



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Administration
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Memorandum

To: The Honorable Steven M. Costantino
Chairman, House Finance Committee

The Honorable Stephen D. Alves
Chairman, Senate Finance Committee

From: Rosemary Booth Gallogly *RB Gallogly*
Executive Director/State Budget Officer

Date: February 13, 2008

Subject: New Article 16 for FY 2009 Appropriations Act (08-H-7390)

The Governor requests that Article 16 of the FY 2009 Appropriations Act entitled "Relating to Temporary Assistance Programs for Needy Families" be deleted from the Appropriations Act and replaced with a new Article 16 entitled "Relating to the Rhode Island Work First Program." The new Article 16 repeals the Rhode Island Family Independence Program cash assistance program and creates the Rhode Island Work First Program. The effective date of the new Article 16 is upon passage, except as otherwise provided within the article.

If you have any questions regarding this article, feel free to call me or Gary Alexander at the Department of Human Services.

RBG:sm08-66

cc: Michael O'Keefe
Russell Dannecker
Brian Stern
Gregory Stack
Mike Cronan
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NEW ARTICLE 16

RELATING TO THE RHODE ISLAND WORK FIRST PROGRAM

SECTION 1. Title 40 of the General Laws entitled "Human Services" is hereby amended by adding thereto the following chapter:

CHAPTER 5.2

THE RHODE ISLAND WORK FIRST PROGRAM

§ 40-5.2-1. Short title. This chapter is hereby entitled "The Rhode Island Work First Program", and is Rhode Island's welfare to work program.

§ 40-5.2-2. The Rhode Island Work First Program. Statement of Purpose. (a) The purpose of the Rhode Island Work First Program is to help parents who are eligible for cash assistance to support their children by preparing for, accepting and retaining employment. It is the intent of the Rhode Island general assembly that the Rhode Island Work First Program shall provide employment and support services along with temporary cash assistance so that parents can participate in the workforce rather than depend on public assistance to support themselves and their children.

(b) Under this law, parents are mandated to enter into an employment plan, as a condition of eligibility for cash assistance, and unless they are found to be temporarily exempt from the work requirements, they must attend Work First activities at the department of labor and training One Stop Career Centers as the first step in their employment plan. Because it is believed that employment is the most effective anti- poverty measure, all activities and services provided through the Rhode Island Work First Program are designed to promote economic independence through employment and the development of employment skills and to strengthen families through parental responsibility and short-term assistance.

(c) Consistent with the federal Temporary Assistance for Needy Families (TANF) Program, the Rhode Island Work First Program will meet one or more of the following basic purposes of TANF:

(1) Provide cash assistance to needy families so that children may remain in their own homes or in the homes of relatives;

(2) End the dependence of needy parents on government benefits by promoting job preparation, work, and marriage;

(3) Prevent and reduce the incidence of out-of-wedlock pregnancies; and

(4) Encourage the formation and maintenance of two-parent families.

§ 40-5.2-3. Legislative Intent. (a) It is the intent of the general assembly to fundamentally change the public assistance program formerly known as the Family Independence Program in order to provide temporary financial assistance to eligible families with children while requiring the entry or reentry of the adult members of the family into the workplace with necessary supports as quickly as possible, and

(b) to follow the policies and guidance of the federal public assistance legislation as closely as possible, and

(c) to promote efficiencies through inter departmental cooperation, specifically with the department of human services, the single state agency responsible for administration and implementation of this chapter. This shall include developing and implementing child support payment and enforcement, the case management system, the payment of cash assistance, issuance of food stamps, child care subsidies and medical assistance to eligible children and families in need.

(d) The department shall collaborate with community agencies and other state departments to achieve the goals of this chapter. Partners may include, but are not limited to, the:

(1) department of labor and training, which shall provide employment and training services in accordance with this chapter;

(2) department of elementary and secondary education, which provides adult education and literacy programs;

(3) Community College of Rhode Island, which provides vocational training at the postsecondary level;

(4) Rhode Island economic development corporation, which is responsible for expansion of job opportunities in the state for low-income families with children;

(5) Governor's Workforce Board, which is responsible for the planning and coordination of workforce development policy and strategies in the state's employment, education and economic development systems;

(6) department of children, youth and families which administers the child welfare services, regulates child day care providers; and is ultimately responsible for the guardianship of children at-risk;

(7) Rhode Island Housing and Mortgage Finance Corporation, which is responsible for expanding housing opportunities for low income families; and

(8) Family court, which is responsible for enforcing the support obligations of absent parents and protecting those children whose health and well-being is at risk because of an absence of family resources.

§ 40-5.2-4. Collaboration between the department of human services and the department of labor and training. Promoting economic independence through the Rhode Island Work First Program. (a) The department of human services, through the Rhode Island Work First Program, in collaboration with the department of labor and training, shall promote economic independence and help maintain and strengthen family life by enabling persons with dependent children to assume

responsibility for their families through the dignity of work.

(b) The department of labor and training, the lead agency responsible for employment, job training and workforce development services for the State of Rhode Island, is hereby authorized to establish and provide intensive employment services to cash assistance recipients in accordance with state and federal law, regulation and funding.

(c) The Work First intensive employment services authorized by this section shall include, but are not limited to, the provision of job counseling, job testing, job skill assessment, job matching, supervised job search, job development, job readiness services beyond those currently available through federal authority, and an employer outreach program to encourage the employment of Rhode Island Work First Program participants in the private sector and to disseminate information regarding both Federal and State tax credit programs for which public assistance recipients are eligible.

(d) The Work First intensive employment services shall help participants identify employment opportunities and shall provide personnel qualified to manage and oversee structured job search activities of program participants that result in employment, including part-time, at or above the state minimum wage, as quickly as possible, and/or within the time frames permissible under federal guidelines applicable to the Work First cash assistance program.

(e) Work First intensive employment services shall be delivered jointly through co-location of staff from department of labor and training and department of human services; with primary activities being provided throughout the State's One Stop Career Centers. Where such Centers are not accessible to Rhode Island Work First participants, the department of labor and training and the department of human services shall work in collaboration to identify alternative sites.

(f) The department of human services and the department of labor and training are hereby authorized to operate or contract for work readiness activities for those individuals whose employment

plan includes participation in such activities. Work readiness activities are of limited duration, and are designed to help prepare participants for work by assuring that participants are familiar with general workplace expectations and exhibit work behavior and attitudes necessary to compete successfully in the labor market. To the extent practicable, work readiness activities should involve supervised community work experience or unpaid work experiences in the private sector.

(g) The department of labor and training and the department of human services may collaborate on the delivery of short-term training vouchers for parents/participants approved for such service, the development of unpaid work experience and community service programs, and the oversight of any performance-based work programs which are subcontracted to meet the special needs of hard-to-employ parents/participants who receive temporary cash assistance under this chapter.

(h) If, following completion of intensive employment services, a parent/participant in the Work First program remains unemployed, the department of human services and the department of labor and training staff shall jointly define the next steps and activities which may be needed in order to assist the parent/participant to continue participating in approvable work activities in order to find employment on a full and/or part time basis.

(i) The Rhode Island department of labor and training shall continuously survey employers in the state to identify employment positions for persons eligible for family assistance.

(j) The department of human services and the department of labor and training shall establish performance standards for the intensive employment services available through the Work First Program to ensure that the goals of this act are met and that the State meets the federal work participation requirements.

§ 40-5.2-5. Work First. The department of human services and the department of labor and training shall promote Work First by:

(a) providing intensive employment services, support services, and transitional cash assistance with the expectation that participants in the Work First Program move quickly towards employment.

(b) developing stronger employment skills that will lead to self-sufficiency to establish long-term attachment to the workforce.

(c) recognizing the equal responsibility of both parents to provide economic support for their children.

§ 40-5.2-6. Goals. The Rhode Island Work First Program shall strive to: (a) eliminate or reduce the harmful effects of poverty on families and children by fostering employment and opportunity as a means to economic independence;

(b) assist participants to gain employment as rapidly as possible, given due consideration to individual circumstances, labor market conditions, the needs of the dependent children for continuing care and protection, and the ultimate goal of long-term economic independence;

(c) eliminate the stigma of welfare by promoting a philosophy and a perception that the purpose of welfare is to eliminate or reduce the harmful effects of poverty on families and children by promoting work opportunities for all Rhode Island residents;

(d) support and coordinate with activities that promote self-sufficiency and strengthen family life;

(e) provide a comprehensive support service package that includes: child support, medical assistance, food stamps, child care, transportation, and other support services necessary to promote economic independence;

(f) promote successful transition from public assistance to employment through the provision of job readiness activities, employment related skills training, and education activities concurrently with employment or seeking employment, family support skills, and follow-up services for problem

resolution and job advancement; and

(g) develop partnerships through the joint efforts of the department of labor and training and the department of human services with employers to create job opportunities and meet the needs of both employers and participants;

(h) provide a program where it is more advantageous to work than not to work by rewarding self-sufficiency; and

(i) implement a program that is clear, focused, and simple to administer.

§ 40-5.2-7. Work Participation Rates. (a) The director of the department of human services and the director of the department of labor and training, to the extent that federal Temporary Assistance to Needy Families (TANF) funds are made available, shall commit their department resources and focused efforts to meet the federal TANF work participation rate requirements.

(b) In the event that there are changes in the federal TANF program, the department of human services shall seek support through the general assembly to make all necessary changes and shall take all necessary steps to comply with the federal law.

(c) The Work First cash assistance program administered according to this chapter is designed to meet or exceed the minimum federal TANF required participation rate for all families.

§ 40-5.2-8 Definitions. (a) As used in this chapter, the following terms having the meanings set forth herein, unless the context in which such terms are used clearly indicates to the contrary:

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

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

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

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

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

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

(7) "Dependent Child" means an individual, other than an individual with respect to whom foster care maintenance payments are made, who is (A) under the age of eighteen (18), or (B) under the age of nineteen (19) and a full-time student in a secondary school (or in the equivalent level of vocational or educational training), if before he or she attains age nineteen (19), he or she may reasonably be expected to complete the program of such secondary school (or such training).

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

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

(10) "Earned income tax credit" means the credit against federal personal income tax liability under § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32, or any successor section, the advanced payment of the earned income tax credit to an employee under § 3507 of the code, 26 U.S.C.

§ 3507, or any successor section and any refund received as a result of the earned income tax credit, as well as any refundable state earned income tax credit.

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

(12) "Family" means: (A) A pregnant woman from and including the seventh month of her pregnancy; or (B) A child and the following eligible persons living in the same household as the child: (A) each biological, adoptive or stepparent of the child, or in the absence of a parent, any adult relative who is responsible, in fact, for the care of such child, and (B) the child's minor siblings (whether of the whole or half blood); provided, however, that the term "family" shall not include any person receiving benefits under title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq. A family may be the same as the assistance Unit.

(13) "Family Cap" is the payment limit relating to a cap on payment to a family based upon additional children born into the household in further described in accordance with § 40-5.2-11(f).

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

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

(16) "Job search and Job Readiness" mean the mandatory act of seeking or obtaining employment by the participant, or the preparation to seek or obtain employment.

In accord with federal requirements, job search activities must be supervised by the department of labor and training and must be reported to the department of human services in accordance with TANF work verification requirements.

Except in the context of rehabilitation employment plans, job search and job readiness activities are limited to 4 consecutive weeks, or for a total of 6 weeks in a twelve month period.

Preparation to seek employment, or job readiness, may include, but may not be limited to, the participant obtaining life skills training, homelessness services, domestic violence services, special services for families provided by department of children youth and families, substance abuse treatment, mental health treatment, or rehabilitation activities as appropriate for those who are otherwise employable. Such services, treatment or therapy must be determined to be necessary and certified by a qualified medical or mental health professional. Nothing in this section shall be interpreted to mean that the department of labor and training shall be the sole provider of job readiness activities described herein.

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

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

(19) "Minor parent" means a parent under the age of 18. A minor parent may be an applicant or recipient with his or her dependent child(ren) in his/her own case or a member of an assistance unit with his or her dependent child(ren) in a case established by the minor parent's parent.

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

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

(22) "Recipient" means a person who has been found eligible and receives cash assistance in accordance with this chapter.

(23) "Relative" means a parent, stepparent, grandparent, great grandparent, great-great grandparent, aunt, great aunt, great-great aunt, uncle, great-uncle, great-great uncle, sister, brother, stepbrother, stepsister, half-brother, half-sister, first cousin, first cousin once removed, niece, great niece, great-great niece, nephew, great nephew, or great-great nephew.

(24) "Resident" means a person who maintains residence by his or her continuous physical presence in the state.

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

(26) "State" means the State of Rhode Island and Providence Plantations.

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

(28) "Subsidized housing" means housing for a family whose rent is restricted to a percentage of its income.

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

(30) "Vocational Educational Training" means organized educational programs, not to exceed twelve (12) months with respect to any participant, that are directly related to the preparation of participants for employment in current or emerging occupations requiring training other than a baccalaureate or advanced degree. Vocational educational training must be supervised.

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

(32) "Work Supplementation" also known as "Grant Diversion" means the use of all or a portion of a participant's cash assistance grant and food stamp grant as a wage supplement to an employer. Such a supplement shall be limited to a maximum period of twelve (12) months. An

employer must agree to continue the employment of the participant as part of the regular work force, beyond the supplement period, if the participant demonstrates satisfactory performance.

(33) "Work Activities" mean the specific work requirements which must be defined in the individual employment plan and must be complied with by the participant as a condition of eligibility for the receipt of cash assistance for single and two family households outlined in § 40-5.2-12 of this chapter.

§ 40-5.2-9. The Rhode Island Work First Program. General eligibility requirements. (a) All families who wish to make application to the department of human services for assistance under this chapter shall have the opportunity to do so.

(b) Cash assistance shall be provided to eligible needy families only with dependent children who meet all the requirements of this chapter.

(c) Eligibility for benefits provided in accordance with this chapter is determined on a family or assistance unit basis.

(d) The following persons shall be included in the assistance unit, unless such person receives state supplemental assistance or supplemental security benefits under Title XVI of the Social Security Act, if living in the same household with any dependent child: all minor blood-related, step, or adoptive brothers and sisters, and all natural, step, or adoptive parents of such children, including cohabitating adults who share a minor child.

(e) In the case of a minor parent, the assistance unit may also include all natural, step, or adoptive parents of the minor parent and all minor blood-related, step or adoptive brothers and sisters.

(f) If the parents are not residing together a child shall be considered residing with the parent who has legal physical custody of the child the majority of the time. If the child resides with the parents in their separate households, equal time, the parent who applies for assistance for that child first in time

shall be the eligible parent.

(g) Each person in the assistance unit shall develop all potential sources of income for which such person may be eligible. Each person shall apply for such income, cooperate in applying for such income, and accept the income if eligible.

(h) Eligibility for cash assistance exists if the assistance unit's net income is less than the payment standard for the assistance group size.

§ 40-5.2-10. Necessary requirements and conditions. The following requirements and conditions shall be necessary to establish eligibility for the entire assistance unit.

(a) Citizenship, alienage and residency requirements.

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

(2) A person shall be a United States citizen, or shall meet the alienage requirements established in section 402(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PRWORA, Public Laws No. 104-193, and as that section may hereafter be amended; a person who is not a United States citizen and does not meet the alienage requirements established in PRWORA, as amended, is not eligible for cash assistance in accordance with this chapter.

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

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

(d) All individuals domiciled in this state shall be exempt from the application of section 115(d)(1)(A) of Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PRWORA, which makes any individual ineligible for certain state and federal assistance if that individual has been convicted under federal or state law of any offense which is classified as a

felony by the law of the jurisdiction and which has as an element the possession, use, or distribution of a controlled substance as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))

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

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

(2) On the basis of such assessment, the department of human services, in consultation with the applicant, shall develop an individual employment plan for the family.

