

2025 -- H 5992

LC002071

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO HUMAN SERVICES -- THE RHODE ISLAND WORKS PROGRAM

Introduced By: Representatives Handy, Slater, Alzate, Morales, McNamara, Kazarian, Cruz, Giraldo, Furtado, and Diaz

Date Introduced: February 28, 2025

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 40-5.2-10, 40-5.2-11 and 40-5.2-35 of the General Laws in Chapter
2 40-5.2 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. Provided, however, a person who has been admitted for lawful
14 permanent residence shall not be subject to a waiting period for benefits for which they are
15 otherwise eligible under this chapter.

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

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

1 requirements.

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

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

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

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

17 (B) The child care and supportive services required by the applicant to avail themselves of
18 employment opportunities and/or work readiness programs.

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

24 (3) The director, or the director's designee, may assign a case manager to an
25 applicant/participant, as appropriate.

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

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

33 (6)(i) The participant shall attend and participate immediately in intensive assessment and
34 employment services as the first step in the individual employment plan, unless temporarily exempt

1 from this requirement in accordance with this chapter. Intensive assessment and employment
2 services shall be defined as the work requirement activities in § 40-5.2-12(g) and (i).

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

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

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

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

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

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

27 (12) A participant who voluntarily quits or refuses a job without good cause, as defined in
28 § 40-5.2-12(l), while receiving cash assistance in accordance with this chapter, shall be sanctioned
29 in accordance with rules and regulations promulgated by the department.

30 (f) **Resources.**

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

33 (2) No family or assistance unit shall be eligible for assistance payments if the combined
34 value of its available resources (reduced by any obligations or debts with respect to such resources)

1 exceeds five thousand dollars (\$5,000).

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

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

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

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

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

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

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

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

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

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

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

3 (g) **Income.**

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

7 (2) In determining the eligibility for and the amount of cash assistance to which a
8 family/assistance unit is entitled under this chapter, income in any month shall not include the first
9 five hundred and twenty-five dollars (\$525) of gross earnings plus fifty percent (50%) of the gross
10 earnings of the family in excess of five hundred and twenty-five dollars (\$525) earned during the
11 month.

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

13 (i) The first ~~fifty dollars (\$50.00) in~~ one hundred dollars (\$100) of child support for one
14 child or the first two hundred dollars (\$200) of child support for more than one child received in
15 any month from ~~each noncustodial parent of a child plus any arrearages in child support (to the~~
16 ~~extent of the first fifty dollars (\$50.00) per month multiplied by the number of months in which the~~
17 ~~support has been in arrears) that are paid in any month by a noncustodial parent of a child~~ parents;

18 (ii) Earned income of any child;

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

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

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

30 (vi) Foster care payments;

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

33 (viii) Payments for supportive services or reimbursement of out-of-pocket expenses made
34 to foster grandparents, senior health aides, or senior companions and to persons serving in SCORE

1 and ACE and any other program under Title II and Title III of the Domestic Volunteer Service Act
2 of 1973, 42 U.S.C. § 5000 et seq.;

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

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

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

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
18 one hundred eighty-five percent (185%) of the federal poverty level, unless the household reaches
19 its sixty-month (60) 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 sixty (60) 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 sixty (60) 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 sixty-month (60)
18 lifetime time limit.

19 (ii) For applicants who have less than six (6) months remaining in the sixty-month (60)
20 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
25 Social Security Act, 42 U.S.C. § 601 et seq.), formerly entitled the Rhode Island family
26 independence program, more specifically under § 40-5.1-9(2)(c) [repealed], due to sanction
27 because of failure to comply with the cash assistance program requirements; and that recipient
28 family received sixty (60) months of cash benefits in accordance with the family independence
29 program, then that recipient family is not able to receive further cash assistance for his/her family,
30 under this chapter, 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) to include any time they received any type of cash assistance in any other state or territory
14 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 person under the age of eighteen
29 (18) from onset of pregnancy shall be eligible for cash assistance only if the family resides in the
30 home of an adult parent, legal guardian, or other adult relative. The assistance shall be provided to
31 the adult parent, legal guardian, or other adult relative on behalf of the individual and child unless
32 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 of the general laws, as amended, unless the parent or caretaker
26 relative is found to have 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 **40-5.2-11. Cash assistance.**

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

7 (b) The family members or assistance unit shall be eligible for cash assistance for so long
8 as they continue to meet the eligibility criteria outlined in accordance with this chapter. Parents and
9 adult non-parent caretaker relatives receiving cash assistance shall be eligible so long as they meet
10 the terms and conditions of the work requirements of § 40-5.2-12. An adult caretaker relative shall
11 be eligible for assistance as a member of the assistance unit so long as he or she meets all the
12 eligibility requirements of this chapter.

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

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

20 (e) ~~The payment standard is equal to the sum of the following: five hundred ten dollars~~
21 ~~(\$510) (four hundred forty five dollars (\$445) for a family residing in subsidized housing) for the~~
22 ~~first person; one hundred ninety one dollars (\$191) for the second person; one hundred sixty four~~
23 ~~dollars (\$164) for the third person; and one hundred twenty five dollars (\$125) for each additional~~
24 ~~person.~~ Effective July 1, 2025, the payment standard for the assistance unit shall be no less than
25 fifty percent (50%) of the poverty guideline for the comparable assistance unit size as determined
26 by the U.S. Department of Health and Human Services for calendar year 2025. Thereafter, the
27 payment standard shall be adjusted in July of each year to be no less than fifty percent (50%) of the
28 poverty guideline for the comparable assistance unit size as determined by the U.S. Department of
29 Health and Human Services for that calendar year.

30 **40-5.2-35. Child support pass-through.**

31 For any month in which a noncustodial parent makes a child support payment in the month
32 when due and the support is collected by the department of human services, for a child or children
33 receiving cash assistance pursuant to this chapter, the first ~~fifty dollars (\$50.00)~~ one hundred dollars
34 (\$100) for one child or the first two hundred dollars (\$200) for more than one child of the child

1 support payment, or the actual amount of the child support payment if the payment is less than ~~fifty~~
2 ~~dollars (\$50.00)~~ one hundred dollars (\$100) for one child or two hundred dollars (\$200) for more
3 than one child, shall be paid to the family in which the child resides. If more than one noncustodial
4 parent makes a child support payment to children living in the same family, there shall only be one
5 payment of ~~fifty (\$50.00)~~ one hundred dollars (\$100) for one child or two hundred dollars (\$200)
6 for more than one child paid to the family from the child support collected. This payment is known
7 as the “pass through” payment and shall be sent to the family within two (2) business days of the
8 determination that the amount is due and owing and no later than within two (2) business days of
9 the end of the month in which the support was collected.

10 SECTION 2. This act shall take effect on July 1, 2025.

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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 allow lawful permanent residents
2 to receive benefits without a waiting period. This act would also increase the monthly cash benefit
3 to fifty percent (50%) of the federal poverty level effective July 1, 2025, and would increase the
4 cash support pass-through to one hundred dollars (\$100) for one child and two hundred dollars
5 (\$200) for more than one child.

6 This act would take effect on July 1, 2025.

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