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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO HUMAN SERVICES -- THE RHODE ISLAND WORKS PROGRAM

Introduced By: Representatives Handy, Giraldo, Stewart, Boylan, Cruz, Potter, Slater,
Diaz, Morales, and Kazarian

Date Introduced: February 15, 2023

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 40-5.2-8, 40-5.2-10, 40-5.2-11 and 40-5.2-12 of the General Laws
2 in Chapter 40-5.2 entitled "The Rhode Island Works Program" are hereby amended to read as
3 follows:

4 **40-5.2-8. Definitions.**

5 As used in this chapter, the following terms having the meanings set forth herein, unless
6 the context in which such terms are used clearly indicates to the contrary:

7 (1) "Applicant" means a person who has filed a written application for assistance for herself
8 or himself and her or his dependent child(ren). An applicant may be a parent or non-parent caretaker
9 relative.

10 (2) "Assistance" means cash and any other benefits provided pursuant to this chapter.

11 (3) "Assistance unit" means the assistance-filing unit consisting of the group of persons,
12 including the dependent child(ren), living together in a single household who must be included in
13 the application for assistance and in the assistance payment if eligibility is established. An
14 assistance unit may be the same as a family.

15 (4) "Benefits" shall mean assistance received pursuant to this chapter.

16 (5) "Community service programs" means structured programs and activities in which cash
17 assistance recipients perform work for the direct benefit of the community under the auspices of
18 public or nonprofit organizations. Community service programs are designed to improve the
19 employability of recipients not otherwise able to obtain paid employment.

1 (6) "Department" means the department of human services.

2 (7) "Dependent child" means an individual, other than an individual with respect to whom
3 foster care maintenance payments are made, who is: (i) Under the age of eighteen (18); or (ii) Under
4 the age of nineteen (19) and a full-time student in a secondary school (or in the equivalent level of
5 vocational or educational training).

6 (8) "Director" means the director of the department of human services.

7 (9) "Earned income" means income in cash or the equivalent received by a person through
8 the receipt of wages, salary, commissions, or profit from activities in which the person is self-
9 employed or as an employee and before any deductions for taxes.

10 (10) "Earned income tax credit" means the credit against federal personal income tax
11 liability under § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32, or any successor section,
12 the advanced payment of the earned income tax credit to an employee under § 3507 of the code, 26
13 U.S.C. § 3507 [repealed], or any successor section and any refund received as a result of the earned
14 income tax credit, as well as any refundable state earned income tax credit.

15 (11) "Education directly related to employment" means education, in the case of a
16 participant who has not received a high school diploma or a certificate of high school equivalency,
17 related to a specific occupation, job, or job offer.

18 (12) "Family" means: (i) A pregnant ~~woman~~ person from ~~and including the seventh month~~
19 onset of ~~her~~ pregnancy; or (ii) A child and the following eligible persons living in the same
20 household as the child: (iii) Each biological, adoptive or stepparent of the child, or in the absence
21 of a parent, any adult relative who is responsible, in fact, for the care of such child; and (iv) The
22 child's minor siblings (whether of the whole or half blood); provided, however, that the term
23 "family" shall not include any person receiving benefits under Title XVI of the Social Security Act,
24 42 U.S.C. § 1381 et seq. A family may be the same as the assistance unit.

25 (13) "Gross earnings" means earnings from employment and self-employment further
26 described in the department of human services rules and regulations.

27 (14) "Individual employment plan" means a written, individualized plan for employment
28 developed jointly by the applicant and the department of human services that specifies the steps the
29 participant shall take toward long-term economic independence developed in accordance with §
30 40-5.2-10(e). A participant must comply with the terms of the individual employment plan as a
31 condition of eligibility in accordance with § 40-5.2-10(e).

32 (15) "Job search and job readiness" means the mandatory act of seeking or obtaining
33 employment by the participant, or the preparation to seek or obtain employment.

34 In accord with federal requirements, job search activities must be supervised by the

1 department of labor and training and must be reported to the department of human services in
2 accordance with TANF work verification requirements.