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

(4) The individual employment plan shall identify employment objectives, taking into consideration factors above, and shall include a strategy for immediate employment and for preparing for, finding, and retaining employment consistent, to the extent practicable, with the individual's career objectives.

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

(6)(A) The participant shall attend and participate immediately in intensive employment services as the first step in the individual employment plan at the Rhode Island department of labor and training,

unless temporarily exempt from this requirement in accordance with this chapter.

(B) Parents under age twenty (20) without a high school diploma or General Equivalency Diploma (GED) shall be referred to special teen parent programs which will provide intensive services designed to assist teen parent to complete high school education or GED, and to continue approved work plan activities in accord with Work First program requirements.

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

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

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

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

(11) A participant, including a parent or non-parent caretaker relative included in the cash

assistance payment, shall not voluntarily quit a job or refuse a job unless there is good cause as defined in this chapter or the department's rules and regulations.

(12) A participant who voluntarily quits or refuses a job without good cause, as defined in § 40-5.2-12(1), while receiving cash assistance in accordance with this chapter, shall be terminated from assistance. The participant's family/assistance unit shall also be terminated from assistance. Before becoming eligible for assistance again, he/she shall first participate fully in verifiable and approved employment-related activities in accordance with rules and regulations promulgated by the department.

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

(2) No family or assistance unit shall be eligible for assistance payments if the combined value of its available resources (reduced by any obligations or debts with respect to such resources) exceeds one thousand dollars (\$1,000.00).

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

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

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

(C) Real property which the family is making a good faith effort to dispose of, however, any cash assistance payable to the family for any such period shall be conditioned upon such disposal of the real property within six (6) months of the date of application and any payments of assistance for that period shall (at the time of disposal) be considered overpayments to the extent that they would not have

occurred at the beginning of the period for which the payments were made. All overpayments are debts subject to recovery in accordance with the provisions of the chapter.

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

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

(F) Household furnishings and appliances, clothing, personal effects and keepsakes of limited value;

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

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

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

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

(2) In determining the eligibility for and the amount of cash assistance to which a family/assistance unit is entitled under this chapter, income in any month shall not include the first one hundred seventy dollars (\$170.00) of gross earnings plus fifty percent (50%) of the gross earnings of the family in excess of one hundred seventy dollars (\$170.00) earned during the month.

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

(A) The first fifty dollars (\$50.00) in child support received in any month from each non-custodial parent of a child plus any arrearages in child support (to the extent of the first fifty dollars (\$50.00) per month multiplied by the number of months in which the support has been in arrears) which are paid in any month by a non-custodial parent of a child;

(B) Earned income of any child;

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

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

(E) Value of certain assistance provided to undergraduate students, including any grant or loan for an undergraduate student for educational purposes made or insured under any loan program

administered by the U.S. Commissioner of Education (or the Rhode Island board of governors for higher education or the Rhode Island higher educational assistance authority);

(F) Foster Care Payments;

(G) Home energy assistance funded by state or federal government or by a nonprofit organization;

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

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

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

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

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

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

(h) Time Limit on the receipt of cash assistance. (1) No cash assistance shall be provided, pursuant to this chapter, to a family/assistance unit which includes an adult member who has received

cash assistance for a total of twenty four (24) months (whether or not consecutive) to include any time receiving any type of cash assistance in any other state or territory of the United States of America as defined herein.

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

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

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

(5)(A) The department of human services shall mail a notice to each assistance unit when the assistance unit has six (6) months of cash assistance remaining and each month thereafter until the twenty-four (24) month time limit has expired. The notice must be developed by the department of human services and must contain information about the twenty four (24) month limit, the number of months the participant has remaining, the hardship extension policy, and any other information pertinent to an assistance unit nearing the twenty four (24) month limit.

(B) For applicants who have less than 6 months remaining in the 24-month time limit because the family or assistance unit previously received cash assistance in Rhode Island or in another state, the

department shall notify the applicant of the number of months remaining when the application is approved and begin the process required in paragraph (A) above.

(6) If a cash assistance recipient family closed pursuant to Rhode Island's Temporary Assistance for Needy Families Program, (federal TANF described in Title IVA of the federal Social Security Act, 42 USC 601 et.seq.) formerly entitled the Rhode Island Family Independence Program, more specifically under § 40-5.1-9(2)(c), due to sanction because of failure to comply with the cash assistance program requirements; and that recipient family received twenty-four (24) months of cash benefits in accordance with the Family Independence Program, then that recipient family is not able to receive further cash assistance for his/her family, under this chapter, except under hardship exceptions.

(7) The months of state or federally funded cash assistance received by a recipient family since May 1, 1997 under Rhode Island's Temporary Assistance for Needy Families Program, (federal TANF described in Title IVA of the federal Social Security Act, 42 USC 601 et.seq.) formerly entitled the Rhode Island Family Independence Program, shall be countable toward the twenty-four (24) month time limit described in this chapter.

(i) Hardship Exceptions. The department may extend an assistance unit's or family's cash assistance beyond the twenty four (24) month time limit, by reason of hardship; provided, however, that the number of such families to be exempted by the department with respect to their time limit under this subsection shall not exceed twenty percent (20%) of the average monthly number of families to which assistance is provided for under this chapter in a fiscal year; provided, however, that to the extent now or hereafter permitted by federal law, any waiver granted under § 40-5.2-35, for domestic violence, shall not be counted in determining the twenty percent (20%) maximum under this section.

(i) Parents under eighteen (18) years of age. (1) A family consisting of a parent who is under the age of eighteen (18), and who has never been married, and who has a child; or a family which

consists of a woman under the age of eighteen (18) who is at least six (6) months pregnant, shall be eligible for cash assistance only if such family resides in the home of an adult parent, legal guardian or other adult relative. Such assistance shall be provided to the adult parent, legal guardian, or other adult relative on behalf of the individual and child unless otherwise authorized by the department.

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

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

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

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

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

(3) Absent good cause, as defined by the department of human services through the rule making process, for refusing to comply with the requirements of the (1) and (2) above, cash assistance to the family shall be terminated until the adult member of the family who has refused to comply with the requirements of this subsection consents to and cooperates with the state in accordance with the requirements of this subsection.

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

§ 40-5.2-11. Cash Assistance. -- (a) A family or assistance unit found by the department to meet the eligibility criteria set forth in this chapter shall be eligible to receive cash assistance as of the date a signed written application, signed under a penalty of perjury, is received by the department.

(b) The family members or assistance unit shall be eligible for cash assistance for so long as they continue to meet the eligibility criteria outlined in accordance with this chapter. Parents and adult non-parent caretaker relatives receiving cash assistance shall be eligible so long as they meet the terms

and conditions of the work requirements of § 40-5.2-12. An adult caretaker relative shall be eligible for assistance as a member of the assistance unit so long as he/she meets all the eligibility requirements of this chapter.

(c) The monthly amount of cash assistance shall be equal to the payment standard for the family minus the countable income of the family in that month. The department is authorized to reduce the amount of assistance in the month of application to reflect the number of the days between the first (1st) day of the month and the effective date of the application.

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

(e) The payment standard is equal to the sum of the following: three hundred twenty-seven dollars (\$327.00) (two hundred seventy-seven dollars (\$277.00) for a family residing in subsidized housing) for the first person, one hundred twenty-two dollars (\$122.00) for the second person, one hundred five dollars (\$105.00) for the third person and eighty dollars (\$80.00) for each additional person.

(f) Cash assistance payments made to families under the Work First Program shall not increase when a child is born after nine calendar months following the initial month of receipt of cash assistance. This rule applies to all families receiving cash assistance unless exempt as defined in department's rules and regulations.

§ 40-5.2-12. Work requirements for receipt of cash assistance. (a) The department shall assess the applicant/parent or non-parent caretaker relative's work experience, educational and vocational abilities, and the department together with the parent shall develop and enter into a mandatory individual employment plan in accordance with § 40-5.2-10(e) of this chapter.

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

(c) The written individual employment plan shall specify the requirement that the participant must take all necessary steps toward immediate employment upon participation in the program and further outline the steps the participant shall take toward long-term economic independence.

(d) All applicants and participants in the Work First employment program must attend and participate in required appointments, employment plan development, and employment-related activities, unless temporarily exempt for reasons specified in this chapter.

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

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

(g) Work Requirements for single parent families. In single parent households, the participant parent or non-parent caretaker relative in the cash assistance payment, shall participate as a condition of eligibility, for a minimum of twenty (20) hours per week if the youngest child in the home is under the age of six (6), and for a minimum of thirty (30) hours per week if the youngest child in the home is six (6) years of age or older, in one or more of their required work activities, as appropriate, in order to help the parent obtain stable full-time paid employment, provided, however, that he or she shall

immediately begin with job search activities through the department of labor and training. Required work activities are as follows:

(1) At least twenty (20) hours per week must come from participation in one or more of the following nine (9) work activities:

(A) Unsubsidized employment;

(B) Subsidized private sector employment;

(C) Subsidized public sector employment;

(D) Work experience;

(E) On the Job Training;

(F) Job search and job readiness;

(G) Community service programs;

(H) Vocational educational training not to exceed twelve (12) months;

(I) Providing child care services to another participant parent who is participating in an approved community service program;

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

(A) Job skills training directly related to employment;

(B) Education directly related to employment; and,

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

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

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

(5) A parent who has been determined to have a physical or mental impairment affecting employment but who has not been found eligible for Social Security Disability Benefits or Supplemental Security Income must participate in his or her rehabilitation employment plan leading to employment.

(6) A required work activity may be any other work activity permissible under federal TANF provisions or state defined Work First Program activity.

(h) Exemptions from Work Requirements for the single parent family. Work Requirements outlined in § 40-5.2-12(g) above shall not apply to a single parent if (and for so long as) the department finds that he or she is:

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

(2) caring for a significantly disabled family member, who resides in the home and requires full time care;

(3) a recipient of Social Security Disability benefits or Supplemental Security Income;

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

(5) an individual otherwise exempt by the department as defined in rules and regulations promulgated by the department.

(i) Work Requirement for two parent families.(1)In families consisting of two parents, one parent is required and shall be engaged in work activities as defined below, for at least thirty-five (35) hours per week during the month, not fewer than thirty (30) hours per week of which are attributable to one or more of the following listed work activities, provided, however, that he or she shall begin with job search activities through the department of labor and training as the first step in the Individual Employment Plan. Two parent work requirements shall be defined as the following:

(A) Unsubsidized employment;

(B) Subsidized private sector employment;

(C) Subsidized public-sector employment;

(D) Work experience;

(E) On-the-job training;

(F) Job search and job readiness;

(G) Community service program;

(H) Vocational educational training not to exceed twelve (12) months;

(I) The provision of child care services to a participant individual who is participating in a community service program.

(2) Above thirty (30) hours per week, the following three (3) activities may also count for participation:

(A) Job skills training directly related to employment;

(B) Education directly related to employment; and

(C) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence.

(3) A family with two parents in which one or both parents participate in a work experience or community service program shall be deemed to have participated in core work activities for the maximum number of hours per week allowable by the Fair Labor Standards Act (FLSA) if actual participation falls short of his/her required minimum hours per week.

(4) If the family receives child care assistance and an adult in the family is not disabled or caring for a severely disabled child, then the work-eligible individuals must be participating in work activities for an average of at least fifty-five (55) hours per week to count as a two-parent family engaged in work for the month.

(5) At least fifty (50) of the fifty (55) hours per week must come from participation in the activities listed in paragraph 40-5.1-12(i)(1) of this section.

(iii) Above fifty (50) hours per week, the three (3) activities listed in paragraph 40-5.1-(i)(2) of this section may also count as participation.

(6) A family with two parents receiving child care in which one or both parents participate in a work experience or community service program for the maximum number of hours per week allowable by the Fair Labor Standards Act (FLSA) will be considered to have met their required core hours if actual participation falls short of the required minimum hours per week. For families that need additional hours beyond the core activity requirement, these hours must be satisfied in some other TANF work activity.

(j) Exemptions from work requirements for two parent families. Work requirements outlined in § 40-5.2-12(i) above shall not apply to two parent families if (and for so long as) the department finds that:

(1) both parents receive Supplemental Security Income(SSI);

(2) one parent receives SSI, and the other parent is caring for a significantly disabled family member who resides in the home, and who requires full time care; or

(3) the parents are otherwise exempt by the department as defined in rules and regulations.

(k) Failure to comply with work requirements. (1) The cash assistance to which an otherwise eligible family/assistance unit is entitled under this chapter, shall be terminated whenever any participant, without good cause, as defined by the department in its rules and regulations, has failed to enter into an individual employment plan; has failed to attend a required appointment; has refused or quit employment; or has failed to comply with any other requirements for the receipt of cash assistance under this chapter.

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

(3) If the family/assistance unit's benefit has been terminated in accordance with this section due to the failure by one or more parents to enter into an individual employment plan or failure to comply with the terms of his of her individual employment plan, or the failure to comply with the requirements of this chapter, the family/assistance unit may reapply for benefits, and the benefits shall be restored to the family/assistance unit in the full amount the family/assistance unit is otherwise

eligible for under this chapter beginning on the first of the month following the month in which all parents in the family/assistance unit who are subject to the employment or rehabilitation plan requirements under this chapter: (A) enter into an individual employment or rehabilitation plan as applicable, and demonstrate compliance with the terms thereof, or (B) demonstrate compliance with the terms of the parent's individual employment or rehabilitation employment plan in effect at the time of termination of benefits, as such plan may be amended by agreement of the parent and the department.

(4) Cash assistance must be suspended for at least thirty (30) days when benefits have been terminated in accordance with the provisions of § 40-5.2-12(k)(1) and (2) above.

(5) Participants whose cases had closed in sanction status pursuant to Rhode Island's prior Temporary Assistance for Needy Families Program, (federal TANF described in Title IVA of the federal Social Security Act, 42 USC 601 et seq.), the Family Independence Program, more specifically, § 40-5.1-9(2)(c), due to failure to comply with the cash assistance program requirements, but who had received less than twenty four (24) months of cash assistance at the time of closure, and who reapply for cash assistance under the Rhode Island Work First Program, must demonstrate full compliance, as defined by the department in its rules and regulations, before they shall be eligible for cash assistance pursuant to this chapter.

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

§ 40-5.2-13. Income Deeming. Parent, stepparent, grandparent, and sponsor income deeming.

(a) Parents. For purposes of determining eligibility for and the amount of cash assistance to which a family is entitled under this chapter, the income of a child shall include the income of his/her parent(s). For purposes of this section, the term "income" has the meaning prescribed in § 40-5.2-10(g).

(b) Stepparents. For purposes of determining eligibility for and the amount of cash assistance to which a family is entitled under this chapter, the income of a child shall include the income of the child's stepparent (if living in the same house as the child) minus the sum of: (1) the first ninety dollars (\$90.00) of the stepparent's earned income for the month; (2) the standard of need for a family of the same composition as the stepparent (but excluding any person included in the child's family); (3) amounts paid by the stepparent to individuals not living in the stepparent's home and claimed by him or her as dependent for federal tax purposes; and (4) alimony or child support payments made by the stepparent with respect to individuals not living in such household.

(c) Grandparents. The income of a child whose parent is under the age of eighteen (18) shall include any income of the child's grandparents, if the grandparents are living in the same home as the child and his or her parent, to the same extent that income of a stepparent is included under subsection (b).

(d) Sponsors. Sponsor deeming with respect to eligible aliens who are applicants for cash assistance shall be applied in accordance with § 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Laws No. 104-193, PRWORA) and under rules and regulations to be promulgated by the department.

§ 40-5.2-14. Reporting of income and resources by participants. All participants are responsible for reporting changes in income, resources, family composition or other factors which can effect the family's eligibility or payment level within ten (10) days of the change in circumstances.

