

2022 -- S 2602

LC004662

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO HUMAN SERVICES -- RHODE ISLAND WORKS PROGRAM

Introduced By: Senators Anderson, Murray, DiPalma, Valverde, Quezada, Bell, Coyne,  
Acosta, Cano, and Lawson

Date Introduced: March 10, 2022

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 40-5.2-10 and 40-5.2-35 of the General Laws in Chapter 40-5.2  
2 entitled "The Rhode Island Works Program" are hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (f) Resources.

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

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

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

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

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

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

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

9 (i) The first one hundred dollars (\$100) of the child support payment, or the actual amount  
10 of the child support payment, if the payment is less than one hundred dollars (\$100), shall be paid  
11 to the family in which one child resides, two hundred dollars (\$200) shall be paid when two (2) or  
12 more children from the same non-custodial parent reside in the home. If more than one noncustodial  
13 parent makes a child support payment to children living in the same family, both payments shall be  
14 paid to the custodial parent, not to exceed three hundred dollars (\$300)  ~~fifty dollars (\$50.00) in~~  
15 ~~child support received in any month from each noncustodial parent of a child plus any arrearages~~  
16 ~~in child support (to the extent of the first fifty dollars (\$50.00) per month multiplied by the number~~  
17 ~~of months in which the support has been in arrears) that are paid in any month by a noncustodial~~  
18 ~~parent of a child;~~

19 (ii) Earned income of any child;

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

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

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

31 (vi) Foster care payments;

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

34 (viii) Payments for supportive services or reimbursement of out-of-pocket expenses made

1 to foster grandparents, senior health aides, or senior companions and to persons serving in SCORE  
2 and ACE and any other program under Title II and Title III of the Domestic Volunteer Service Act  
3 of 1973, 42 U.S.C. § 5000 et seq.;

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

6 (x) Certain payments to native Americans; payments distributed per capita to, or held in  
7 trust for, members of any Indian Tribe under P.L. 92-254, 25 U.S.C. § 1261 et seq., P.L. 93-134,  
8 25 U.S.C. § 1401 et seq., or P.L. 94-540; receipts distributed to members of certain Indian tribes  
9 which are referred to in § 5 of P.L. 94-114, 25 U.S.C. § 459d, that became effective October 17,  
10 1975;

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

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

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

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

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

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

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

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

1 benefits as an adult.

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

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

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

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

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

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

1 time-limited cash assistance described in this chapter.

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

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

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

15 (j) Hardship exceptions.

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

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

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

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

33 (2) This subsection shall not apply if the minor parent or pregnant minor has no parent,  
34 legal guardian, or other adult relative who is living and/or whose whereabouts are unknown; or the



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

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

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

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

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

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

32 (4) As a condition of eligibility for cash and medical assistance under this chapter, each  
33 adult member, parent, or caretaker relative of the family/assistance unit must consent to and  
34 cooperate with the state in identifying and providing information to assist the state in pursuing any

1 third party who may be liable to pay for care and services under Title XIX of the Social Security  
2 Act, 42 U.S.C. § 1396 et seq.

3 **40-5.2-35. Child support pass-through.**

4 For any month in which a noncustodial parent makes a child support payment in the month  
5 when due and the support is collected by the department of human services, for a child or children  
6 receiving cash assistance pursuant to this chapter, the first ~~fifty dollars (\$50.00) of the child support~~  
7 ~~payment, or the actual amount of the child support payment if the payment is less than fifty dollars~~  
8 ~~(\$50.00), shall be paid to the family in which the child resides. If more than one noncustodial parent~~  
9 ~~makes a child support payment to children living in the same family, there shall only be one~~  
10 ~~payment of fifty (\$50.00) paid to the family from the child support collected~~ one hundred dollars  
11 (\$100) of the child support payment, or the actual amount of the child support payment, if the  
12 payment is less than one hundred dollars (\$100), shall be paid to the family in which one child  
13 resides, two hundred dollars (\$200) shall be paid when two (2) or more children from the same  
14 non-custodial parent reside in the home. If more than one noncustodial parent makes a child support  
15 payment to children living in the same family, both payments shall be paid to the custodial parent,  
16 not to exceed three hundred dollars (\$300). This payment is known as the "pass through" payment  
17 and shall be sent to the family within two (2) business days of the determination that the amount is  
18 due and owing and no later than within two (2) business days of the end of the month in which the  
19 support was collected.

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

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

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1           This act would exempt the receipt of child support, from being considered earned income,  
2 for purposes of eligibility for Rhode Island Children Works' Program benefits.

3           This act would take effect upon passage.

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