3 Except in the context of rehabilitation employment plans, and special services provided by
4 the department of children, youth and families, job-search and job-readiness activities are limited
5 to four (4) consecutive weeks, or for a total of six (6) weeks in a twelve-month (12) period, with
6 limited exceptions as defined by the department. The department of human services, in consultation
7 with the department of labor and training, shall extend job-search, and job-readiness assistance for
8 up to twelve (12) weeks in a fiscal year if a state has an unemployment rate at least fifty percent
9 (50%) greater than the United States unemployment rate if the state meets the definition of a “needy
10 state” under the contingency fund provisions of federal law.

11 Preparation to seek employment, or job readiness, may include, but may not be limited to:
12 the participant obtaining life-skills training; homelessness services; domestic violence services;
13 special services for families provided by the department of children, youth and families; substance
14 abuse treatment; mental health treatment; or rehabilitation activities as appropriate for those who
15 are otherwise employable. The services, treatment, or therapy must be determined to be necessary
16 and certified by a qualified medical or mental health professional. Intensive work-readiness
17 services may include: work-based literacy; numeracy; hands-on training; work experience; and case
18 management services. Nothing in this section shall be interpreted to mean that the department of
19 labor and training shall be the sole provider of job-readiness activities described herein.

20 (16) “Job skills training directly related to employment” means training or education for
21 job skills required by an employer to provide an individual with the ability to obtain employment
22 or to advance or adapt to the changing demands of the workplace. Job skills training directly related
23 to employment must be supervised on an ongoing basis.

24 (17) “Minor parent” means a parent under the age of eighteen (18). A minor parent may be
25 an applicant or recipient with his or her dependent child(ren) in his or her own case or a member
26 of an assistance unit with his or her dependent child(ren) in a case established by the minor parent’s
27 parent.

28 (18) “Net income” means the total gross income of the assistance unit less allowable
29 disregards and deductions as described in § 40-5.2-10(g).

30 (19) “On-the-job training” means training in the public or private sector that is given to a
31 paid employee while he or she is engaged in productive work and that provides knowledge and
32 skills essential to the full and adequate performance of the job. On-the-job training must be
33 supervised by an employer, work-site sponsor, or other designee of the department of human
34 services on an ongoing basis.

1 (20) “Participant” means a person who has been found eligible for assistance in accordance
2 with this chapter and who must comply with all requirements of this chapter, and has entered into
3 an individual employment plan. A participant may be a parent or non-parent caretaker relative
4 included in the cash assistance payment.

5 (21) “Recipient” means a person who has been found eligible and receives cash assistance
6 in accordance with this chapter.

7 (22) “Relative” means a parent, stepparent, grandparent, great grandparent, great-great
8 grandparent, aunt, great-aunt, great-great aunt, uncle, great-uncle, great-great uncle, sister, brother,
9 stepbrother, stepsister, half-brother, half-sister, first cousin, first cousin once removed, niece, great-
10 niece, great-great niece, nephew, great-nephew, or great-great nephew.

11 (23) “Resident” means a person who maintains residence by his or her continuous physical
12 presence in the state.

13 (24) “Self-employment income” means the total profit from a business enterprise, farming,
14 etc., resulting from a comparison of the gross receipts with the business expenses, i.e., expenses
15 directly related to producing the goods or services and without which the goods or services could
16 not be produced. However, items such as depreciation, personal business and entertainment
17 expenses, and personal transportation are not considered business expenses for the purposes of
18 determining eligibility for cash assistance in accordance with this chapter.

19 (25) “State” means the state of Rhode Island.

20 (26) “Subsidized employment” means employment in the private or public sectors for
21 which the employer receives a subsidy from TANF or other public funds to offset some or all of
22 the wages and costs of employing a recipient. It includes work in which all or a portion of the wages
23 paid to the recipient are provided to the employer either as a reimbursement for the extra costs of
24 training or as an incentive to hire the recipient, including, but not limited to, grant diversion.

25 (27) “Subsidized housing” means housing for a family whose rent is restricted to a
26 percentage of its income.

27 (28) “Unsubsidized employment” means full- or part-time employment in the public or
28 private sector that is not subsidized by TANF or any other public program.