§ 40-5.2-15. Reporting Absence. Whenever adult family member(s) become aware that a minor child in their household has been or will be temporarily absent from the home, the adult family member(s) have the responsibility to report such absence of a minor child from the home by the end of the five (5) day period that begins with the date that the adult family member(s) become aware that the

minor child has been or will be absent from the home for a period of thirty (30) or more consecutive days.

§ 40-5.2-16. Minimum payment. No payment of assistance under § 40-5.2-11(e) shall be made for any month if the amount of such payment would be less than ten dollars (\$10.00), but a family with respect to whom a payment of assistance is denied solely by reason of this section shall otherwise be deemed to be a recipient of assistance under this chapter.

§ 40-5.2-17. Assistance not assignable; exemption from process. Except as otherwise provided for herein, cash assistance shall not be transferable or assignable at law or in equity, and none of the money paid or payable under this chapter shall be subject to execution levy, attachment, garnishment or other legal process, or to the operation of any bankruptcy or insolvency law.

§ 40-5.2-18. Up front cash program. The department has the authority under this chapter to develop a non assistance up front cash program for recipients in accordance with federal TANF guidelines.

§ 40-5.2-19. Appropriate child care necessary for work requirement. Notwithstanding any other provision of this section, no single parent, or both parents meeting all other program requirements, shall be required to work to the extent that appropriate child care is necessary for the parent to do so and the department determines that such appropriate child care is unavailable for fiscal or other reasons.

(a) For purposes of this section "appropriate child care" means child care which is provided by a person or organization qualified and authorized to provide such care by the department of children, youth, and families or such other lawful providers as determined by the department of children, youth, and families. Child care shall be considered "necessary" under this section for any child below the age

of thirteen (13), or any children age thirteen (13) years or older who are under supervision of the family court or who require care because of a physical or mental impairment.

(b) The department shall provide transportation support in either the form of a bus pass for use in traveling to work activities, training, or other plan related needs, or in the form of an allowance for transportation costs necessary to comply with the employment plan as defined in department rules and regulations.

§ 40-5.2-20. Child Care Assistance. Families or assistance units eligible for child care assistance. (a) The department shall provide appropriate child care to every participant who is eligible for cash assistance and who requires child care in order to meet the work requirements in accordance with this chapter.

(b) Low-Income child care. The department shall provide child care to all other working families with incomes at or below one hundred eighty percent (180%) of the federal poverty level, if and to the extent such other families require child care in order to work at paid employment as defined in the department's rules and regulations.

(c) No family/assistance unit shall be eligible for child care assistance under this chapter if the combined value of its liquid resources exceeds ten thousand dollars (\$10,000.00). Liquid resources are defined as any interest(s) in property in the form of cash or other financial instruments or accounts which are readily convertible to cash or cash equivalents. These include, but are not limited to, cash, bank, credit union, or other financial institution savings, checking and money market accounts, certificates of deposit or other time deposits, stocks, bonds, mutual funds, and other similar financial instruments or accounts. These do not include educational savings accounts, plans, or programs; retirement accounts, plans, or programs; or accounts held jointly with another adult, not including a

spouse. The department is authorized to promulgate rules and regulations to determine the ownership and source of the funds in the joint account.

(d) As a condition of eligibility for child care assistance under this chapter, the parent or caretaker relative of the family must consent to and must cooperate with the department in establishing paternity, and in establishing and/or enforcing child support and medical support orders for all children in the family in accordance with title 15 of the general laws, as amended, unless the parent or caretaker relative is found to have good cause for refusing to comply with the requirements of this subsection.

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

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

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

(h) For purposes of this section "income" for families receiving cash assistance under § 40-5.2-11 means gross earned income and unearned income, subject to the income exclusions in §§ 40-5.2-

10(g)(2) and 40-5.2-10(g)(3) and income for other families shall mean gross earned and unearned income as determined by departmental regulations.

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

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

§ 40-5.2-21. Eligibility for medical benefits. (a) Every member of any family/assistance unit eligible for cash assistance under this chapter shall be eligible for medical assistance through the RItE Care or RItE Share programs, as determined by the department, subject to the provisions of § 40-8-1(d) and provided, further, that eligibility for such medical assistance, must qualify for federal financial participation pursuant to the provisions of Title XIX of the federal social security act, 42 U.S.C. section 1396 et seq.

(b) If a family becomes ineligible for cash assistance payments under this chapter as a result of excess earnings from employment, the family/assistance unit shall continue to be eligible for medical assistance through the RItE Care or RItE Share program for a period of twelve (12) months or until employer paid family health care coverage begins, subject to the provisions of § 40-8-1(d), whichever occurs first; and provided, further, that eligibility for such medical assistance, must qualify for federal financial participation pursuant to the provisions of title XIX of the federal social security Act, 42 U.S.C. section 1396 et seq.

§ 40-5.2-22 Emergency expenses. (a) To the extent that the department has allocated resources for this purpose, the department is authorized to provide assistance to families receiving assistance in accordance with this chapter to meet emergency needs that cannot be met with the cash resources available to the family. The emergency assistance shall be limited to the lesser of actual cost or the sum of two hundred dollars (\$200.00). Except as provided by the department by regulation, no expense shall be reimbursable unless the department has pre-approved the expenditure. Emergency assistance includes, but is not limited to, payment of moving expenses for families who are forced to move their place of residence and payments for emergency transportation needs used in connection with participation in any program approved under this chapter.

(b) In the event of a catastrophe caused by fire, flood, lightning, severe wind or other act of nature, the department may establish by regulation the authorization of catastrophic assistance funds not subject to the limit of two hundred dollars (\$200.00) specified in subsection (a). Such regulations shall specify the criteria under which funds for shelter, clothing or essential household equipment and furnishings may be authorized in the event of a catastrophe.

§ 40-5.2-23. Post employment incentive bonus. The Family/Assistance Unit may be eligible for an incentive bonus payment, if the participant is employed and is working at least thirty (30) hours per week or more for a single parent family and thirty five (35) hours per week for a two parent family at the time of closure on cash assistance and remains employed and continues to work at least thirty (30) hours per week or thirty (35) hours per week or more, not to exceed a period of twelve (12) months in accordance with rules and regulations promulgated by the department.

§ 40-5.2-24. Overpayment and underpayment of benefits. The department shall promptly take all necessary steps to correct any overpayment or underpayment of cash assistance paid under this chapter, and, in the case of:

(1) An overpayment to an individual who is a current recipient of such cash assistance (including a recipient whose overpayment occurred during a prior period of ineligibility) recovery will be made by repayment by the individual or by reducing the amount of any future cash assistance payable to the family of which he or she is a member, except that such recovery shall not result in the reduction of cash assistance payable for any month, such that cash assistance, when added to its income is less than ninety percent (90%) of the standard of assistance for a family/assistance unit with the same composition with no other income (and, in the case of an individual to whom no payment is made for a month solely by reason of recovery of any overpayment, such individual shall be deemed to be a recipient of cash assistance for such month);

(2) An overpayment to any individual who is no longer receiving cash assistance under the plan, recovery shall be made by appropriate action by the department under federal and state law against the income or resources of the individual, the family or the prior assistance unit; and

(3) An underpayment, the corrective payment shall be disregarded in determining the income of the family, and shall be disregarded in determining its resources in the month the corrective payment is made and in the following month; except that no recovery need be attempted or carried out under subdivision (2) of this section, other than in a case involving fraud on the part of the recipient where the cost of recovery would equal or exceed the amount of overpayment involved.

§ 40-5.2-25. Hearings. Any applicant, recipient or participant aggrieved because of a decision by the department, including but not limited to, a decision regarding eligibility for benefits, the amount of benefits, terms of an employment plan or a delay in making a decision with respect to an application for assistance shall be entitled to an appeal. The department shall provide an applicant, recipient or participant with written notice of a decision to deny benefits under this chapter and shall provide recipients written notice at least ten (10) days in advance of a decision to terminate or reduce benefits to

the family/assistance unit. Notices shall be easy to understand and shall explain the reason for the department's decision and cite the relevant section of the department's regulations. The family may appeal the decision by filing a written request with the department within thirty (30) days of the date the notice was mailed. If the recipient files the request within ten (10) days of the date the notice was mailed, the recipient may receive benefits without reduction pending the outcome of the appeal.

§ 40-5.2-26. Records as to assistance. (a) All records pertaining to the administration of public assistance pursuant to this chapter and chapter 8 of this title are hereby declared to constitute confidential matter. (b) In furtherance thereof:

(1) It shall be unlawful for any person to make use of, or cause to be used, any information contained in records for purposes not directly connected with administration thereof, except with the consent of the individual concerned.

(2) The director of the department shall have the power to establish rules and regulations governing the custody, use, and preservation of the records, papers, files and communications dealing with the administration of public assistance. The rules and regulations shall have the same force and effect as law.

(3) The records shall be produced in response to subpoena duces tecum properly issued by any federal or state court; provided, however, that the purpose for which the subpoena is sought is directly connected with the administration of public assistance. No subpoena shall be issued by a court asking either for the records, or for persons having custody or access to the records, unless the litigation involved in such matters is directly connected with the administration of public assistance.

(4) Any person who by law is entitled to a list of individuals receiving any of the assistance as provided in this chapter shall not publish or cause to be published the list except by the express consent

of the director of the department, or to make use of thereof for purposes not directly connected with the administration thereof.

(5) Any person violating any of the provisions of this section, or the lawful rules and regulations made hereunder, shall be guilty of a misdemeanor and shall be fined not more than two hundred dollars (\$200.00), or shall be imprisoned for not more than six (6) months, or both.

(6) Nothing in this section shall be deemed to prohibit the director of the department or his or her agents duly authorized for that purpose, from issuing any statistical material data, or publishing or causing the data to be published whenever he or she shall deem it to be in the public interest.

(7) The director of the department may inquire into the records of any state department or agency in the course of his or her administration of public assistance.

§ 40-5.2-27. Department of human services. (a) Except as otherwise provided for herein, the director of the department of human services is responsible for implementation of this chapter.

(b) No later than March 1st of each year, the director shall submit a plan to the general assembly showing how, within available resources, the department expects to operate the programs authorized under this chapter in the succeeding fiscal year. The director, to the extent possible, will provide an annual report of program impact on families served by the Work First Program. The report shall also reflect the child support guidelines issued from time to time by the Rhode Island family court.

(c) The department is empowered and authorized to submit its plan for services under the act to the federal government or any agency or department thereof having funds available for benefits to low income families for approval pursuant to the provisions of the Social Security Act, 42 U.S.C. § 301 et seq. The department shall act for the state in any negotiations relative to the submission and approval of the plan and/or waivers and may make any arrangement or changes in its plan and/or waivers not inconsistent with this chapter which may be required or permitted by the Social Security Act or rules

and regulations promulgated pursuant thereto, to obtain and retain approval and to secure for this state the benefits of the provisions of the federal act relating to family assistance. The department shall make reports to the federal government or any agency or department thereof, in the form and nature required by it, and shall in all respects comply with any request or direction of the federal government or any agency or department thereof which may be necessary to assure the correctness and verification of the reports.

(d) The department of human services is hereby authorized and directed to expedite the implementation of this act by submitting to the federal government, on behalf of the state, such state plan amendments and any federal waiver requests which it deems necessary to fully implement the provisions of this act and to secure for this state the benefits of federal financial participation and/or grants for the above referenced programs, as amended, pursuant to titles IV and XIX of the federal Social Security Act, 42 U.S.C. §§ 601 et seq. and 1396 et seq., and Subchapter II-B of the Child Care and Development Block Grant codified at 42 U.S.C. § 9858 et seq., and as such acts may hereafter be re-codified or amended by such acts as may be considered and enacted by the Congress of the United States.

(1) Any provisions of this chapter and chapters 6 and 6.2 of this title and § 42-12-3 which are inconsistent with federal law or regulations shall be void unless the department receives an exemption or waiver from the federal government to implement the provision.

(2) The department of human services is hereby authorized and directed to implement this act only in accordance with the terms and conditions of state plan amendments, waivers, or other approvals granted by the federal government and changes in rules, regulations and policies of the department that are promulgated pursuant to chapter 35 of title 42.

§ 40-5.2-28. Rules and regulations. The director of the department of human services shall, pursuant to chapter 35 of title 42, promulgate rules and regulations necessary to carry out the provisions of this chapter. Any reference to the department's rule making process is pursuant to this section.

§ 40-5.2-29. Non-custodial parents. Employment obligations. Any non-custodial parent who is required by order of the family court to pay support to any family receiving assistance of any kind under this chapter, and who is unemployed and, in whole or in part as a result of such unemployment, has failed to comply with all of the terms of such support order may, if permitted by a justice of the family court, purge his or her contempt by accepting employment approved by the court, paying wages no less than the state minimum wage and/or by participation on a full-time basis in a rapid job placement program.

§ 40-5.2-30 Fraudulently obtaining assistance. Any person who, by any fraudulent device, obtains or attempts to obtain public assistance pursuant to this chapter to which he or she is not entitled, or who willfully fails to report income or resources as provided in this chapter, shall be guilty of larceny and, upon conviction thereof, shall be punished by imprisonment of not more than five (5) years and by a fine of not more than one thousand five hundred dollars (\$1,500.00) or both, if the value of the public assistance to which he or she is not entitled shall exceed five hundred dollars (\$500.00) or by imprisonment by less than one year or by a fine of not more than five hundred dollars (\$500.00) or by both, if the value of the public assistance to which he or she is not entitled shall not exceed five hundred dollars (\$500.00).

§ 40-5.2-31 Authorization to pay assistance. Authorization to pay all forms of assistance specified in this chapter shall be made by representatives of the department and the state controller is hereby authorized to draw his or her orders upon the general treasurer for payments upon receipt by

him or her of proper vouchers approved by the department. Subject to any necessary federal approval, the department is authorized to make payments of cash assistance by check, direct deposit, electronic benefit transfer or other means designated by the department.

§ 40-5.2-32. Cashing of assistance checks. (a) For purposes of this section, the term "banking institution" shall mean: (1) any state or federally chartered bank, savings bank, loan and investment bank or credit union located within this state; and (2) any currency exchange specialist located within this state and enrolled with the department of human services pursuant to regulations to be adopted by the department.

(b) Each banking institution shall cash, at its main office or any of its branch offices within the state, any check drawn by the state and payable within the state to a recipient of cash assistance under this chapter, if the check is negotiated to the banking institution by the original payee of the check, and if the payee produces reasonable identification required by this section and as provided for in regulations adopted pursuant to subsection (d).

(c) Nothing in this section shall be interpreted as limiting any rights which the banking institution may have against the payee by contract or law, with regard to items which are negotiated to it as provided for in this section, which are not paid upon presentment or where such payee breaches a warranty made under § 6A-3-417. This section shall not apply to any check negotiated to a banking institution if such institution has reason to believe that the check will not be paid on presentment or that the tendering party may be in breach of one or more of the warranties contained in § 6A-3-417.

(d) Provided that a banking institution properly employed the identification procedures prescribed in regulations adopted pursuant to this subsection at the time a cash assistance check was cashed by such institution, the state shall honor and make payment on the cash assistance check and the banking institution shall not be liable to reimburse the state for a loss incurred as a result of the

wrongful payment of a check by a banking institution. The director of the department of human services shall adopt regulations specifying: (1) the forms of reasonable identification which a banking institution shall accept when cashing a cash assistance check pursuant to subsection (b); and (2) the identification procedures the institution must employ to receive payment thereon and to avoid liability for wrongful payment of any check. The regulations shall provide that the forms of reasonable identification shall include, but need not be limited to: (1) a cash assistance photo identification card issued by the department of human services; (2) a valid identification card issued by the administrator of the division of motor vehicles pursuant to § 3-8-6; (3) a valid driver's license; (4) an identification card issued by the department of elderly affairs; and (5) a valid identification card issued by the United States Immigration and Naturalization Service.

