

1 **ARTICLE 17**

2 RELATING TO HUMAN SERVICES -- CHILD CARE--STATE SUBSIDIES

3 SECTION 1. Section 40-6.2-1.1 of the General Laws in Chapter 40-6.2 entitled "Child  
4 Care-State Subsidies" is hereby amended to read as follows:

5 **40-6.2-1.1. Rates established.** -- (a) Through June 30, 2015, subject ~~Subject~~ to the  
6 payment limitations in section (b), the maximum reimbursement rates to be paid by the  
7 departments of human services and children, youth and families for licensed child care centers  
8 and certified family-child care providers shall be based on the following schedule of the 75th  
9 percentile of the 2002 weekly market rates adjusted for the average of the 75th percentile of the  
10 2002 and the 2004 weekly market rates:

11 LICENSED CHILD CARE CENTERS	75th PERCENTILE OF WEEKLY MARKET RATE
12 INFANT	\$182.00
13 PRESCHOOL	\$150.00
14 SCHOOL-AGE	\$135.00
15 CERTIFIED FAMILY-CHILD CARE	75th PERCENTILE OF WEEKLY MARKET RATE
16 PROVIDERS	
17 INFANT	\$150.00
18 PRESCHOOL	\$150.00
19 SCHOOL-AGE	\$135.00

20 Effective July 1, 2015, subject to the payment limitations in subsection (b), the maximum  
21 reimbursement rates to be paid by the departments of human services and children, youth and  
22 families for licensed child care centers and certified family-child care providers shall be based on  
23 the above schedule of the 75<sup>th</sup> percentile of the 2002 weekly market rates adjusted for the average  
24 of the 75<sup>th</sup> percentile of the 2002 and the 2004 weekly market rates. These rates shall be increased  
25 by ten dollars (\$10.00) per week for infant/toddler care provided by certified family-child care  
26 providers and license-exempt providers and then the rates for all providers for all age groups shall  
27 be increased by three percent (3%).

28 (b) The department shall pay child care providers based on the lesser of the applicable  
29 rate specified in subsection (a), or the lowest rate actually charged by the provider to any of its  
30 public or private child care customers with respect to each of the rate categories, infant, preschool

1 and school-age.

2 (c) By June 30, 2004 and biennially ~~thereafter~~ through June 30, 2014, the department of  
3 labor and training shall conduct an independent survey or certify an independent survey of the  
4 then current weekly market rates for child care in Rhode Island and shall forward such weekly  
5 market rate survey to the department of human services. The next survey shall be conducted by  
6 June 30, 2016, and triennially thereafter. The departments of human services and labor and  
7 training will jointly determine the survey criteria including, but not limited to, rate categories and  
8 sub-categories. ~~The 75th percentile of weekly market rates in the table in subsection (a) shall be~~  
9 ~~adjusted by the surveys conducted under this subsection, beginning January 1, 2006 and for the~~  
10 ~~purposes of this section, and until adjusted in accordance with this subsection, the 75th percentile~~  
11 ~~of weekly market rate shall be the average of the 2002 and 2004 weekly market rate surveys.~~

12 (d) In order to expand the accessibility and availability of quality child care, the  
13 department of human services is authorized to establish by regulation alternative or incentive  
14 rates of reimbursement for quality enhancements, innovative or specialized child care and  
15 alternative methodologies of child care delivery, including non-traditional delivery systems and  
16 collaborations.

17 (e) On or before January 1, 2007, all child care providers have the option to be paid every  
18 two (2) weeks and have the option of automatic direct deposit and/or electronic funds transfer of  
19 reimbursement payments.

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

22 **40-5.2-20. Child care assistance.** -- Families or assistance units eligible for childcare  
23 assistance.

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

27 (b) Low-Income child care. - The department shall provide child care to all other  
28 working families with incomes at or below one hundred eighty percent (180%) of the federal  
29 poverty level if, and to the extent, such other families require child care in order to work at paid  
30 employment as defined in the department's rules and regulations. Beginning October 1, 2013, ~~and~~  
31 ~~until June 30, 2015, subject to available funding,~~ the department shall also provide child care to  
32 families with income below one hundred eighty percent (180%) of the federal poverty level if,  
33 and to the extent, such families require child care to participate on a short-term basis, as defined  
34 in the department's rules and regulations, in training, apprenticeship, internship, on-the-job

1 training, work experience, work immersion, or other job readiness/job attachment program  
2 sponsored or funded by the human resource investment council (governor's workforce board) or  
3 state agencies that are part of the coordinated program system pursuant to §§ 42-102-9 and 42-  
4 102-11.

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

15 (d) As a condition of eligibility for child care 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 all children in the family in accordance with title 15, as amended, unless the parent or  
19 caretaker relative is found to have good cause for refusing to comply with the requirements of this  
20 subsection.

21 (e) For purposes of this section "appropriate child care" means child care, including  
22 infant, toddler, pre-school, nursery school, school-age, that is provided by a person or  
23 organization qualified, approved, and authorized to provide such care by the department of  
24 children, youth, and families, or by the department of elementary and secondary education, or  
25 such other lawful providers as determined by the department of human services, in cooperation  
26 with the department of children, youth and families and the department of elementary and  
27 secondary education.

28 (f) (1) Families with incomes below one hundred percent (100%) of the applicable  
29 federal poverty level guidelines shall be provided with free childcare. Families with incomes  
30 greater than one hundred percent (100%) and less than one hundred eighty (180%) of the  
31 applicable federal poverty guideline shall be required to pay for some portion of the childcare  
32 they receive, according to a sliding-fee scale adopted by the department in the department's rules.

33 (2) For a thirty-six (36) month period beginning October 1, 2013, the child care subsidy  
34 transition program shall function within the department of human services. Under this program,

1 families who are already receiving childcare assistance and who become ineligible for childcare  
2 assistance as a result of their incomes exceeding one hundred eighty percent (180%) of the  
3 applicable federal poverty guidelines shall continue to be eligible for childcare assistance from  
4 October 1, 2013, to September 30, 2016 or until their incomes exceed two hundred twenty-five  
5 percent (225%) of the applicable federal poverty guidelines, whichever occurs first. To be  
6 eligible, such families must continue to pay for some portion of the childcare they receive, as  
7 indicated in a sliding-fee scale adopted in the department's rules and in accordance with all other  
8 eligibility standards.

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

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

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

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

23 SECTION 3. This article shall take effect upon passage.