29 (29) “Vocational educational training” means organized educational programs, not to
30 exceed twelve (12) months with respect to any participant, that are directly related to the preparation
31 of participants for employment in current or emerging occupations. Vocational educational training
32 must be supervised.

33 (30) “Work activities” mean the specific work requirements that must be defined in the
34 individual employment plan and must be complied with by the participant as a condition of

1 eligibility for the receipt of cash assistance for single and two-family (2) households outlined in §
2 40-5.2-12.

3 (31) “Work experience” means a work activity that provides a participant with an
4 opportunity to acquire the general skills, training, knowledge, and work habits necessary to obtain
5 employment. The purpose of work experience is to improve the employability of those who cannot
6 find unsubsidized employment. An employer, work site sponsor, and/or other appropriate designee
7 of the department must supervise this activity.

8 (32) “Work supplementation,” also known as “grant diversion,” means the use of all or a
9 portion of a participant’s cash assistance grant and food stamp grant as a wage supplement to an
10 employer. The supplement shall be limited to a maximum period of twelve (12) months. An
11 employer must agree to continue the employment of the participant as part of the regular work
12 force, beyond the supplement period, if the participant demonstrates satisfactory performance.

13 **40-5.2-10. Necessary requirements and conditions.**

14 The following requirements and conditions shall be necessary to establish eligibility for
15 the program.

16 (a) **Citizenship, alienage, and residency requirements.**

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

18 (2) Effective October 1, 2008, a person shall be a United States citizen, or shall meet the
19 alienage requirements established in § 402(b) of the Personal Responsibility and Work Opportunity
20 Reconciliation Act of 1996, PRWORA, Pub. L. No. 104-193 and as that section may hereafter be
21 amended [8 U.S.C. § 1612]; a person who is not a United States citizen and does not meet the
22 alienage requirements established in PRWORA, as amended, is not eligible for cash assistance in
23 accordance with this chapter. Provided, however, a person who has been admitted for lawful
24 permanent residence shall not be subject to a waiting period for benefits for which they are
25 otherwise eligible under this chapter.

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

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

31 (d) All individuals domiciled in this state shall be exempt from the application of
32 subdivision 115(d)(1)(A) of Pub. L. No. 104-193, the Personal Responsibility and Work
33 Opportunity Reconciliation Act of 1996, PRWORA [21 U.S.C. § 862a], which makes any
34 individual ineligible for certain state and federal assistance if that individual has been convicted

1 under federal or state law of any offense that is classified as a felony by the law of the jurisdiction
2 and that has as an element the possession, use, or distribution of a controlled substance as defined
3 in § 102(6) of the Controlled Substances Act (21 U.S.C. § 802(6)).

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

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

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

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

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

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

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

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

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

32 (ii) Parents under age twenty (20) without a high school diploma or general equivalency
33 diploma (GED) shall be referred to special teen-parent programs that will provide intensive services
34 designed to assist teen parents to complete high school education or GED, and to continue approved

1 work plan activities in accord with Rhode Island works program requirements.

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

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

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

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

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

22 (12) A participant who voluntarily quits or refuses a job without good cause, as defined in
23 § 40-5.2-12(), while receiving cash assistance in accordance with this chapter, shall be sanctioned
24 in accordance with rules and regulations promulgated by the department.

25 (f) **Resources.**

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

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

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

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

34 (ii) Real property owned by a husband and wife as tenants by the entirety, if the property

1 is not the home of the family and if the spouse of the applicant refuses to sell his or her interest in
2 the property;

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

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

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

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

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

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

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

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

32 (g) **Income.**

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

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

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

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

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

11 (ii) Earned income of any child;

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

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

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

23 (vi) Foster care payments;

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

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

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

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

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

3 (xi) Refund from the federal and state earned income tax credit and any federal or state
4 child tax credits or rebates;

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

8 (xiii) The earned income of any adult family member who gains employment while an
9 active RI Works household member. This income is excluded for the first six (6) months of
10 employment in which the income is earned, or until the household's total gross income exceeds
11 one hundred eighty-five percent (185%) of the federal poverty level, unless the household reaches
12 its sixty-month (60) time limit first;