(e) The department shall issue a stop payment order with respect to any assistance check reported as lost, stolen, or undelivered. The department shall not issue a replacement cash assistance check for a period of three (3) business days from the date of the report of such loss, theft, or non-delivery.

§ 40-5.2-33 School age children. Subject to general assembly appropriation, one month each year, each dependent school age child as defined by the department of human services receiving cash assistance under this chapter in that month shall be given a supplementary payment for the purchase of clothing in accordance with Title IV-A of the Social Security Act, 42 U.S.C. § 601 et seq.

§ 40-5.2-34. Healthy Families/Healthy Marriages. (a) Subject to available federal funding, the Department shall develop and implement a healthy family and healthy marriage development program for participants and/or recipients of financial assistance under this chapter.

(b) The healthy family marriage development program shall promote and provide education and information and shall be implemented in accordance with rules and regulations promulgated by the

department.

§ 40-5.2-35 Screening for domestic violence – Waiver of program requirements. (a) The department shall:

(1) Screen and identify individuals with a history of domestic violence applying for or receiving assistance while maintaining the confidentiality of such individuals;

(2) Refer such individuals to counseling and supportive services; and

(3) Waive, pursuant to a determination of good cause and for so long as necessary, cash assistance program requirements relating to time limits for individuals receiving assistance, residency requirements, child support cooperation requirements, and work requirements, in cases where compliance with such requirements would make it more difficult for individuals receiving assistance under this chapter to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.

(b) For purposes of this section, the term "individual with a history of domestic violence" means an individual who has been subjected to:

(1) Physical acts that resulted in, or threatened to result in, physical injury to the individual;

(2) Sexual abuse;

(3) Sexual activity involving a dependent child;

(4) Being forced as the caretaker relative of a dependent child to engage in nonconsensual

sexual acts or activities;

(5) Threats of, or attempts at, physical or sexual abuse;

(6) Mental abuse; or

(7) Neglect or deprivation of medical care.

§ 40-5.2-36. Child Support Pass-Through. For any month in which a non-custodial parent makes a child support payment in the month when due and the support is collected by the department of human services, for a child or children receiving cash assistance pursuant to this chapter, the first fifty dollars (\$50.00) of the child support payment, or the actual amount of the child support payment if the payment is less than fifty dollars (\$50.00), shall be paid to the family in which the child resides. If more than one non-custodial parent makes a child support payment to children living in the same family, there shall only be one payment of fifty (\$50.00) paid to the family from the child support collected. This payment is known as the "pass through" payment and shall be sent to the family within two (2) business days of the determination that the amount is due and owing and no later than within two (2) business days of the end of the month in which the support was collected.

§ 40-5.2-37. Appropriation of funds. - The general assembly shall annually appropriate such sums as it may deem necessary for the purposes of carrying out the provisions of this chapter; and the state controller is hereby authorized and directed to draw his or her orders upon the general treasurer for the payment of such sums, or so much thereof as may from time to time be required upon receipt by him or her of such vouchers approved by the director of the state department of human services.

§ 40-5.2-38. Severability. - If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect other provisions or applications of the chapter, which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

§ 40-5.2-39. Application and effect of this chapter on applicants and recipients. (a) All new applicants applying for cash assistance pursuant to the Rhode Island Work First program on or after July 1, 2008 shall be subject to the twenty-four (24) month time limit for the receipt of cash assistance pursuant to § 40-5.2-10(h), and all other provisions of this chapter.

(b) For all those recipients who received cash assistance, either state or federally funded, since May 1, 1997 under Rhode Island's Temporary Assistance for Needy Program(federal TANF described at Title IVA of the federal Social Security Act, 42 USC 601 et seq.), formerly entitled the Family Independence Program, prior to the effective date of this chapter, the Rhode Island Work First program, application and implementation of the twenty-four(24)month time limit described in § 40-5.2-10(h) will occur on and after July 1, 2009, and in accordance with the following provisions:

(1) Upon passage of this law, those families or assistance units receiving cash assistance prior to July 1, 2008 in accordance with paragraph (b) above, shall be notified in writing that the time limit imposed on the receipt of cash assistance in accordance with the Work First Program under this chapter, shall be twenty-four (24) months, as well as all the other program requirements of this chapter, including the fact that they will be subject to the Work First Program requirements.

(2) The department will not close families who previously received cash assistance, either state or federally funded, since May 1, 1997 under Rhode Island's Temporary Assistance for Needy Program (federal TANF described at Title IVA of the federal Social Security Act, 42 USC 601 et seq.),formerly entitled the Family Independence Program, prior to the effective date of the Work First Program due to the twenty four (24)month time limit outlined in § 40-5.2-10(h)of this chapter until July 1, 2009. Except, however, all those families who previously received Family Independence Program cash assistance, either state or federally funded, as described above, and who will reach the Family Independence Program sixty (60) month lifetime time limit in accordance with prior Rhode Island General Law, § 40-5.1-8(d), prior to July 1, 2009 shall be closed at the time they would have reached the sixty (60) month time limit in accordance with prior Rhode Island General Law, § 40-5.1-8(d). Nothing in this section shall be deemed to mean that any recipient of cash assistance, either state or federally funded, through the prior Family Independence Program shall receive more than the time limit

of sixty (60) months of cash assistance which had been permissible under prior Rhode Island General Law, § 40-5.1-8(d).

(c) Except as otherwise provided for in § 40-5.2 39(b)(1) and (2) above with respect to the application and implementation of the twenty-four (24) month time limit on the receipt of cash assistance pursuant to § 40-5.2-10(h), all provisions of this chapter shall be effective and apply to all recipients on or after October 1, 2008.

§ 40-5.2-40. References to the Family Independence Program. Any references in the Rhode Island General Laws to the Family Independence Act, Family Independence Program, or Family Independence Program cash assistance or benefits shall be deemed to be applicable and shall be effective in accordance with the Rhode Island Work First Program outlined in this chapter.

SECTION 2. Chapter 5.1 of Title 40 of the General Laws entitled "Family Independence Act" is hereby repealed.

~~§ 40-5.1-1 Short title.~~ This chapter is hereby entitled "The Rhode Island Family Independence Assistance Act" (the "Act").

~~§ 40-5.1-2 Legislative intent.~~ (a) It is the intent of the general assembly to fundamentally change the public assistance program known as "aid to families with dependent children program" to a program to provide temporary financial assistance to eligible families with children while facilitating the entry or re-entry of the adult members of the family into the workplace with necessary supports.

(b) The general assembly intends that an unemployed parent seeking cash assistance under the act, except one expressly exempted under the act, will begin working and/or participating in a work readiness program on a regular basis within seven (7) days after the department of human services and the parent have completed an individualized employment plan for the parent, or as soon as practical thereafter. This plan will identify the steps education, job training, employment search, part time work

~~and full-time work that the recipient will follow to become financially self-sufficient within the shortest practicable time. The plan will also identify the support services—child care, literacy training, skills training and medical coverage which the state will provide during the transition to financial self-sufficiency. The plan will also detail the benefits to which the family is entitled and the obligation of the family to cooperate with the state in capturing child support and medical coverage due to the family from absent parents or other third parties.~~

~~(c) The general assembly anticipates that, as each employment plan is implemented, family earnings will increase. This increase will gradually reduce the level of cash assistance for which the family is eligible. With careful strategic management of the state's child care assistance and medical assistance programs, the total cost of all cash assistance to these families should decline as their earnings increase.~~

~~(d) The general assembly intends that reductions in program costs which flow from the earnings of those receiving cash assistance be invested in health care, child care, education, literacy, and skill training.~~

~~(e) It is further the intent of the general assembly that the program of transitional assistance be operated in a manner that enhances family cohesion and a stable living environment for children.~~

~~(f) The act is specifically intended to:~~

~~(1) Assist working families with children who, notwithstanding parental employment, have insufficient income to meet their needs for food, shelter, clothing, childcare, and medical care.~~

~~(2) Provide families with parents who are unemployed with financial assistance while they obtain the skills necessary for employment and provide the childcare and medical coverage they require to be employed. Unless exempt, parents must be working in paid or unpaid employment within twenty-four (24) months of entering into an employment plan.~~

~~(3) Provide supervision and parenting skills to parents below the age of eighteen (18), while assisting, encouraging, and requiring them to complete their high school education.~~

~~(g) The general assembly intends that the act make certain fundamental changes in the way the state delivers services to families in need of transitional assistance. These include the following:~~

~~(1) Case management: The general assembly intends that case managers and/or case management teams, to the extent practical, shall be stationed in the neighborhoods where recipients live and accessible to them at convenient times. Case managers and/or case management teams have the lead responsibility for assisting families to access the services they need to become independent.~~

~~(2) Inter departmental cooperation: The department of human services, the single state agency, is responsible for administration and implementation of this chapter. This shall include developing and implementing the case management system, and for the payment of cash assistance, child care subsidies and medical assistance to children and families in need. The departments to be consulted include the following:~~

~~(i) Department of elementary and secondary education, which provides adult education and literacy programs;~~

~~(ii) Community College of Rhode Island, which provides vocational training at the postsecondary level;~~

~~(iii) Department of labor and training which is responsible for establishing job training programs and is charged specifically under the act with: (A) identifying continuously where employment opportunities exist for families receiving cash assistance; (B) consulting upon request with the department of human services with respect to the employability of applicants and the development of individual employment plans;~~

~~(iv) Rhode Island economic development corporation, which is responsible for expansion of job opportunities in the state for low income families with children.~~

~~(v) Human resources investment council, which is responsible for coordinating all employment and training activities within the state;~~

~~(vi) Department of children, youth and families which regulates child day care providers; and is ultimately responsible for the guardianship of children at risk;~~

~~(vii) Rhode Island housing and mortgage finance corporation which is responsible for expanding housing opportunities for low income families;~~

~~(viii) Family court which is responsible for enforcing the support obligations of absent parents and protecting those children whose health and well being is at risk because of an absence of family resources;~~

~~(ix) Department of administration, division of taxation for establishing child support enforcement obligations on the part of non-custodial parents.~~

~~(3) The department of human services shall annually evaluate the performance of the programs prescribed by this chapter. The department shall report the findings of these evaluations to the general assembly.~~

~~§ 40-5.1-3 Definitions. As used in this chapter the following terms having the meanings set forth herein, unless the context in which such terms are used clearly indicates to the contrary:~~

~~(1) "Child" means an individual (including an individual who is born while one or both of his or her parents are receiving assistance under any provision of this chapter), other than an individual with respect to whom foster care maintenance payments are made, who is (i) under the age of eighteen (18), or (ii) under the age of nineteen (19) and a full time student in a secondary school (or in the equivalent level of vocational or educational training), if before he or she attains age nineteen (19), he~~

~~or she may reasonably be expected to complete the program of such secondary school (or such training).~~

~~(2) "Department" means the department of human services.~~

~~(3) "Director" means the director of the department of human services.~~

~~(4) "Earned income tax credit" means the credit against federal personal income tax liability under § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32, or any successor section, the advanced payment of the earned income tax credit to an employee under § 3507 of the code, 26 U.S.C. § 3507, or any successor section and any refund received as a result of the earned income tax credit.~~

~~(5) "Family" means: (i) A pregnant woman from and including the seventh month of her pregnancy; or (ii) A child and the following eligible persons living in the same household as the child: (A) each biological or adoptive parent of the child, or in the absence of a parent, any adult relative who is responsible, in fact, for the care of such child, and (B) the child's minor siblings (whether of the whole or half blood); provided, however, that the term "family" shall not include any person receiving benefits under title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq.~~

~~(6) "Gross earnings" means earnings from employment and self employment; provided however, gross earnings does not include (i) wages subject to legal attachment, (ii) work expenses incurred by individuals who are self employed where such expenses are directly related to producing the goods or providing the services and without which the goods or services could not be produced or provided, and (iii) the reasonable cost of maintaining a roomer or boarder and of renting property.~~

~~(7) "Relative" means a stepparent, grandparent, great grandparent, great great grandparent, aunt, great aunt, great great aunt, uncle, great uncle, great great uncle, sister, brother, stepbrother, stepsister, half brother, half sister, first cousin, first cousin once removed, niece, great niece, great great niece, nephew, great nephew, or great great nephew.~~

~~(8) "State" means the State of Rhode Island and Providence Plantations.~~

~~(9) "Subsidized housing" means housing for a family whose rent is restricted to a percentage of its income.~~

~~§ 40-5.1-4 Case management.~~ (a) ~~Except as provided in subsection (e), families shall be provided with access to all services authorized to be provided under this chapter through a case manager or case management team. In all cases, the case manager or case management team shall have primary responsibility within the department for:~~

~~(1) Determining eligibility for and the type, scope and level of benefits, including cash assistance, child care, medical assistance and emergency assistance, to which families are entitled under this chapter and for regularly reassessing each family's requirements and eligibility;~~

~~(2) For identifying and referring families to other state and private agencies with resources to meet family needs;~~

~~(b) In cases involving families applying for and/or receiving cash assistance, the case manager or case management team shall also be responsible for:~~

~~(1) Assembling with the assistance of the applicant, all documentation in connection with and guiding each family in fulfilling its responsibilities regarding the establishment and enforcement of child support orders, including without limitation, the establishment of paternity, and the collection of any other financial obligations owed to such families by any person, including, without limitation, obligations to provide medical assistance;~~

~~(2) For working with each family in the development and implementation of a family financial plan pursuant to subsection (b), and assisting families with the preparation of documents necessary for families to qualify for the earned income tax credit and the advanced payment of the earned income tax credit;~~

~~(c) In cases involving families applying for and/or receiving cash assistance in which a parent is unemployed or underemployed, the case manager or case management team shall also be responsible for developing and working with the parents on a continuing basis to implement their employment plans;~~

~~(d) The department shall establish guidelines for case management which require the case manager to focus on individual recipient's needs, strengths and challenges and encourage economic self-sufficiency. It shall also develop and adopt a caseload management strategy which ensures that the department's human resources are used as efficiently as possible.~~

~~(e) Until July 1, 1998, case management services need only be provided to new applicants for cash assistance and to such other recipients as determined by the department; provided, however, that nothing in this subsection shall limit the obligations of the department under § 40-5.1-5.~~

~~§ 40-5.1-5 Family financial plan Individual employment plan. (a) All families who wish to make application for assistance under this chapter shall have the opportunity to do so.~~

~~(b) Following receipt of an application, the department shall assess the financial conditions of the family and if a parent is unemployed, the department after consulting, if necessary with the department of employment and training, shall assess the employability of the unemployed parent and, to the extent practicable, the employability of any non-custodial parent of each child in the family. In assessing employability, the department shall take into account: (1) the physical capacity, skills, education, work experience, health, safety, family responsibilities and place of residence of the individual; (2) local employment opportunities; and (3) the child care and supportive services required by the applicant to avail himself or herself of employment opportunities and/or work readiness programs.~~

~~(c) On the basis of such assessment, the department, in consultation with the applicant, shall develop a financial plan and employment plan for the family.~~

~~(d) The financial plan shall identify all available sources of income and all benefits and services available to the family from state government, local government, federal government and social service agencies. Sources of income may include: earnings from employment, including self employment, the earned income tax credit, advance payment of the earned income tax credit, social security, unemployment compensation, temporary disability insurance, supplemental security income assistance, and payment of support obligations by non-custodial parents. Benefits may include: food stamps, school lunch, housing assistance, home heating assistance, as well as the assistance under this chapter. The plan shall, upon the family's request, include an annual and monthly cash family budget detailing expenditures (required and possible in the view of these available resources) for food, clothing, shelter, utilities, work expenses (including child care and transportation), health care, personal care and household supplies.~~

~~(e) The employment plan shall identify realistic short and long term career objectives, taking into consideration: (1) the physical capacity, skills, education, work experience, health, safety, family responsibilities, and place of residence of the individual; (2) local employment opportunities; and (3) the child care and supportive services required by and actually available to the applicant to avail himself or herself of employment opportunities and/or work readiness programs; and (4) shall include a strategy for immediate employment and for preparing for, finding, and retaining employment consistent, to the extent practical, with the individual's career objectives.~~

~~(f) When a parent is employed, the family is permitted gross earnings of one hundred seventy dollars (\$170) per month with no reduction in benefits. For each additional dollar of gross earnings earned in a month above one hundred seventy dollars (\$170), the family's cash assistance payment from~~

~~the department is only reduced by fifty cents (\$.50). The plan must encourage full utilization of the federal earned income tax credit to maximize the financial resources available to the families. It must also emphasize enforcement of the child support obligations of non-custodial parents in order to further build the family's income. The department must provide, in accordance with this chapter, the childcare and other support services that are necessary to accessing employment opportunities. The individualized plans should utilize this process of income building to transition families from reliance on public assistance to financial self-sufficiency.~~

~~(g) The recipient will be obligated to comply with the terms of the plan as a condition of receiving the full amount of financial assistance to which he or she is otherwise entitled.~~

~~§ 40-5.1-6 Job development incentive. (a) The department is hereby authorized to operate a job development program which, on a case by case basis, substitutes for the cash assistance to which a family is otherwise entitled under the § 40-5.1-9 subsidy to the employer of a member of the family; provided, that the family's income is not diminished thereby.~~

~~(b) To be eligible for a subsidy under this section, an employer must contract to employ a family member for a period of no less than six (6) months at the same or a greater salary and under the same terms and conditions as the employer would pay or provide to an unsubsidized employee assigned the same or comparable duties.~~

~~(c) The department and the Rhode Island economic development corporation shall cooperate in maximizing the potential of the program authorized in subsection (a) for job creation and retention in the state.~~

~~(d) The general assembly intends that the program authorized in this section shall be used to promote long term unsubsidized employment.~~

~~§ 40-5.1-7 Grant program.~~ The general assembly may appropriate such sums as it deems necessary to provide grants to organizations representing the Rhode Island business community which have been organized in whole or in part for the purpose of: (1) locating specific employment opportunities for the adult members of families receiving cash assistance or the non-custodial parents of children in families receiving cash assistance; and (2) providing job coaches and/or mentors to assist the adults or non-custodial parents in gaining, retaining, and succeeding in the world of work.

