate compliance with the terms thereof, or (ii)  
22 Demonstrate compliance with the terms of the parent's individual employment or rehabilitation  
23 employment plan in effect at the time of termination of benefits, as such plan may be amended by  
24 agreement of the parent and the department.

25 (4) Up to ten (10) days following a notice of adverse action to reduce or terminate benefits  
26 under this subsection, the client may request the opportunity to meet with a social worker to identify  
27 the reasons for non-compliance, establish good cause, and seek to resolve any issues that have  
28 prevented the parent from complying with the employment plan requirements.

29 (5) Participants whose cases had closed in sanction status pursuant to Rhode Island's prior  
30 Temporary Assistance for Needy Families Program (federal TANF described in Title IV-A of the  
31 federal Social Security Act, 42 U.S.C. § 601 et seq.), the family independence program, more  
32 specifically, § 40-5.1-9(2)(c) [repealed], due to failure to comply with the cash assistance program  
33 requirements, but who had received less than forty-eight (48) months of cash assistance at the time  
34 of closure, and who reapply for cash assistance under the Rhode Island works program, must

1 demonstrate full compliance, as defined by the department in its rules and regulations, before they  
2 shall be eligible for cash assistance pursuant to this chapter.

3 (l) Good cause. Good cause for failing to meet any program requirements including leaving  
4 employment, and failure to fulfill documentation requirements, shall be outlined in rules and  
5 regulations promulgated by the department of human services.

6 **40-5.2-20. Childcare assistance -- Families or assistance units eligible.**

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

10 (b) Low-income child care. The department shall provide child care to all other working  
11 families with incomes at or below ~~one hundred eighty percent (180%)~~ two hundred percent (200%)  
12 of the federal poverty level if, and to the extent, these other families require child care in order to  
13 work at paid employment as defined in the department's rules and regulations. ~~Beginning October~~  
14 ~~1, 2013, the~~ The department shall also provide child care to families with incomes below ~~one~~  
15 ~~hundred eighty percent (180%)~~ two hundred percent (200%) of the federal poverty level if, and to  
16 the extent, these families require child care to participate on a short-term basis, as defined in the  
17 department's rules and regulations, in training, apprenticeship, internship, on-the-job training, work  
18 experience, work immersion, or other job-readiness/job-attachment program sponsored or funded  
19 by the human resource investment council (governor's workforce board) or state agencies that are  
20 part of the coordinated program system pursuant to § 42-102-11. Effective from January 1, 2021,  
21 through June 30, 2022, the department shall also provide childcare assistance to families with  
22 incomes below one hundred eighty percent (180%) of the federal poverty level when such  
23 assistance is necessary for a member of these families to enroll or maintain enrollment in a Rhode  
24 Island public institution of higher education provided that eligibility to receive funding is capped  
25 when expenditures reach \$200,000 for this provision. Effective July 1, 2022, the department shall  
26 also provide childcare assistance to families with incomes below two hundred percent (200%) of  
27 the federal poverty level when such assistance is necessary for a member of these families to enroll  
28 or maintain enrollment in a Rhode Island public institution of higher education.

29 (c) No family/assistance unit shall be eligible for childcare assistance under this chapter if  
30 the combined value of its liquid resources exceeds one million dollars (\$1,000,000), which  
31 corresponds to the amount permitted by the federal government under the state plan and set forth  
32 in the administrative rulemaking process by the department. Liquid resources are defined as any  
33 interest(s) in property in the form of cash or other financial instruments or accounts that are readily  
34 convertible to cash or cash equivalents. These include, but are not limited to: cash, bank, credit

1 union, or other financial institution savings, checking, and money market accounts; certificates of  
2 deposit or other time deposits; stocks; bonds; mutual funds; and other similar financial instruments  
3 or accounts. These do not include educational savings accounts, plans, or programs; retirement  
4 accounts, plans, or programs; or accounts held jointly with another adult, not including a spouse.  
5 The department is authorized to promulgate rules and regulations to determine the ownership and  
6 source of the funds in the joint account.

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

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

17 (f) (1) Families with incomes below one hundred percent (100%) of the applicable federal  
18 poverty level guidelines shall be provided with free child care. Families with incomes greater than  
19 one hundred percent (100%) and less than ~~one hundred eighty percent (180%)~~ two hundred percent  
20 (200%) of the applicable federal poverty guideline shall be required to pay for some portion of the  
21 child care they receive, according to a sliding-fee scale adopted by the department in the  
22 department's rules, not to exceed seven percent (7%) of income as defined in subsection (h) of this  
23 section.

24 (2) Families who are receiving childcare assistance and who become ineligible for  
25 childcare assistance as a result of their incomes exceeding ~~one hundred eighty percent (180%)~~ two  
26 hundred percent (200%) of the applicable federal poverty guidelines shall continue to be eligible  
27 for childcare assistance until their incomes exceed ~~two hundred twenty five percent (225%)~~ three  
28 hundred percent (300%) of the applicable federal poverty guidelines. To be eligible, the families  
29 must continue to pay for some portion of the child care they receive, as indicated in a sliding-fee  
30 scale adopted in the department's rules, not to exceed seven percent (7%) of income as defined in  
31 subsection (h) of this section, and in accordance with all other eligibility standards.

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



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

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

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

12 SECTION 2. Chapter 40-6 of the General Laws entitled "Public Assistance Act" is hereby  
13 amended by adding thereto the following section:

14 **40-6-8.2. Establishment of retail SNAP incentives pilot program.**

15 (a) There shall be established a retail supplemental nutrition assistance program (SNAP)  
16 incentives pilot program to be administered by the department of human services. Funds  
17 appropriated for the program shall be expended first for the implementation and administration of  
18 the retail SNAP incentives program to promote healthy food access and nutrition among Rhode  
19 Island SNAP recipients.