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

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

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

18 (1) On or after January 1, 2020, no cash assistance shall be provided, pursuant to this
19 chapter, to a family or assistance unit that includes an adult member who has received cash
20 assistance for a total of sixty (60) months (whether or not consecutive), to include any time
21 receiving any type of cash assistance in any other state or territory of the United States of America
22 as defined herein. Provided further, in no circumstances other than provided for in subsection (h)(3)
23 with respect to certain minor children, shall cash assistance be provided pursuant to this chapter to
24 a family or assistance unit that includes an adult member who has received cash assistance for a
25 total of a lifetime limit of sixty (60) months.

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

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

33 (4) Receipt of family cash assistance in any other state or territory of the United States of
34 America shall be determined by the department of human services and shall include family cash

1 assistance funded in whole or in part by Temporary Assistance for Needy Families (TANF) funds
2 [Title IV-A of the federal Social Security Act, 42 U.S.C. § 601 et seq.] and/or family cash assistance
3 provided under a program similar to the Rhode Island families work and opportunity program or
4 the federal TANF program.

5 (5)(i) The department of human services shall mail a notice to each assistance unit when
6 the assistance unit has six (6) months of cash assistance remaining and each month thereafter until
7 the time limit has expired. The notice must be developed by the department of human services and
8 must contain information about the lifetime time limit, the number of months the participant has
9 remaining, the hardship extension policy, the availability of a post-employment-and-closure bonus;
10 and any other information pertinent to a family or an assistance unit nearing the sixty-month (60)
11 lifetime time limit.

12 (ii) For applicants who have less than six (6) months remaining in the sixty-month (60)
13 lifetime time limit because the family or assistance unit previously received cash assistance in
14 Rhode Island or in another state, the department shall notify the applicant of the number of months
15 remaining when the application is approved and begin the process required in subsection (h)(5)(i).

16 (6) If a cash assistance recipient family was closed pursuant to Rhode Island's Temporary
17 Assistance for Needy Families Program (federal TANF described in Title IV-A of the Federal
18 Social Security Act, 42 U.S.C. § 601 et seq.), formerly entitled the Rhode Island family
19 independence program, more specifically under § 40-5.1-9(2)(c) [repealed], due to sanction
20 because of failure to comply with the cash assistance program requirements; and that recipient
21 family received sixty (60) months of cash benefits in accordance with the family independence
22 program, then that recipient family is not able to receive further cash assistance for his/her family,
23 under this chapter, except under hardship exceptions.

24 (7) The months of state or federally funded cash assistance received by a recipient family
25 since May 1, 1997, under Rhode Island's Temporary Assistance for Needy Families Program
26 (federal TANF described in Title IV-A of the Federal Social Security Act, 42 U.S.C. § 601 et seq.),
27 formerly entitled the Rhode Island family independence program, shall be countable toward the
28 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 assistance
31 unit in which an adult member has received cash assistance for a total of sixty (60) months (whether
32 or not consecutive) to include any time receiving any type of cash assistance in any other state or
33 territory of the United States as defined herein effective August 1, 2008. Provided further, that no
34 cash assistance shall be provided to a family in which an adult member has received assistance for

1 twenty-four (24) consecutive months unless the adult member has a rehabilitation employment plan
2 as provided in § 40-5.2-12(g)(5).

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

8 (j) **Hardship exceptions.**

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

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

19 (k) **Parents under eighteen (18) years of age.**

20 (1) A family consisting of a parent who is under the age of eighteen (18), and who has
21 never been married, and who has a child; or a family consisting of a ~~woman~~ person under the age
22 of eighteen (18) ~~who is at least six (6) months pregnant~~ from onset of pregnancy, shall be eligible
23 for cash assistance only if the family resides in the home of an adult parent, legal guardian, or other
24 adult relative. The assistance shall be provided to the adult parent, legal guardian, or other adult
25 relative on behalf of the individual and child unless otherwise authorized by the department.