~~§ 40-5.1-8 Eligibility for cash assistance.~~ (a) Except as otherwise provided for in this section, no person shall be included in any family for purposes of determining eligibility for or the amount of cash to which a family is entitled under this chapter, unless the person is a resident of the state and is: (i) either a citizen; or (ii) lawfully admitted for permanent residence before August 22, 1996; or (iii) otherwise lawfully entitled to reside in the United States before August 22, 1996, and is determined to have a status within the meaning of the term "qualified alien", or an exception thereto, under § 402(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Laws No. 104-193), and as that section may hereafter be amended; or (iv) an alien who on or after August 22, 1996, is determined to have a status within the meaning of the term "qualified alien", or an exception thereto, under § 402(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Laws No. 104-193), and as that section may hereafter be amended.

(2) An alien who does not meet the citizenship or alienage criteria in subsection (a)(1) above, who was lawfully residing in the United States before August 22, 1996, and who is a resident of this state prior to July 1, 1997, shall be eligible for cash assistance under this chapter without regard to the availability of federal funding; provided, however, that the person meets all other eligibility requirements under this chapter.

~~(3) No person shall be ineligible for assistance payments under this chapter due solely to the restricted eligibility rules otherwise imposed by section 115(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Laws No. 104-193), and as that section may hereafter be amended.~~

~~(b) No family shall be eligible for assistance payments if the combined value of its available resources (reduced by any obligations or debts with respect to such resources) exceed one thousand dollars (\$1,000). For purposes of this subsection, the following shall not be counted as resources of the family:~~

~~(1) The home owned and occupied by a child, parent, relative or other individual;~~

~~(2) Real property owned by a husband and wife as tenants by the entirety, if the property is not the home of the family and if the spouse of the applicant refuses to sell his or her interest in the property;~~

~~(3) Real property which the family is making a good faith effort to dispose of, but any aid payable to the family for any such period shall be conditioned upon such disposal and any payments of aid for that period shall (at the time of disposal) be considered overpayments to the extent that they would not have occurred at the beginning of the period for which the payments were made. Any overpayments that may have occurred are debts subject to recovery in accordance with the provisions of § 40-5.1-28;~~

~~(4) Income producing property other than real estate including, but not limited to, equipment such as farm tools, carpenter's tools and vehicles used in the production of goods or services which the department determines are necessary for the family to earn a living;~~

~~(5) One vehicle for each adult household member but not to exceed two (2) vehicles per household, and in addition, a vehicle used primarily for income producing purposes such as, but not~~

~~limited to, a taxi, truck or fishing boat; a vehicle used as a family's home; a vehicle which annually produces income consistent with its fair market value, even if only used on a seasonal basis; a vehicle necessary to transport a family member with a disability where the vehicle is specially equipped to meet the specific needs of the person with a disability or if the vehicle is a special type of vehicle that makes it possible to transport the person with a disability;~~

~~(6) Household furnishings and appliances, clothing, personal effects and keepsakes of limited value;~~

~~(7) Burial plots (one for each child, relative, and other individual), and funeral arrangements;~~

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

~~(9) The resources of any family member receiving supplementary security income assistance under the Social Security Act, 42 U.S.C. § 301 et seq.~~

~~(c) [Deleted by P.L. 2003, ch. 376, art. 12, § 1.]~~

~~(d) Except as otherwise provided for in this section, no person shall be included in any family for purposes of determining eligibility for or the amount of cash to which a family is entitled under this chapter if that person, after attaining eighteen (18) years of age, has received cash assistance under this chapter for a total of sixty (60) months (whether or not consecutive) to include any time receiving family cash assistance in any other state or territory of the United States of America as defined herein.~~

~~Family cash assistance in any other state or territory of the United States of America shall be determined by the Department of Human Services and shall include family cash assistance funded in~~

~~whole or in part by Temporary Assistance for Needy Families (TANF) funds [Title IV A of the federal Social Security Act, 42 U.S.C. § 601 et seq.] and/or family cash assistance provided under a program similar to the Family Independence Act or the federal TANF program.~~

~~(2) In calculating the sixty (60) month limit imposed in subsection (d)(1), the department shall disregard any month for which assistance was provided with respect to a minor parent or minor pregnant woman during those months when the individual was a minor child, or a parent employed an average of thirty (30) or more hours per week during a month in a single parent family, or an average of thirty five (35) hours per week during a month for a two (2) parent family.~~

~~(3) The department may exempt a family from the application of subsection (d)(1) by reason of hardship; provided, however, that the number of such families to be exempted by the department under this subsection shall not exceed twenty percent (20%) of the average monthly number of families to which assistance is provided for under this chapter in a fiscal year; provided, however, that to the extent now or hereafter permitted by federal law, any waiver granted under § 40-5.1-46(a) shall not be counted in determining the twenty percent (20%) maximum under this section.~~

~~(e) Notwithstanding any other provision of this chapter, the amount of cash to which a family is entitled under the chapter shall be reduced by thirty percent (30%) until the family has been a resident of the state for twelve (12) consecutive months; provided, however, that no member of the family who has been a resident of the state for twelve (12) consecutive months or longer shall have his or her benefit reduced under this subsection.~~

~~(f) A family:~~

~~(i) Consisting of a parent who is under the age of eighteen (18) (minor parent); and~~

~~(ii) Who has never been married; and~~

~~(iii) Who has a child, or a family which consists of a woman under the age of eighteen (18) who is at least six (6) months pregnant (pregnant minor), shall be eligible for cash assistance only if such family resides in the home of a parent, legal guardian or other adult relative. Such assistance shall be provided to the parent, legal guardian, or other adult relative on behalf of the individual and child unless otherwise authorized by the department.~~

~~(2) Subdivision (1) of this subsection shall not apply if:~~

~~(i) The minor parent or pregnant minor has no parent, legal guardian or other adult relative who is living and or whose whereabouts are known;~~

~~(B) The department determines that the physical or emotional health or safety of the minor parent, or his or her child, or the pregnant minor, would be jeopardized if he or she was required to live in the same residence as his or her parent, legal guardian or other adult relative (refusal of a parent, legal guardian or other adult relative to allow the minor parent or his or her child, or a pregnant minor, to live in his or her home shall constitute a rebuttable presumption that the health or safety would be so jeopardized);~~

~~(C) The minor parent or pregnant minor has lived apart from his or her own parent or legal guardian for a period of at least one year before either the birth of any child to a minor parent or the onset of the pregnant minor's pregnancy; or~~

~~(D) There is good cause, under departmental regulations, for waiving the subsection; and~~

~~(ii) The individual resides in supervised supportive living arrangement to the extent available.~~

~~For purposes of this section "supervised supportive living arrangement" means an arrangement which:~~

~~(A) Requires teen parents to enroll and make satisfactory progress in a program leading to a high school diploma or a general education development certificate;~~

~~(B) Requires teen parents to participate in the adolescent parenting program established in chapter 19 of this title to the extent the program is available; and~~

~~(C) Provides rules and regulations, which ensure regular adult supervision.~~

~~(g) As a condition of eligibility for cash and medical assistance under this chapter, each adult member of the family has:~~

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

~~(2) Consented to and is cooperating with the state in establishing the paternity of a child born out of wedlock with respect to whom assistance is claimed, and in obtaining support payments for the family member with respect to whom the aid is claimed, or in obtaining any other payments or property due any family member, unless the applicant is found to have good cause for refusing to comply with the requirements of this subsection.~~

~~Absent good cause for refusing to comply with the requirements of this subsection, the amount of cash a family is otherwise entitled shall be reduced by twenty five percent (25%) until the adult member of the family who has refused to comply with the requirements of this subsection consents to and cooperates with the state in accordance with the requirements of this subsection.~~

~~(3) Consented to and is cooperating with the state in identifying and providing information to assist the state in pursuing any third party who may be liable to pay for care and services under Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq.~~

~~(h) As a condition of eligibility for cash assistance to a family under this chapter, the parent(s), unless otherwise exempt under this chapter, must enter into an individual employment plan in accordance with § 40.5.19(e). This condition of eligibility shall apply to applications for assistance~~

~~filed on or after July 1, 2006 and to current recipients at the time of their next redetermination of eligibility occurring on or after July 1, 2006.~~

~~§ 40-5.1-8.1 Individual development account pilot program.~~ (a) ~~Notwithstanding the family resource limit provided in § 40-5.1-8(b), and to encourage savings for transition from public assistance to employment, the department shall implement a pilot program whereby a total of thirty (30) families, after initial eligibility and during any continuous period of eligibility for an assistance payment, may accumulate up to two thousand five hundred dollars (\$2,500) in a restricted individual development account. The program shall be limited to the first thirty (30) recipients who choose to participate and are otherwise qualified. The application period for the program will commence thirty (30) days after the start of the state's fiscal year ending June 30, 1998, and the application period will terminate at the end of the state's fiscal year or as soon as the first thirty (30) recipients have been qualified for acceptance into the program.~~

~~(1) Establishment.~~ The department is hereby authorized to approve thirty (30) applications for the establishment of an individual development account. An individual development account may be established by or on behalf of an individual eligible for assistance for the purpose of enabling the individual to accumulate funds for a qualified purpose described in subdivision (2) of this subsection. The individual development account must be established in a federally insured financial institution and is restricted solely for qualified business capitalization expenses. The funds held in this restricted individual development account may be held until termination from assistance or may be used and disbursed solely for a qualified purpose during receipt of assistance.

~~(2) Qualified purpose.~~ A qualified purpose described in this subdivision is a business capitalization activity undertaken by the individual eligible to receive assistance. Amounts disbursed

~~from an individual development account are restricted solely for qualified business capitalization expenses.~~

~~(b) For the purposes of this subsection, the following definitions apply:~~

~~(1) "Qualified Business" means any business that does not contravene any law or public policy, as determined by the department, and in compliance with applicable rules promulgated by the U.S. Department of Health and Human Services.~~

~~(2) "Qualified Business Capitalization Expenses" means qualified expenditures for the capitalization of a qualified business pursuant to a qualified plan.~~

~~(3) "Qualified expenditures" means expenditures included in a qualified plan, including capital, plant, equipment, working capital, and inventory expenses.~~

~~(4) "Qualified plan" means a business plan which:~~

~~(i) Is approved by a financial institution, or by a nonprofit loan fund having demonstrated fiduciary integrity, or by any other for profit or nonprofit entity designated by the department;~~

~~(ii) Includes a description of services or goods to be sold, a marketing plan, and projected financial statements; and~~

~~(iii) May require the eligible individual to obtain the assistance of an experienced entrepreneurial advisor.~~

~~(c) Contributions into individual development account. An individual eligible to receive assistance may only contribute to an individual development account: (i) such amounts as are derived from income earned through wages or self employment by either the individual or any other family members residing with the individual for whom eligibility for assistance has been determined; (ii) proceeds of a business capitalization loan; or (iii) grant funds received from a nonprofit organization.~~

~~(d) Reporting of disbursements from the individual development account. An individual approved to participate in the individual development account must report all disbursements of five hundred dollars (\$500) or less to the department within ten (10) days of such disbursement. An individual planning any disbursement greater than five hundred dollars (\$500) must receive prior approval of the disbursement from the department.~~

~~(e) Rules and regulations. The director shall promulgate such rules and regulations as are necessary to determine the qualifications for the individuals to participate in this pilot program, for determining the standards relating to "qualified purpose," for determining the conditions terminating participation from the program, and to otherwise effectuate this pilot program.~~

~~(f) Termination of the individual development account pilot program. The individual development account pilot program authorized under this section shall terminate on June 30, 2001.~~

~~§ 40-5.1-9 Cash assistance. (a) Entitlement to cash assistance. A family found by the department to meet the eligibility criteria set forth in this chapter shall be entitled to receive cash assistance from the date of submitting a signed application. The family members shall be eligible for cash assistance for so long as they continue to meet the eligibility criteria, and parents shall be eligible so long as they meet the terms and conditions of the work requirements of subsection (c). The monthly amount of cash assistance shall be equal to the payment standard for the family minus the countable income of the family in that month. The department is authorized to reduce the amount of assistance in the month of application to reflect the number of the days between the first (1st) day of the month and the effective date of the application.~~

~~(b) Payment standard. The payment standard is equal to the sum of the following: three hundred twenty seven dollars (\$327) (two hundred seventy seven dollars (\$277) for a family residing in~~

~~subsidized housing) for the first person, one hundred twenty two dollars (\$122) for the second person, one hundred five dollars (\$105) for the third person and eighty dollars (\$80) for each additional person.~~

~~(c) Work requirements. Effective for applications filed on or after July 1, 2006 and to current recipients at the time of their next redetermination of eligibility on or after July 1, 2006, the department shall develop a family financial plan pursuant to § 40 5.1 5 and, unless the parent is exempt from work pursuant to paragraph (c)(2)(iv), the department shall assess the parent's educational and vocational abilities, and the department and the parent shall jointly develop and enter into an individual employment plan pursuant to § 40 5.1 5 within thirty (30) days of the filing of an application for assistance. In the case of a family including two (2) parents, the department may develop an employment plan for any parent not otherwise required under this chapter to enter into an employment plan if the parent so requests.~~

~~(2) The employment plan shall specify the parent's work activity and the supportive services which will be provided by the department to enable the parent to engage in the work activity.~~

~~(i) During the first twenty four (24) months of the employment plan, the parent shall participate, for a minimum of twenty (20) hours per week for parents whose youngest child in the home is under the age of six (6), and for a minimum of thirty (30) hours per week for parents whose youngest child in the home is six (6) years of age or older, in one or more of the following work activities, as appropriate, in order to help the parent obtain stable full time paid employment:~~

