

1 **ARTICLE 13**

2 RELATING TO HUMAN SERVICES

3 SECTION 1. Sections 40-5.2-10 and 40-5.2-20 of the General Laws in Chapter 40-  
4 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  
7 eligibility for 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  
11 meet the alienage requirements established in § 402(b) of the Personal Responsibility and  
12 Work Opportunity Reconciliation Act of 1996, PRWORA, Pub. L. No. 104-193 and as that  
13 section may hereafter be amended [8 U.S.C. § 1612]; a person who is not a United States  
14 citizen and does not meet the alienage requirements established in PRWORA, as amended,  
15 is not eligible for cash assistance in 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  
18 Administrative Procedures Act, as necessary to promote the purpose and goals of this  
19 chapter.

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

22 (d) All individuals domiciled in this state shall be exempt from the application of  
23 subdivision 115(d)(1)(A) of Pub. L. No. 104-193, the Personal Responsibility and Work  
24 Opportunity Reconciliation Act of 1996, PRWORA [21 U.S.C. § 862a], which makes any  
25 individual ineligible for certain state and federal assistance if that individual has been  
26 convicted under federal or state law of any offense that is classified as a felony by the law  
27 of the jurisdiction and that has as an element the possession, use, or distribution of a  
28 controlled substance as defined in § 102(6) of the Controlled Substances Act (21 U.S.C. §  
29 802(6)).

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

2 (1) Following receipt of an application, the department of human services shall  
3 assess the financial conditions of the family, including the non-parent caretaker relative  
4 who is applying for cash assistance for himself or herself as well as for the minor child(ren),  
5 in the context of an eligibility determination. If a parent or non-parent caretaker relative is  
6 unemployed or under-employed, the department shall conduct an initial assessment, taking  
7 into account:

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

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

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

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

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

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

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

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

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

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

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

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

25 (11) A participant, including a parent or non-parent caretaker relative included in  
26 the cash assistance payment, shall not voluntarily quit a job or refuse a job unless there is  
27 good cause as 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  
29 defined in § 40-5.2-12(l), while receiving cash assistance in accordance with this chapter,  
30 shall be sanctioned in accordance with rules and regulations promulgated by the  
31 department.

1 (f) Resources.

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

4 (2) No family or assistance unit shall be eligible for assistance payments if the  
5 combined value of its available resources (reduced by any obligations or debts with respect  
6 to such resources) exceeds ~~one~~ five thousand dollars (~~\$1,000~~) (\$5000).

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

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

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

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

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

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

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

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

5 (viii) For the month of receipt and the following month, any refund of federal  
6 income taxes made to the family by reason of § 32 of the Internal Revenue Code of 1986,  
7 26 U.S.C. § 32 (relating to earned income tax credit), and any payment made to the family  
8 by an employer under § 3507 of the Internal Revenue Code of 1986, 26 U.S.C. § 3507  
9 [repealed] (relating to advance payment of such earned income credit);

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

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

14 (g) Income.

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

19 (2) In determining the eligibility for and the amount of cash assistance to which a  
20 family/assistance unit is entitled under this chapter, income in any month shall not include  
21 the first ~~one~~ three hundred ~~seventy~~ dollars ~~(\$170)~~ (\$300) of gross earnings plus fifty percent  
22 (50%) of the gross earnings of the family in excess of ~~one~~ three hundred ~~seventy~~ dollars  
23 ~~(\$170)~~ (\$300) earned during the month.

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

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

29 (ii) Earned income of any child;

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

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

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

14 (vi) Foster care payments;

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (4) Receipt of family cash assistance in any other state or territory of the United  
29 States of America shall be determined by the department of human services and shall  
30 include family cash assistance funded in whole or in part by Temporary Assistance for  
31 Needy Families (TANF) funds [Title IV-A of the federal Social Security Act, 42 U.S.C. §

1 601 et seq.] and/or family cash assistance provided under a program similar to the Rhode  
2 Island families work and opportunity program or the federal TANF program.

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

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

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

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

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

30 (1) No cash assistance shall be provided, pursuant to this chapter, to a family  
31 assistance unit in which an adult member has received cash assistance for a total of sixty



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

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

12 (j) Hardship exceptions.

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

21 (2) Parents who receive extensions to the time limit due to hardship must have and  
22 comply with employment plans designed to remove or ameliorate the conditions that  
23 warranted the 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  
26 has never been married, and who has a child; or a family consisting of a woman under the  
27 age of eighteen (18) who is at least six (6) months pregnant, shall be eligible for cash  
28 assistance only if the family resides in the home of an adult parent, legal guardian, or other  
29 adult relative. The assistance shall be provided to the adult parent, legal guardian, or other  
30 adult relative on behalf of the individual and child unless otherwise authorized by the  
31 department.

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

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

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

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

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

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

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

12 **40-5.2-20. Childcare assistance — Families or assistance units eligible.**

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

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

1 [the federal poverty level when such assistance is necessary for a member of these families to enroll](#)  
2 [or maintain enrollment in a Rhode Island public institution of higher education.](#)

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

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

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

25 (f) (1) Families with incomes below one hundred percent (100%) of the applicable federal  
26 poverty level guidelines shall be provided with free child care. Families with incomes greater than  
27 one hundred percent (100%) and less than ~~one hundred eighty percent (180%)~~ [two hundred percent](#)  
28 [\(200%\)](#) of the applicable federal poverty guideline shall be required to pay for some portion of the  
29 child care they receive, according to a sliding-fee scale adopted by the department in the  
30 department's rules, not to exceed seven percent (7%) of income as defined in subsection (h) of this  
31 section.