26 (2) This subsection shall not apply if the minor parent or pregnant minor has no parent,
27 legal guardian, or other adult relative who is living and/or whose whereabouts are unknown; or the
28 department determines that the physical or emotional health or safety of the minor parent, or his or
29 her child, or the pregnant minor, would be jeopardized if he or she was required to live in the same
30 residence as his or her parent, legal guardian, or other adult relative (refusal of a parent, legal
31 guardian, or other adult relative to allow the minor parent or his or her child, or a pregnant minor,
32 to live in his or her home shall constitute a presumption that the health or safety would be so
33 jeopardized); or the minor parent or pregnant minor has lived apart from his or her own parent or
34 legal guardian for a period of at least one year before either the birth of any child to a minor parent

1 or the onset of the pregnant minor's pregnancy; or there is good cause, under departmental
2 regulations, for waiving the subsection; and the individual resides in a supervised supportive-living
3 arrangement to the extent available.

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

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

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

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

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

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

30 **40-5.2-11. Cash assistance.**

31 (a) A family or assistance unit found by the department to meet the eligibility criteria set
32 forth in this chapter shall be eligible to receive cash assistance as of the date a signed, written
33 application, signed under a penalty of perjury, is received by the department.

34 (b) The family members or assistance unit shall be eligible for cash assistance for so long

1 as they continue to meet the eligibility criteria outlined in accordance with this chapter. Parents and
2 adult non-parent caretaker relatives receiving cash assistance shall be eligible so long as they meet
3 the terms and conditions of the work requirements of § 40-5.2-12. An adult caretaker relative shall
4 be eligible for assistance as a member of the assistance unit so long as he or she meets all the
5 eligibility requirements of this chapter.

6 (c) The monthly amount of cash assistance shall be equal to the payment standard for the
7 family minus the countable income of the family in that month. The department is authorized to
8 reduce the amount of assistance in the month of application to reflect the number of the days
9 between the first day of the month and the effective date of the application.

10 (d) A decision on the application for assistance shall be made or rejected by the department
11 no later than thirty (30) days following the date submitted and shall be effective as of the date of
12 application.

13 (e) ~~The payment standard is equal to the sum of the following: four hundred twenty five~~
14 ~~dollars (\$425) (three hundred sixty dollars (\$360) for a family residing in subsidized housing) for~~
15 ~~the first person; one hundred fifty nine dollars (\$159) for the second person; one hundred thirty~~
16 ~~seven dollars (\$137) for the third person; and one hundred four dollars (\$104) for each additional~~
17 ~~person.~~ Effective July 1, 2023, the payment standard for the assistance unit shall be no less than
18 fifty percent (50%) of the poverty guideline for the comparable assistance unit size as determined
19 by the U.S. Department of Health and Human Services for calendar year 2023. Thereafter, the
20 payment standard shall be adjusted in July of each year to be no less than fifty percent (50%) of the
21 poverty guideline for the comparable assistance unit size as determined by the U.S. Department of
22 Health and Human Services for that calendar year.

23 **40-5.2-12. Work requirements for receipt of cash assistance.**

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

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

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

34 (d) All applicants and participants in the Rhode Island works employment program must

1 attend and participate in required appointments, employment plan development, and employment-
2 related activities, unless temporarily exempt for reasons specified in this chapter.

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

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

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

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

21 (i) Unsubsidized employment;

22 (ii) Subsidized private-sector employment;

23 (iii) Subsidized public-sector employment;

24 (iv) Work experience;

25 (v) On-the-job training;

26 (vi) Job search and job readiness;

27 (vii) Community service programs;

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

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

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

1 (2) Above twenty (20) hours per week, the parent may participate in one or more of the
2 following three (3) activities in order to satisfy a thirty-hour (30) requirement:

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

4 (ii) Education directly related to employment; and

5 (iii) Satisfactory attendance at a secondary school or in a course of study leading to a
6 certificate of general equivalence if it is a teen parent under the age of twenty (20) who is without
7 a high school diploma or General Equivalence Diploma (GED).