~~(A) Paid employment, (including on the job training);~~

~~(B) A community work experience in a program, which satisfies the requirements of § 40 5.1~~

~~23;~~

~~(C) A training or work readiness program approved by the department and conducted at a job site if the program involves supervised participation in work at the site;~~

~~(D) During the first six (6) months of eligibility (or for a longer period if the department determines it necessary to prepare the parent to obtain stable full time employment), successful participation in an approved work readiness program as defined in § 40-5.1-22;~~

~~(E) During the first three (3) months of eligibility (or for a longer period if the department determines it necessary to prepare the parent to obtain stable full time employment), participation in an approved rapid job placement program as defined in § 40-5.1-20;~~

~~(F) A supervised individual job search, which meets the conditions set forth in § 40-5.1-21;~~

~~(G) For a parent under the age of twenty (20) without a high school diploma or the equivalent, successful participation on a full time basis in a program to secure such diploma or the equivalent;~~

~~(H) For a parent age twenty (20) or older, without basic literacy or English literacy skills, successful participation on a full time basis in a program to secure such skills; and~~

~~(I) For a parent age twenty (20) or older (and a parent under the age of twenty (20) who has a high school degree or the equivalent or a parent under the age of twenty (20) for whom attendance at a high school is determined to be inappropriate) successful participation in a vocational education, skills or job training program including, without limitation, a program of postsecondary education, which the department determines is likely to result in regular full time employment at wages sufficient to eliminate eligibility for cash assistance under the act.~~

~~(ii) Beginning with the twenty fifth (25th) month of the employment plan, the parent shall participate in one or more of the following work activities for at least twenty (20) hours per week for parents whose youngest child in the home is under the age of six (6) and thirty (30) hours per week for parents whose youngest child in the home is six (6) years of age or older, at least twenty (20) hours shall be one or more of the following activities and the balance shall be in activities designed to help the parent obtain or maintain unsubsidized employment or increase the parent's earning potential:~~

~~(A) Paid employment (including on the job training);~~

~~(B) A community work experience program, which satisfies the requirements of § 40-5.1-23;~~

~~(C) A training program approved by the department and conducted at a job site if the program involves supervised participation in work at the site.~~

~~(D) A supervised individual or group job search not to exceed four (4) weeks, which meets the conditions set forth in § 40-5.1-21; or participation in an approved rapid job placement program as defined in § 40-5.1-20.~~

~~(iii) The following parents shall be deferred from the participation requirement in paragraph~~

~~(ii):~~

~~(A) A parent under the age of twenty (20) without a high school diploma or the equivalent who is successfully participating, on a full time basis, in a program to secure such diploma or the equivalent;~~

~~(B) A single parent age twenty (20) or older, without basic literacy or English language skills, who: (I) is participating in a full time program but is unable to complete a literacy or language skills program during the first twenty four (24) months of his or her employment plan, or (II) who the department has determined is unable to secure paid employment without additional language or literacy skills, and who is successfully participating in a program to secure such skills;~~

~~(C) A parent age twenty (20) years or older, who is successfully participating in a vocational education, skills or job training program including, without limitation, a program of postsecondary education, which the department determines is likely to result in regular full time employment at wages sufficient to eliminate eligibility for cash assistance under the act; provided, however, that the parent began the program prior to the twenty fifth (25th) month of his or her employment plan; provided,~~

~~further, however, that participation shall not be deemed a work activity after the thirty sixth (36th) month of the employment plan;~~

~~(D) Upon completion of any activity in subparagraphs (A) — (C), the parent shall be subject to the work activity requirements of paragraph (ii).~~

~~(iv) Paragraphs (i) and (ii) shall not apply to a single parent if (and for so long as) the department finds that he or she is:~~

~~(A) Unable to comply with the employment plan because of an illness which, on the basis of medical evidence, is serious enough to temporarily prevent work;~~

~~(B) Unable to comply with the employment plan because of a physical or mental impairment which, on the basis of medical evidence, either by itself or in conjunction with age, prevents work;~~

~~(C) Unable to comply with the employment plan because of the illness or incapacity of a minor child or spouse who requires full time in home care, and for whom the person is providing care;~~

~~(D) Caring for a child below the age of one; provided, however, that a minor parent without a high school diploma or the equivalent, and who is not married, shall not be exempt from subparagraph~~

~~(G) for more than twelve (12) weeks from the birth of the child;~~

~~(E) Sixty (60) years of age or older;~~

~~(F) A pregnant woman in her third trimester;~~

~~(G) Otherwise exempt by the department.~~

~~(v) The amount of cash assistance to which an otherwise eligible family is entitled under the act, shall be reduced by the portion of the family's benefit attributable to any parent who, without good cause, has failed to enter into an individual employment plan or has failed to comply with his or her individual employment plan, as required under this chapter; provided that the reduction shall be applied~~

~~during the first six (6) months, whether or not consecutive, of such failure or non-compliance by the parent.~~

~~(B) The department shall terminate cash assistance to a family if any parent in the family has failed, without good cause, to enter into an individual employment plan or to comply with his or her individual employment plan, for six (6) months, whether or not consecutive.~~

~~(C) For purposes of this paragraph (v) the benefit reduction for a family size of two (2) shall be computed utilizing a family size of three (3).~~

~~(vi) If the family's benefit has been reduced in accordance with paragraph (v)(A) for less than six (6) months, whether or not consecutive, due to the parent's failure to enter into an individual employment plan or failure to comply with the terms of his or her individual employment plan, benefits shall be restored to the full amount beginning with the initial payment made on the first of the month following the month in which the parent: (1) enters into an individual employment plan and demonstrates compliance with the terms thereof; or (2) demonstrates compliance with the terms of his or her existing individual employment plan, as such plan may be amended by agreement of the parent and the department.~~

~~(B) If the family's benefit has been terminated in accordance with paragraph (v)(B) due to the failure by one or more parents to enter into an individual employment plan or failure to comply with the terms of his or her individual employment plan, the family may re-apply for benefits and benefits shall be restored to the family in the full amount the family is otherwise entitled to under this chapter beginning on the first of the month following the month in which all parents in the family who are subject to the employment plan requirements under this chapter: (1) enter into an individual employment plan and demonstrate compliance with the terms thereof; or (2) demonstrate compliance~~

~~with the terms of the parent's individual employment plan in effect at the time of termination of benefits, as such plan may be amended by agreement of the parent and the department.~~

~~(vii) Notwithstanding paragraphs (i) and (ii) of this subsection, in the case of a family consisting of two (2) parents, beginning seven (7) days following completion of the individual employment plan(s), or as soon as practical thereafter, one parent shall be engaged in work activities for at least thirty five (35) hours per week during the month, not fewer than thirty (30) hours per week of which are attributable to one or more of the following activities:~~

~~(I) Unsubsidized employment;~~

~~(II) Subsidized private sector employment;~~

~~(III) Subsidized public sector employment;~~

~~(IV) Work experience if sufficient private sector employment is not available;~~

~~(V) On the job training;~~

~~(VI) A supervised individual or group job search not to exceed four (4) weeks, which meets the conditions set forth in § 40-5.1-21; or participation in an approved rapid job placement program as defined in § 40-5.1-20;~~

~~(VII) Community service program;~~

~~(VIII) Vocational educational training (not to exceed twelve (12) months with respect to any individual); or~~

~~(IX) The provision of child care services to an individual who is participating in a community service program.~~

~~(B) Moreover, in the case of a two (2) parent family wherein one parent is engaged for at least thirty five (35) hours per week in the work activities specified immediately above, and if the family requests child care assistance under this chapter, and an adult in the family is not disabled or caring for~~

~~a severely disabled child, the second parent must be engaged in work activities during the month for not fewer than twenty (20) hours per week in one or more of the following activities:~~

- ~~(I) Unsubsidized employment;~~
- ~~(II) Subsidized private sector employment;~~
- ~~(III) Subsidized public sector employment;~~
- ~~(IV) Work experience if sufficient private sector employment is not available;~~
- ~~(V) On the job training; or~~
- ~~(VI) Community service programs;~~
- ~~(viii) Paragraph (vii) shall not apply:~~

~~(A) To a parent who is ill and the department determines on the basis of medical evidence that the illness is serious enough to temporarily prevent entry into employment or engaging in the activities listed in paragraph (vii) or to provide care for his or her children; or~~

~~(B) To a parent who is incapacitated by a physical or mental impairment which the department has determined on the basis of medical evidence either by itself or in conjunction with age, prevents the individual from engaging in employment or training or providing care for his or her children; or~~

~~(C) To a parent who is providing full time in home care to a minor child or parent who, due to illness or incapacity, requires full time in home care; or~~

~~(D) If otherwise authorized by the department for cause.~~

~~(E) If, during any month, parents required to comply with paragraph (vii) fail, without good cause to do so the parent included in the family, unless exempt pursuant to paragraph (iv), shall be required to comply with paragraph (vii) of this subsection and shall be subject to the penalties in paragraphs (v) and (vi), as applicable, if the parent fails to do so. Notwithstanding the foregoing, in determining the amount of cash assistance to which a family is entitled under this chapter, the earnings~~

~~of any parent living in the same household as a family eligible for cash assistance shall be deemed to be earned income of the family for purposes of § 40-5.1-10(b).~~

~~(x) A parent's failure, without good cause, to accept a bona fide offer of work, including full-time, part-time and/or temporary employment, or unpaid community service, to the extent the offer of work is not inconsistent with the employment plan shall be deemed a failure to comply with this section, provided that:~~

~~(A) The parent is able to perform the work offered; and~~

~~(B) Appropriate childcare, as defined in subsection (e) hereof is made available to the parent.~~

~~(d) *Childcare.* Notwithstanding any other provision of this section, no single parent, or both parents meeting the requirements of paragraph (vii), shall be required to work to the extent that appropriate child care is necessary for the parent to do so and the department determines that such appropriate child care is unavailable for fiscal or other reasons. For purposes of this section "appropriate child care" means child care which is provided by a person or organization qualified and authorized to provide such care by the department of children, youth, and families or such other lawful providers as determined by the department of children, youth, and families. Child care shall be considered "necessary" under this section for any child below the age of thirteen (13), or any children age thirteen (13) years or older who are under supervision of the family court or who require care because of a physical or mental impairment.~~

~~(e) *Work expenses.* The department shall provide an allowance for transportation costs necessary to comply with the employment plan; provided, however, that the amount of such reimbursement shall not exceed the sum of three dollars (\$3.00) per day.~~

~~§ 40-5.1-9.1 Lump sum payment in lieu of cash assistance.~~ (a) ~~The department may offer families who are eligible for cash assistance under this chapter a lump sum payment equal to up to three (3) times the monthly amount of cash assistance to which the family would otherwise be entitled if:~~

~~(1) The department finds that a lump sum payment would enable an adult member of the family to either accept and commence employment based upon a verifiable job offer, or to maintain current employment; and provided further that the adult member of the family has not voluntarily terminated employment within sixty (60) days prior to the date of application for benefits under this section; and~~

~~(2) The family waives any cash assistance under this chapter to which it would otherwise be entitled during the six (6) month period beginning with the date of application for payment of the lump sum; and~~

~~(3) The department provides the family with a clear and concise description of the waiver which must be signed.~~

~~(b) Each member of a family which receives a lump sum payment under this section shall be deemed for all other purposes to be receiving cash assistance throughout the six (6) month waiver period; provided, however, that the provisions of §§ 40-5.1-5, 40-5.1-8(d)(1), 40-5.1-9 shall not be applicable to families who receive a lump sum payment under this section, and such families shall not be required to assign child and spousal support rights to the department.~~

~~(c) This section shall be applicable only with respect to applications for cash assistance under this chapter filed on and after July 1, 2004, and there shall be a lifetime limit of one (1) lump sum payment per family. No family who has received cash assistance under this chapter at any time during the twelve (12) month period prior to its application for a lump sum cash assistance payment under this section shall be eligible for assistance under this section.~~

§ 40 5.1 10 Income. ~~(a) In general. Except as otherwise provided for herein, in determining eligibility for and the amount of cash assistance to which a family is entitled under this chapter, the income of a family includes all of the money, goods, and services received or actually available to any member of the family.~~

~~(b) Earned income disregards. In determining the amount of cash assistance to which a family is entitled under this chapter, income in any month shall not include the first one hundred seventy dollars (\$170) of gross earnings plus fifty percent (50%) of the gross earnings of the family in excess of one hundred seventy dollars (\$170) earned during the month.~~

~~(c) Exclusions from income. The income of a family shall not include:~~

~~(1) The first fifty dollars (\$50.00) in child support received in any month from each non-custodial parent of a child plus any arrearages in child support (to the extent of the first fifty dollars (\$50.00) per month multiplied by the number of months in which the support has been in arrears) which are paid in any month by a non-custodial parent of a child;~~

~~(2) Earned income of any child;~~

~~(3) Income received by a family member who is receiving supplemental security income assistance under Title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq.;~~

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

~~(5) Value of certain assistance provided to undergraduate students including: any grant or loan for an undergraduate student for educational purposes made or insured under any loan program~~

~~administered by the U.S. Commissioner of Education (or the Rhode Island board of governors for higher education or the Rhode Island higher educational assistance authority);~~

~~(6) Foster care and adoption assistance payments;~~

~~(7) Home energy assistance funded by state or federal government or by a nonprofit organization;~~

~~(8) Payments for supportive services or reimbursement of out of pocket expenses made to foster grandparents, senior health aides or senior companions and to persons serving in SCORE and ACE and any other program under Title II and Title III of the Domestic Volunteer Service Act of 1973, 42 U.S.C. § 5000 et seq.;~~

~~(9) Payments to volunteers under VISTA;~~

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

~~(11) The federal earned income tax credit; and~~

~~(12) The value of any state, local, or federal government rent or housing subsidy, provided that this exclusion shall not limit the reduction in benefits provided for in § 40-5.1-9(b).~~

~~§ 40-5.1-11 Treatment of lump sum income. (a) If a family member receives in any month a lump sum income which, together with all other income for the month, exceeds the payment standard for the family:~~

~~(1) The lump sum income shall be considered income of the individual in the month received, and the family of which the person is a member shall be ineligible for cash assistance for the whole number of months that equals the sum of the amount and all other income received in the month,~~

divided by the appropriate federal income poverty level standard for the family; provided, however, that a family member who was not in the household at the time of receipt of the lump sum payment shall not be affected by the period of ineligibility, and

(2) Any income remaining (which amount is less than the payment standard for the family) shall be treated as income received in the first month following the period of ineligibility.

(b) The department shall recalculate the period of ineligibility under subsection (a) if an event occurs which, had the family been receiving cash assistance for the month of occurrence, would result in a change in the amount payable for the month, or if the income received has become unavailable to the members of the family for reasons that are beyond the control of the members.

(c) For purposes of this section, "lump sum income" means income which is an accumulation of current income received in a single sum. That portion of lump sum income which is received from a third party for payment of medical bills, funeral expenses, or replacement or repair of real or personal property is excluded from "lump sum" as long as the income is used only for that purpose.

§ 40-5.1-12 Parent, stepparent, grandparent, and sponsor income deeming. (a) *Parents.* For purposes of determining eligibility for and the amount of cash assistance to which a family is entitled under this chapter, the income of a child shall include the income of a parent who is not included within the family of the child solely by reason of § 40-5.1-9(c)(2)(v) or (vi). For purposes of this section, the term "income" has the meaning prescribed in § 40-5.1-10 including subsection (b).