20 (1) SNAP households will receive fifty cents (\$0.50) credit on their electronic benefit  
21 transfer (EBT) card for each one dollar (\$1.00) spent on eligible fruits and vegetables at  
22 participating retailers, up to a monthly limit as determined by the department.

23 (2) This pilot program shall take effect on January 1, 2023, and operate until appropriated  
24 funds are expended.

25 (b) The department of human services shall promulgate rules, regulations, and procedures  
26 necessary for the implementation of this section including, but not limited to the following:

- 27 (1) Eligibility for pilot participation;
- 28 (2) Purchases eligible to earn incentive payments;
- 29 (3) Monthly incentive limits that may be earned by participating households; and
- 30 (4) Eligible uses of earned incentive payments.

31 (c) The department shall report to the speaker of the house, president of the senate, and  
32 chairpersons of the house and senate finance committees regarding the amount of credits issued  
33 pursuant to this section and administrative expenses, no later than February 15, 2024.

34 SECTION 3. Section 40-6.2-1.1 of the General Laws in Chapter 40-6.2 entitled "Childcare-

1 State Subsidies” is hereby amended to read as follows:

2 **40-6.2-1.1. Rates established.**

3 (a) Through June 30, 2015, subject to the payment limitations in subsection (c), the  
4 maximum reimbursement rates to be paid by the departments of human services and children, youth  
5 and families for licensed childcare centers and licensed family childcare providers shall be based  
6 on the following schedule of the 75th percentile of the 2002 weekly market rates adjusted for the  
7 average of the 75th percentile of the 2002 and the 2004 weekly market rates:

8	LICENSED CHILDCARE CENTERS	75th PERCENTILE OF WEEKLY
9		MARKET RATE
10	INFANT	\$182.00
11	PRESCHOOL	\$150.00
12	SCHOOL-AGE	\$135.00
13	LICENSED FAMILY CHILDCARE	75th PERCENTILE OF WEEKLY
14	PROVIDERS	MARKET RATE
15	INFANT	\$150.00
16	PRESCHOOL	\$150.00
17	SCHOOL-AGE	\$135.00

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

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

34 (1) For infant/toddler child care, tier one shall be reimbursed two and one-half percent

1 (2.5%) above the FY 2018 weekly amount, tier two shall be reimbursed five percent (5%) above  
2 the FY 2018 weekly amount, tier three shall be reimbursed thirteen percent (13%) above the FY  
3 2018 weekly amount, tier four shall be reimbursed twenty percent (20%) above the FY 2018 weekly  
4 amount, and tier five shall be reimbursed thirty-three percent (33%) above the FY 2018 weekly  
5 amount.

6 (2) For preschool reimbursement rates, tier one shall be reimbursed two and one-half  
7 (2.5%) percent above the FY 2018 weekly amount, tier two shall be reimbursed five percent (5%)  
8 above the FY 2018 weekly amount, tier three shall be reimbursed ten percent (10%) above the FY  
9 2018 weekly amount, tier four shall be reimbursed thirteen percent (13%) above the FY 2018  
10 weekly amount, and tier five shall be reimbursed twenty-one percent (21%) above the FY 2018  
11 weekly amount.

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

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

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

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

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

1 five shall be reimbursed twenty-three percent (23%) above the prevailing base rate.

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

	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5
5 Infant/Toddler	\$257.54	\$257.54	\$257.54	\$257.54	\$273.00
6 Preschool Age	\$195.67	\$195.67	\$195.67	\$195.67	\$260.00
7 School Age	\$200.00	\$200.00	\$200.00	\$200.00	\$245.00

8  
9 The maximum reimbursement rates paid by the departments of human services, and  
10 children, youth and families to licensed family childcare providers shall be consistent with the  
11 enhanced emergency rates provided as of June 1, 2021, as follows:

	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5
12 Infant/Toddler	\$224.43	\$224.43	\$224.43	\$224.43	\$224.43
13 Preschool Age	\$171.45	\$171.45	\$171.45	\$171.45	\$171.45
14 School Age	\$162.30	\$162.30	\$162.30	\$162.30	\$162.30

15  
16 (i) Effective January 1, 2022, the maximum reimbursement rates to be paid by the  
17 departments of human services and children, youth and families for licensed childcare centers shall  
18 be implemented in a tiered manner, reflective of the quality rating the provider has achieved within  
19 the state's quality rating system outlined in § 42-12-23.1. Maximum weekly rates shall be  
20 reimbursed as follows:

21 LICENSED CHILDCARE

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

25  
26 The maximum reimbursement rates for licensed family childcare providers paid by the  
27 departments of human services, and children, youth and families is determined through collective  
28 bargaining. The maximum reimbursement rates for infant/toddler and preschool age children paid  
29 to licensed family childcare providers by both departments is implemented in a tiered manner that  
30 reflects the quality rating the provider has achieved in accordance with § 42-12-23.1.

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

1 reimbursed as follows:

2 LICENSED CHILDCARE

3 <u>CENTERS</u>	<u>Tier One</u>	<u>Tier Two</u>	<u>Tier Three</u>	<u>Tier Four</u>	<u>Tier Five</u>
4 <u>Infant/Toddler</u>	<u>\$265</u>	<u>\$270</u>	<u>\$282</u>	<u>\$289</u>	<u>\$300</u>
5 <u>Preschool</u>	<u>\$225</u>	<u>\$235</u>	<u>\$243</u>	<u>\$250</u>	<u>\$260</u>
6 <u>School-Age</u>	<u>\$200</u>	<u>\$205</u>	<u>\$220</u>	<u>\$238</u>	<u>\$250</u>

7 SECTION 4. This Article shall take effect July 1, 2022.