32 (2) Families who are receiving childcare assistance and who become ineligible for  
33 childcare assistance as a result of their incomes exceeding ~~one hundred eighty percent (180%)~~ [two](#)  
34 [hundred percent \(200%\)](#) of the applicable federal poverty guidelines shall continue to be eligible

1 for childcare assistance until their incomes exceed two hundred twenty-five percent (225%) of the  
2 applicable federal poverty guidelines. To be eligible, the families must continue to pay for some  
3 portion of the child care they receive, as indicated in a sliding-fee scale adopted in the department's  
4 rules, not to exceed seven percent (7%) of income as defined in subsection (h) of this section, and  
5 in accordance with all other eligibility standards.

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

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

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

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

20 SECTION 2. Section 40-6.2-1.1 of the General Laws in Chapter 40-6.2 entitled  
21 "Childcare-State Subsidies" is hereby amended to read as follows:

22 **40-6.2-1.1. Rates established.**

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

	75 <sup>th</sup>
LICENSED	PERCENTILE
CHILDCARE	OF WEEKLY
CENTERS	MARKET RATE
INFANT	\$182.00
PRESCHOOL	\$150.00
SCHOOL-AGE	\$135.00

1		75th
2	LICENSED FAMILY	PERCENTILE
3	CHILDCARE	OF WEEKLY
4	PROVIDERS	MARKET RATE
5	INFANT	\$150.00
6	PRESCHOOL	\$150.00
7	SCHOOL-AGE	\$135.00

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

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

24           (1) For infant/toddler child care, tier one shall be reimbursed two and one-half percent  
25 (2.5%) above the FY 2018 weekly amount, tier two shall be reimbursed five percent (5%) above  
26 the FY 2018 weekly amount, tier three shall be reimbursed thirteen percent (13%) above the FY  
27 2018 weekly amount, tier four shall be reimbursed twenty percent (20%) above the FY 2018 weekly  
28 amount, and tier five shall be reimbursed thirty-three percent (33%) above the FY 2018 weekly  
29 amount.

30           (2) For preschool reimbursement rates, tier one shall be reimbursed two and one-half  
31 (2.5%) percent above the FY 2018 weekly amount, tier two shall be reimbursed five percent (5%)  
32 above the FY 2018 weekly amount, tier three shall be reimbursed ten percent (10%) above the FY  
33 2018 weekly amount, tier four shall be reimbursed thirteen percent (13%) above the FY 2018

1 weekly amount, and tier five shall be reimbursed twenty-one percent (21%) above the FY 2018  
2 weekly amount.

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

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

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

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

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

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

	Tier 1	Tier 2	Tier 3	Tier	4
30					
31	Tier 5				
32	Infant/Toddler	\$257.54	\$257.54	\$257.54	\$257.54
33	\$273.00				

1	Preschool Age	\$195.67	\$195.67	\$195.67	\$195.67
2	\$260.00				
3	School Age	\$200.00	\$200.00	\$200.00	\$200.00
4	\$245.00				

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

8		Tier 1	Tier 2	Tier 3	Tier	4
9	Tier 5					
10	Infant/Toddler	\$224.43	\$224.43	\$224.43	\$224.43	
11	\$224.43					
12	Preschool Age	\$171.45	\$171.45	\$171.45	\$171.45	
13	\$171.45					
14	School Age	\$162.30	\$162.30	\$162.30	\$162.30	
15	\$162.30					

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					
22	CHILDCARE					
23	CENTERS	Tier One	Tier Two	Tier Three	Tier Four	Tier
24	Five					
25	Infant/Toddler	\$236.36	\$244.88	\$257.15	\$268.74	
26	\$284.39					
27	Preschool	\$207.51	\$212.27	\$218.45	\$223.50	
28	\$231.39					
29	School-Age	\$180.38	\$182.77	\$185.17	\$187.57	
30	\$189.97					

31 The maximum reimbursement rates for licensed family childcare providers paid by the  
32 departments of human services, and children, youth and families is determined through collective  
33 bargaining. The maximum reimbursement rates for infant/toddler and preschool age children paid



1 to licensed family childcare providers by both departments is implemented in a tiered manner that  
2 reflects the quality rating the provider has achieved in accordance with § 42-12-23.1.

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

8 LICENSED

9 CHILDCARE

10 <u>CENTERS</u>	<u>Tier One</u>	<u>Tier Two</u>	<u>Tier Three</u>	<u>Tier Four</u>	<u>Tier</u>
11 <u>Five</u>					
12 <u>Infant/Toddler</u>	<u>\$260</u>	<u>\$265</u>	<u>\$270</u>	<u>\$289</u>	<u>\$300</u>
13 <u>Preschool</u>	<u>\$217</u>	<u>\$220</u>	<u>\$225</u>	<u>\$250</u>	<u>\$260</u>
14 <u>School-Age</u>	<u>\$188</u>	<u>\$196</u>	<u>\$200</u>	<u>\$205</u>	<u>\$210</u>

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

20 SECTION 3. This Article shall take effect July 1, 2022.