8 (3) In the case of a parent under the age of twenty (20), attendance at a secondary school
9 or the equivalent during the month, or twenty (20) hours per week on average for the month in
10 education directly related to employment, will be counted as engaged in work.

11 (4) A parent who participates in a work experience or community service program for the
12 maximum number of hours per week allowable by the Fair Labor Standards Act (FLSA) is deemed
13 to have participated in his or her required minimum hours per week in core activities if actual
14 participation falls short of his or her required minimum hours per week.

15 (5) A parent who has been determined to have a physical or mental impairment affecting
16 employment, but who has not been found eligible for Social Security Disability benefits or
17 Supplemental Security Income must participate in his or her rehabilitation employment plan as
18 developed with the office of rehabilitation services that leads to employment and/or to receipt of
19 disability benefits through the Social Security Administration.

20 (6) A required work activity may be any other work activity permissible under federal
21 TANF provisions or state-defined Rhode Island works program activity, including up to ten (10)
22 hours of activities required by a parent's department of children, youth and families service plan.

23 (h) Exemptions from work requirements for the single-parent family. Work requirements
24 outlined in subsection (g) shall not apply to a single parent if (and for so long as) the department
25 finds that he or she is:

26 (1) Caring for a child below the age of one; provided, however, that a parent may opt for
27 the deferral from an individual employment plan for a maximum of twelve (12) months during the
28 twenty-four (24) months of eligibility for cash assistance and provided, further, that a minor parent
29 without a high school diploma or the equivalent, and who is not married, shall not be exempt for
30 more than twelve (12) weeks from the birth of the child;

31 (2) Caring for a disabled family member who resides in the home and requires full-time
32 care;

33 (3) A recipient of Social Security Disability benefits or Supplemental Security Income or
34 other disability benefits that have the same standard of disability as defined by the Social Security

1 Administration;

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

4 (5) An applicant for assistance ~~in her third trimester~~ from onset of pregnancy or a pregnant
5 ~~woman~~ person in ~~her~~ their third trimester who is a recipient of assistance and has medical
6 documentation that ~~she~~ they 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 which 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. The reduction in cash assistance shall not exceed the share of the payment made to the

1 participant, i.e., the amount paid in addition to the payment for the dependent children. If the
2 family's benefit has been reduced, benefits shall be restored to the full amount beginning with the
3 initial payment made on the first of the month following the month in which the parent: (i) Enters
4 into an individual employment plan ~~or rehabilitation plan~~ and demonstrates compliance with the
5 terms thereof; or (ii) Demonstrates compliance with the terms of his or her existing individual
6 employment plan ~~or rehabilitation plan~~, as such plan may be amended by agreement of the parent
7 and the department.

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

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

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

31 (5) Participants whose cases had closed in sanction status pursuant to Rhode Island's prior
32 Temporary Assistance for Needy Families Program (federal TANF described in Title IV-A of the
33 federal Social Security Act, 42 U.S.C. § 601 et seq.), the family independence program, more
34 specifically, § 40-5.1-9(2)(c) [repealed], due to failure to comply with the cash assistance program

1 requirements, but who had received less than forty-eight (48) months of cash assistance at the time
2 of closure, and who reapply for cash assistance under the Rhode Island works program, must
3 demonstrate full compliance, as defined by the department in its rules and regulations, before they
4 shall be eligible for cash assistance pursuant to this chapter.

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

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

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LC000838
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HUMAN SERVICES -- THE RHODE ISLAND WORKS PROGRAM

1 This act would amend the Rhode Island Works Program to provide eligibility for benefits
2 for pregnant persons from the onset of pregnancy, and allow lawful permanent residents to receive
3 benefits without a waiting period. This act would also increase the monthly cash benefit to fifty
4 percent (50%) of the federal poverty level effective July 1, 2023, and would provide for a yearly
5 cost of living increase by maintaining the benefit at not less than fifty percent (50%) of the federal
6 poverty level. This act would also repeal the termination of benefits to a family because of failure
7 of a family member to enter into or comply with an individual employment plan, which is
8 sometimes referred to as a “full family sanction”.

9 This act would take effect upon passage.

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LC000838
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