(b) *Stepparents.* For purposes of determining eligibility for and the amount of cash assistance to which a family is entitled under this chapter, the income of a child shall include the income of the child's stepparent (if living in the same house as the child) minus the sum of: (1) the first ninety dollars (\$90) of the stepparent's earned income for the month; (2) the standard of need for a family of the same composition as the stepparent (but excluding any person included in the child's family); (3) amounts

~~paid by the stepparent to individuals not living in the stepparent's home and claimed by him or her as dependent for federal tax purposes; and (4) alimony or child support payments made by the stepparent with respect to individuals not living in such household.~~

~~(c) Grandparents. The income of a child whose parent is under the age of eighteen (18) shall include any income of the child's grandparents, if the grandparents are living in the same home as the child and his or her parent, to the same extent that income of a stepparent is included under subsection (b).~~

~~(d) Sponsors. The income of a legal resident who is not a citizen, shall include the income and resources of any person (and their spouse) who (as a sponsor of such individual's entry into the United States) executed an affidavit of support or similar agreement with respect to such individual, for a period of three (3) years after the individual alien's entry into the United States or as otherwise permitted by federal law. The first section of this subsection shall not apply if the sponsor of the legal resident is a recipient of SSI, general public assistance or cash assistance under this chapter, or if the legal resident is:~~

~~(i) A dependent child of the sponsor or of the sponsor's spouse;~~

~~(ii) Admitted as a conditional entrant refugee to the United States as a result of the application prior to April 1, 1980, of the provisions of Section 203(a)(7) of the Immigration and Nationality Act, 8 U.S.C. § 1153;~~

~~(iii) Admitted as a refugee to the United States as result of application after March 31, 1981, of the provisions of Section 207(e) of the Immigration and Nationality Act, 8 U.S.C. § 1157(e);~~

~~(iv) Paroled into the United States as a refugee under § 212(d)(5) of the Immigration and Nationality Act, 8 U.S.C. § 1182(d)(5);~~

~~(v) Granted political asylum by the attorney general under § 208 of the Immigration and Nationality Act, 8 U.S.C. § 1158;~~

~~(vi) A Cuban or Haitian entrant, as defined in § 501(3) of the Refugee Education Assistance Act of 1980 (Public Law 96-422);~~

~~(vii) An Amerasian admitted to the United States under the provisions of the Amerasian Immigration Act (Public Law 100-202).~~

~~(e) In determining the resources to be deemed to the legal resident, the exclusion of resources in § 40.5.1-8(b) shall be applied and the total value of countable resources in excess of one thousand five hundred dollars (\$1,500) shall be considered available to the legal resident. In determining the income to be deemed to the legal resident, the income of the sponsor (and of the sponsor's spouse) shall be included to the same extent that income of a stepparent is included under subsection (b), except that twenty percent (20%) of the earned income of a sponsor and his or her spouse if appropriate (but no more than one hundred seventy-five dollars (\$175) per month) shall be excluded.~~

~~**§ 40.5.1-13 Reporting of income and resources by recipients.** (a) Except as provided in subsection (b) below, all adult family members are responsible for reporting changes in income, resources, family composition or other factors which can effect the family's eligibility or payment level within ten (10) days of the change in circumstances. In addition, families receiving cash assistance, as a supplement to earnings must report their earnings on a monthly, quarterly or semi-annual basis, as determined by the department, on forms provided by the department, and such reporting requirements shall be applied uniformly to all families similarly situated.~~

~~(b) Whenever adult family member(s) become aware that a minor child in their household has been or will be temporarily absent from the home, the adult family member(s) have the responsibility to report such absence of a minor child from the home by the end of the five (5) day period that begins~~

~~with the date that the adult family member(s) become aware that the minor child has been or will be absent from the home for a period of thirty (30) or more consecutive days.~~

~~§ 40-5.1-14 Minimum payment.~~ No payment of assistance under § 40-5.1-9(b) shall be made for any month if the amount of such payment would be less than ten dollars (\$10), but a family with respect to whom a payment of assistance is denied solely by reason of this section shall otherwise be deemed to be a recipient of assistance under this chapter.

~~§ 40-5.1-15 Assistance not assignable Exemption from process.~~ Except as otherwise provided for herein, cash assistance shall not be transferable or assignable at law or in equity, and none of the money paid or payable under this chapter shall be subject to execution levy, attachment, garnishment or other legal process, or to the operation of any bankruptcy or insolvency law.

~~§ 40-5.1-16 Replacement of lost, stolen or undelivered checks.~~ The department shall promptly replace cash assistance checks which are not received by the family or which are lost, stolen, or totally destroyed after the receipt by the family.

~~§ 40-5.1-17 Families eligible for child care assistance.~~ (a) The department shall provide appropriate childcare to every parent who requires childcare in order to meet the work requirements in § 40-5.1-9 and to all other families with incomes at or below one hundred eighty percent (180%) of the federal poverty line, if and to the extent such other families require childcare in order to work at paid employment.

(2) No family shall be eligible for child care assistance under this chapter if the combined value of its liquid resources exceeds ten thousand dollars (\$10,000). Liquid resources are defined as any interest(s) in property in the form of cash or other financial instruments or accounts which are readily convertible to cash or cash equivalents. These include, but are not limited to, cash, bank, credit union, or other financial institution savings, checking and money market accounts, certificates of deposit or

~~other time deposits, stocks, bonds, mutual funds, and other similar financial instruments or accounts. These do not include educational savings accounts, plans, or programs; retirement accounts, plans, or programs; or accounts held jointly with another adult, not including a spouse, living outside the same household but only to the extent the applicant/recipient family documents the funds are from sources owned by the other adult living outside the household, plus the proportionate share of any interest, dividend or capital gains thereon. The department is authorized to promulgate rules and regulations to determine the ownership and source of the funds in the joint account.~~

~~(3) As a condition of eligibility for child care assistance under this chapter, the parent or caretaker relative of the family must consent to and must cooperate with the department in establishing paternity, and in establishing and/or enforcing child support and medical support orders for all children in the family in accordance with title 15 of the general laws, as amended, unless the parent or caretaker relative is found to have good cause for refusing to comply with the requirements of this subsection.~~

~~(b) For purposes of this section "appropriate childcare" means childcare, including infant/toddler, pre school, nursery school, school age, and youth care, which is provided by a person or organization qualified, approved, and authorized to provide such care by the department of children, youth, and families, or by the department of elementary and secondary education, or such other lawful providers as determined by the department of human services, in cooperation with the department of children, youth and families and the department of elementary and secondary education for a child below the age of thirteen (13).~~

~~(c) The department of human services shall determine rates of reimbursement for childcare services for children over the age of twelve (12) in accordance with the provisions of § 40-6.2-1.1(d).~~

~~For purposes of this section "appropriate childcare" is defined in § 40-5.1-9(d).~~

~~(d) Families with incomes below one hundred percent (100%) of the applicable federal poverty guidelines shall be provided with free childcare. Families with incomes equal to or greater than one hundred percent (100%) of the applicable federal poverty guideline shall be required to pay for some portion of the childcare they receive, according to a sliding fee scale adopted by the department.~~

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

~~(f) For purposes of this section "income" for families receiving cash assistance under § 40-5.1-9 means gross earned income and unearned income, subject to the income exclusions in § 40-5.1-10(b) and § 40-5.1-10(c); and income for other families shall mean gross earned and unearned income as determined by departmental regulations.~~

~~(g) The entitlement provided for in subsection (a) shall be an entitlement to payment of a subsidy for childcare to an appropriate childcare provider as defined in subsection (b). The caseload estimating conference established by chapter 17 of title 35 shall forecast the expenditures for childcare in accordance with the provisions of § 35-17-1.~~

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

§ 40-5.1-18 Managed care. ~~(a) In order to ensure that working families with children, including recipients of cash assistance under this chapter, have access to quality and affordable health care, the department is authorized to plan and to implement a system of health care delivery through a~~

~~mandatory managed care health system for such families. "Managed care" is defined as a system that integrates an efficient financing mechanism with quality service delivery; provides a "medical home" to assure appropriate care and deter unnecessary and inappropriate care; and places emphasis on preventive and primary health care.~~

~~§ 40-5.1-19 Eligibility for medical benefits. (a) Every member of any family eligible for cash assistance under this chapter shall be categorically eligible for medical assistance through the Rite Care or Rite Share programs, as determined by the department, subject to the provisions of § 40-8-1(d) and provided, further, that such medical assistance, must qualify for federal financial participation pursuant to the provisions of Title XIX of the federal social security act, 42 U.S.C. § 1396 et seq.~~

~~(b) If a family becomes ineligible for cash assistance payments under this chapter on account of excess earnings from employment, the family shall continue to be eligible for medical assistance through the Rite Care or Rite Share program for a period of twelve (12) months or until employer paid family health care coverage begins subject to the provisions of § 40-8-1(d) and provided, further, that medical assistance, must qualify for federal financial participation pursuant to the provisions of title XIX of the federal social security Act, 42 U.S.C. § 1396 et seq.~~

~~(c) A parent who becomes ineligible for Rite Care under this section and who is not eligible for employer paid medical coverage due to a prior existing condition, or is otherwise uninsurable as determined by the department, shall be entitled to purchase Rite Care coverage in accordance with contribution rates to be established by the department.~~

~~§ 40-5.1-20 Rapid job placement program. (a) The department is hereby authorized to operate or contract for rapid job replacement services programs for individuals who are required or elect to participate in such programs.~~

~~(b) Rapid job placement service programs shall help participants identify employment opportunities and shall provide personnel qualified to manage and oversee individual job search activities of program participants that result in employment, including part time, at or above the state minimum wage, as quickly as possible. Program activities shall include, but not be limited to, instruction in:~~

- ~~(1) Values and workplace competencies valued by employers,~~
- ~~(2) Resume writing and interviewing,~~
- ~~(3) Identification and targeting of employment opportunities,~~
- ~~(4) Marketing skills and experience to potential employers.~~

~~(c) If, following completion of a rapid job placement program, an individual remains unemployed, the program operator shall provide the department with an assessment of the additional educational or other skills which the individual needs to acquire in order to find employment on a full and/or part time basis.~~

~~(d) The department shall establish performance standards for rapid job placement providers to ensure that the goals of this act are met.~~

~~§ 40-5.1-21. Supervised individual job search. For purposes of this chapter "supervised individual job search" means a schedule of job search activities, described in an employment plan, which an individual is to undertake under the supervision of his or her case manager or case management team. Unless otherwise provided by the department, such activities shall include no less than twenty (20) documented face to face contacts per month with potential employers.~~

~~§ 40-5.1-22. Work readiness programs. The department is hereby authorized to operate or contract for work readiness programs for those individuals whose employment plan includes participation in such programs. Work readiness programs are programs of limited duration, which are~~

~~designed to help prepare participants for work by assuring that participants are familiar with general workplace expectations and exhibit work behavior and attitudes necessary to compete successfully in the labor market. To the extent practicable, work readiness programs should involve supervised community work experience.~~

~~§ 40.5.1-23. Supervised community work experience. (a) The department is hereby authorized to place in supervised community work experience programs those adults in families receiving cash assistance whose employment plans contain a job readiness component.~~

~~(b) The department is also hereby authorized to place in supervised community work experience programs adults in families receiving cash assistance who are unemployed to the extent program participation does not interfere with their participation in rapid job placement programs or individual job search activities.~~

~~(c) For purposes of this section "supervised community work experience" means work on any state or local government project or on any project of a nonprofit agency, which the department determines serves a useful public purpose. The work must be: (1) conducted under the direction of a state or local government employee or an employee or volunteer of a nonprofit agency, as the case may be; and (2) on terms and conditions approved by the department. The assignment of an individual to supervised community work experience should, to the extent practicable, take into account the individual's skills, training, and education and each individual shall be evaluated by his or her supervisor on the project no less often than quarterly.~~

~~(d) The maximum number of hours which an individual may be required to participate in a supervised community work experience in any month is equal to the amount of cash assistance received by the family of which such adult is a member divided by the applicable minimum wage.~~

~~(e) No participant in community work experience shall be entitled to any compensation for any work performed in connection therewith, nor shall any participant be treated as an employee of any state or local government or nonprofit social services agency on account of such participation under chapters 32-36 of title 28.~~

~~§ 40-5.1-24 Education, literacy and vocational skills programs. (a) The department of elementary and secondary education shall directly or through the purchase of assessment services from others provide the department with professional assessments, as necessary, of the educational and vocational skills, literacy, English language skills and the educational and vocational aptitudes and interests of adults receiving or at risk of qualifying for cash assistance under this chapter.~~

~~(b) The department of elementary and secondary education, by itself, by the purchase of services from others and by and through local education authorities; the board of governors for higher education by and through the Community College of Rhode Island, Rhode Island College and the University of Rhode Island; the department of labor and training by and through job training programs operated or supervised by the department; private industry councils operating pursuant to the Job Partnership Training Act, 29 U.S.C. § 1501 et seq. [Repealed]; and the department to the extent not duplicative of programs operated by others; are hereby authorized to provide education, literacy, and job training programs to:~~

- ~~(1) Adult members of families receiving cash assistance under this chapter;~~
- ~~(2) Adult members of families at risk of qualifying for cash assistance under this chapter;~~
- ~~(3) Non-custodial parents of children in families receiving cash assistance under this chapter.~~

~~§ 40-5.1-25 Emergency expenses. (a) To the extent that the department has allocated resources for this purpose, the department is authorized to provide assistance to families to meet emergency needs which cannot be met with the cash resources available to the family. The emergency~~

~~assistance shall be limited to the lesser of actual cost or the sum of two hundred dollars (\$200). Except as provided by the department by regulation, no expense shall be reimbursable unless the department has pre approved the expenditure. Emergency assistance includes, but is not limited to, payment of moving expenses for families who are forced to move their place of residence and payments for emergency transportation needs used in connection with participation in any program approved under this chapter.~~

~~(b) In the event of a catastrophe caused by fire, flood, lightning, severe wind or other act of nature, the department may establish by regulation the authorization of catastrophic assistance funds not subject to the limit of two hundred dollars (\$200) specified in subsection (a). Such regulations shall specify the criteria under which funds for shelter, clothing or essential household equipment and furnishings may be authorized in the event of a catastrophe.~~

~~§ 40-5.1-26 Time. A parent or caretaker relative who requests assistance on behalf of a child under this chapter shall meet with a case manager or case management team as soon as possible and no later than five (5) days from the date of request for assistance. The application for assistance shall be accepted or rejected by the department no later than thirty (30) days following the date submitted and shall be effective as of the date of application.~~

~~§ 40-5.1-27 Budgeting. (a) The department shall determine a family's eligibility for cash assistance for a month (the "eligibility month") on the basis of the family's anticipated income, composition, resources, and other relevant circumstances during such month.~~

~~(b) Beginning in the third month following the month in which an application for cash assistance is effective, the amount of cash assistance for a family with earned income shall be determined on the basis of the earned income received by such family in the first or second month (the "budget month") immediately preceding the eligibility month.~~

~~(c) If the income from the budget month is from a terminated source, the department shall calculate the amount of cash assistance prospectively for each month after the month in which the income was terminated.~~

~~(d) If the income from the budget month results in the family being ineligible for cash assistance for only one month, the family shall be deemed to be a recipient of family assistance under this chapter during such month; provided, however, that the department may, by regulation, adopt a prospective budgeting methodology to determine the eligibility for and the amount of cash assistance for families with earned income.~~

~~§ 40-5.1-28 Overpayment and underpayment of benefits. The department shall promptly take all necessary steps to correct any overpayment or underpayment of aid under this chapter, and, in the case of:~~

~~(1) An overpayment to an individual who is a current recipient of such aid (including a recipient whose overpayment occurred during a prior period of ineligibility) recovery will be made by repayment by the individual or by reducing the amount of any future aid payable to the family of which he or she is a member, except that such recovery shall not result in the reduction of aid payable for any month, such that aid, when added to its income is less than ninety percent (90%) of the standard of assistance for a family with the same composition with no other income (and, in the case of an individual to whom no payment is made for a month solely by reason of recovery of any overpayment, such individual shall be deemed to be a recipient of aid for such month);~~

~~(2) An overpayment to any individual who is no longer receiving aid under the plan, recovery shall be made by appropriate action by the department under state law against the income or resources of the individual or the family; and~~

~~(3) An underpayment, the corrective payment shall be disregarded in determining the income of the family, and shall be disregarded in determining its resources in the month the corrective payment is made and in the following month; except that no recovery need be attempted or carried out under subdivision (2) of this section, other than in a case involving fraud on the part of the recipient where the cost of recovery would equal or exceed the amount of overpayment involved.~~

~~§ 40 5.1 29 Hearings. Any applicant or recipient aggrieved because of a decision by the department, including but not limited to, a decision regarding eligibility for benefits, the amount of benefits, terms of an employment plan or a delay in making a decision with respect to an application for assistance shall be entitled to an appeal. The department shall provide an applicant with written notice of a decision to deny benefits under this chapter and shall provide recipients written notice at least ten (10) days in advance of a decision to terminate or reduce benefits to the family. Notices shall be in easy to understand language and shall explain the reason for the department's decision and cite the relevant section of the department's regulations. The family may appeal the decision by filing a written request with the department within thirty (30) days of the date the notice was mailed. If the recipient files the request within ten (10) days of the date the notice was mailed, the recipient may receive benefits without reduction pending the outcome of the appeal. Hearings, with respect to public assistance, shall be conducted by the department.~~

~~§ 40 5.1 30 Records as to assistance. All records pertaining to the administration of public assistance pursuant to this chapter and chapter 8 of this title are hereby declared to constitute confidential matter. In furtherance thereof:~~

~~(1) It shall be unlawful for any person to make use of, or cause to be used, any information contained in records for purposes not directly connected with administration thereof, except with the consent of the individual concerned.~~

~~(2) The director of the department shall have the power to establish rules and regulations governing the custody, use, and preservation of the records, papers, files and communications dealing with the administration of public assistance. The rules and regulations shall have the same force and effect as law.~~

~~(3) The records shall be produced in response to subpoena duces tecum properly issued by any federal or state court; provided, however, that the purpose for which the subpoena is sought is directly connected with the administration of public assistance. No subpoena shall be issued by a court asking either for the records, or for persons having custody or access to the records, unless the litigation involved in such matters is directly connected with the administration of public assistance.~~

~~(4) Any person who by law is entitled to a list of individuals receiving any of the assistance as provided in this chapter shall not publish or cause to be published the list except by the express consent of the director of the department, or to make use of thereof for purposes not directly connected with the administration thereof.~~

~~(5) Any person violating any of the provisions of this section, or the lawful rules and regulations made hereunder, shall be guilty of a misdemeanor and shall be fined not more than two hundred dollars (\$200), or shall be imprisoned for not more than six (6) months, or both.~~

~~(6) Nothing in this section shall be deemed to prohibit the director of the department or his or her agents duly authorized for that purpose, from issuing any statistical material data, or publishing or causing the data to be published whenever he or she shall deem it to be in the public interest.~~

~~(7) The director of the department may inquire into the records of any state department or agency in the course of his or her administration of public assistance.~~

~~§ 40-5.1-31 Department of human services. (a) Except as otherwise provided for herein, the director of the department of human services is responsible for implementation of this chapter.~~

~~(b) No later than March 1st of each year, the director shall submit a plan to the general assembly showing how, within available resources, the department expects to operate the programs authorized under this chapter in the succeeding fiscal year. The plan shall, to the extent the director deems appropriate, take into account the results of the research and program evaluation conducted by the board of governors for higher education pursuant to § 40-5.1-32 and the views of the advisory commission established pursuant to § 40-5.1-35. It shall describe how the department intends to coordinate its activities with those of other governmental departments and organizations and with those nonprofit non government organizations, which provide services to the same population receiving assistance under this chapter. Beginning in state fiscal year 1998, the plan shall include an assessment of the minimum financial resources which Rhode Island families of varying compositions require to provide themselves with adequate food, shelter, clothing, education and health care and, in the case of working families, to pay for work related expenses, including without limitation, child care, transportation and clothing. The assessment shall reflect the child support guidelines issued from time to time by the Rhode Island family court.~~

~~(c) The department is empowered and authorized to submit its plan for services under the act to the federal government or any agency or department thereof having funds available for benefits to low income families for approval pursuant to the provisions of the Social Security Act, 42 U.S.C. § 301 et seq. The department shall act for the state in any negotiations relative to the submission and approval of the plan and/or waivers and may make any arrangement or changes in its plan and/or waivers not inconsistent with this chapter which may be required or permitted by the Social Security Act or rules and regulations promulgated pursuant thereto, to obtain and retain approval and to secure for this state the benefits of the provisions of the federal act relating to family assistance. The department shall make reports to the federal government or any agency or department thereof, in the form and nature required~~

~~by it, and shall in all respects comply with any request or direction of the federal government or any agency or department thereof which may be necessary to assure the correctness and verification of the reports.~~

~~(d) The department of human services is hereby authorized and directed to expedite the implementation of this act by submitting to the federal government, on behalf of the state, such state plan amendments and any federal waiver requests which it deems necessary to fully implement the provisions of this act and to secure for this state the benefits of federal financial participation and/or grants for the above referenced programs, as amended, pursuant to titles IV and XIX of the federal Social Security Act, 42 U.S.C. §§ 601 et seq. and 1396 et seq., and Subchapter II B of the Child Care and Development Block Grant codified at 42 U.S.C. § 9858 et seq., and as such acts may hereafter be re-codified or amended by such acts as may be considered and enacted by the Congress of the United States.~~

~~(2) Any provisions of this chapter and chapters 6 and 6.2 of this title and § 42 12 3 which are inconsistent with federal law or regulations shall be void unless the department receives an exemption or waiver from the federal government to implement the provision.~~

~~(3) The department of human services is hereby authorized and directed to implement this act only in accordance with the terms and conditions of state plan amendments, waivers, or other approvals granted by the federal government and changes in rules, regulations and policies of the department that are promulgated pursuant to chapter 35 of title 42.~~

~~§ 40-5.1-32 Board of governors for higher education. The board of governors for higher education, by and through the appropriate academic department of the state college and university system, shall conduct and publish an annual evaluation of the programs operated by the department pursuant to this chapter.~~

~~§ 40-5.1-33 Department of labor and training.~~ (a) The director of the department of labor and training shall publish monthly an evaluation of the job market for persons likely to be eligible to receive family assistance.

(b) The state employment service shall continuously survey employers in the state who are likely to have positions for which persons eligible for family assistance.

~~§ 40-5.1-34 Rhode Island economic development corporation.~~ The Rhode Island economic development corporation shall report no less often than quarterly on new opportunities for employment for families receiving assistance under this chapter and the extent to which these new opportunities are the result of state government efforts.

~~§ 40-5.1-35 Advisory commission.~~ (a) There is hereby established a commission to advise the director regarding the program authorized by this chapter. The commission shall consist of thirteen (13) residents of the state;

(1) Two (2) appointed by the speaker of the house of representatives, one appointed by the minority leader of the house of representatives; two (2) appointed by the president of the senate; one appointed by the minority leader of the senate; two (2) appointed by the governor; and

(2) Five (5) shall be appointed by a majority of those appointed pursuant to subsection (1); provided, however, that one shall be from an organization representing the business community, one shall be an organization representative of the advocacy community and one shall be from an organization primarily comprised of the recipients of assistance under this chapter or chapter 6 of this title, and two (2) shall be current or former recipients of assistance under this chapter or under chapter 6 of this title; provided further that in making appointments under this subsection those appointed pursuant to subdivision (1) of this subsection shall comply with § 28-5.1-3.1.

~~(b) Members of the commission shall be appointed in the month of January, each to hold office until the last day of December in the second year of his or her appointment or until his or her successor is appointed by their respective appointing authority and qualified to succeed the member whose term shall next expire.~~

~~(c) The commission shall meet annually on or before the second Tuesday in January of each year to elect one of their members as chair and shall meet thereafter at the call of the chair or of any three (3) members of the commission.~~

~~§ 40-5.1-36 Rules and regulations. The director of the department of human services shall, pursuant to chapter 35 of title 42, promulgate rules and regulations necessary to carry out the provisions of this chapter.~~

~~§ 40-5.1-37 Non-custodial parents — Employment obligations. Any non-custodial parent who is required by order of the family court to pay support to any family receiving assistance of any kind under this chapter, and who is unemployed and, in whole or in part as a result of such unemployment, has failed to comply with all of the terms of such support order may, if permitted by a justice of the family court, purge his or her contempt by accepting employment approved by the court, paying wages no less than the state minimum wage and/or by participation on a full time basis in a rapid job placement program.~~

~~§ 40-5.1-38 Fraudulently obtaining assistance. Any person who by any fraudulent device obtains or attempts to obtain public assistance pursuant to this chapter to which he or she is not entitled, or who willfully fails to report income or resources as provided in this chapter, shall be guilty of larceny and, upon conviction thereof, shall be punished by imprisonment of not more than five (5) years and by a fine of not more than one thousand five hundred dollars (\$1,500) or both, if the value of the public assistance to which he or she is not entitled shall exceed five hundred dollars (\$500) or by~~

~~imprisonment by less than one year or by a fine of not more than five hundred dollars (\$500) or by both, if the value of the public assistance to which he or she is not entitled shall not exceed five hundred dollars (\$500).~~

~~§ 40-5.1-39 Authorization to pay assistance.~~ Authorization to pay all forms of assistance specified in this chapter shall be made by representatives of the department and the state controller is hereby authorized to draw his or her orders upon the general treasurer for payments upon receipt by him or her of proper vouchers approved by the department. Subject to any necessary federal approval, the department is authorized to make payments of cash assistance by check, direct deposit, electronic benefit transfer or other means designated by the department.

~~§ 40-5.1-40 Cashing of cash assistance checks.~~ (a) For purposes of this section, the term "banking institution" shall mean: (1) any state or federally chartered bank, savings bank, loan and investment bank or credit union located within this state; and (2) any currency exchange specialist located within this state and enrolled with the department of human services pursuant to regulations to be adopted by the department.

(b) Each banking institution shall cash, at its main office or any of its branch offices within the state, any check drawn by the state and payable within the state to a recipient of cash assistance under this chapter, if the check is negotiated to the banking institution by the original payee of the check, and if the payee produces reasonable identification required by this section and as provided for in regulations adopted pursuant to subsection (d).

(c) Nothing in this section shall be interpreted as limiting any rights which the banking institution may have against the payee by contract or law, with regard to items which are negotiated to it as provided for in this section, which are not paid upon presentment or where such payee breaches a warranty made under § 6A-3-417. This section shall not apply to any check negotiated to a banking

~~institution if such institution has reason to believe that the check will not be paid on presentment or that the tendering party may be in breach of one or more of the warranties contained in § 6A-3-417.~~

~~(d) Provided that a banking institution properly employed the identification procedures prescribed in regulations adopted pursuant to this subsection at the time a cash assistance check was cashed by such institution, the state shall honor and make payment on the cash assistance check and the banking institution shall not be liable to reimburse the state for a loss incurred as a result of the wrongful payment of a check by a banking institution. The director of the department of human services shall adopt regulations specifying: (1) the forms of reasonable identification which a banking institution shall accept when cashing a cash assistance check pursuant to subsection (b); and (2) the identification procedures the institution must employ to receive payment thereon and to avoid liability for wrongful payment of any check. The regulations shall provide that the forms of reasonable identification shall include, but need not be limited to: (1) a cash assistance photo identification card issued by the department of human services; (2) a valid identification card issued by the administrator of the division of motor vehicles pursuant to § 3-8-6; (3) a valid driver's license; (4) an identification card issued by the department of elderly affairs; and (5) a valid identification card issued by the United States Immigration and Naturalization Service.~~

~~(e) The department shall issue a stop payment order with respect to any cash assistance check reported as lost, stolen, or undelivered. The department shall not issue a replacement cash assistance check for a period of three (3) business days from the date of the report of such loss, theft, or non-delivery.~~

~~§ 40-5.1-41 Appropriation of funds. The general assembly shall annually appropriate such sums as it may deem necessary for the purposes of carrying out the provisions of this chapter; and the state controller is hereby authorized and directed to draw his or her orders upon the general treasurer~~

for the payment of such sums, or so much thereof as may from time to time be required upon receipt by him or her of such vouchers approved by the executive officer of the state department of human services.

~~§ 40-5.1-42 Severability.~~ If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect other provisions or applications of the chapter, which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

~~§ 40-5.1-43 Transition.~~ (a) Each family receiving cash assistance under the aid to families with dependent children or general public assistance, pursuant to chapter 6 of this title on the last day of the month immediately preceding the effective date of this chapter, shall be deemed in full compliance with all of the requirements of this chapter relating to work and/or work readiness until such time as:

~~(1) The department has, pursuant to § 40-5.1-5, assessed the financial condition of the family;~~

~~(2) The department has, pursuant to § 40-5.1-5, assessed the employability of each of the parents in the family; and~~

~~(3) The department and the family have, pursuant to § 40-5.1-5, developed an employability plan and the employability plan is incorporated in a family assistance contract for the family.~~

~~(b) Each family receiving services under the pathways to independence program pursuant to chapter 6 of this title on the last day of the month immediately preceding the effective date of this chapter shall retain eligibility for such services until such time as:~~

~~(1) The department has, pursuant to § 40-5.1-5, assessed the financial condition of the family;~~

~~(2) The department has, pursuant to § 40-5.1-5, assessed the employability of each of the parents in the family; and~~

~~(3) The department and the family have, pursuant to § 40-5.1-9, developed an employability plan; provided, however, that the employability plan shall incorporate, to the extent practicable, the program in which the parent is enrolled under the pathways program.~~

~~§ 40-5.1-43 Transition. (a) Each family receiving cash assistance under the aid to families with dependent children or general public assistance, pursuant to chapter 6 of this title on the last day of the month immediately preceding the effective date of this chapter, shall be deemed in full compliance with all of the requirements of this chapter relating to work and/or work readiness until such time as:~~

~~(1) The department has, pursuant to § 40-5.1-5, assessed the financial condition of the family;~~

~~(2) The department has, pursuant to § 40-5.1-5, assessed the employability of each of the parents in the family; and~~

~~(3) The department and the family have, pursuant to § 40-5.1-5, developed an employability plan and the employability plan is incorporated in a family assistance contract for the family.~~

~~(b) Each family receiving services under the pathways to independence program pursuant to chapter 6 of this title on the last day of the month immediately preceding the effective date of this chapter shall retain eligibility for such services until such time as:~~

~~(1) The department has, pursuant to § 40-5.1-5, assessed the financial condition of the family;~~

~~(2) The department has, pursuant to § 40-5.1-5, assessed the employability of each of the parents in the family; and~~

~~(3) The department and the family have, pursuant to § 40-5.1-9, developed an employability plan; provided, however, that the employability plan shall incorporate, to the extent practicable, the program in which the parent is enrolled under the pathways program.~~

~~§ 40-5.1-44 School age children. Subject to general assembly appropriation, one month each year, each dependent school age child as defined by the department of human services receiving cash~~

~~assistance under this chapter in that month shall be given a supplementary payment for the purchase of clothing in accordance with Title IV A of the Social Security Act, 42 U.S.C. § 601 et seq.~~

~~§ 40-5.1-45 [Repealed].~~

~~§ 40-5.1-46 Screening for domestic violence — Waiver of program requirements.~~ (a) The department shall:

~~(1) Screen and identify individuals with a history of domestic violence applying for or receiving assistance while maintaining the confidentiality of such individuals;~~

~~(2) Refer such individuals to counseling and supportive services; and~~

~~(3) Waive, pursuant to a determination of good cause and for so long as necessary, cash assistance program requirements relating to time limits for individuals receiving assistance, residency requirements, child support cooperation requirements, and work requirements, in cases where compliance with such requirements would make it more difficult for individuals receiving assistance under this chapter to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.~~

~~(b) For purposes of this section, the term "individual with a history of domestic violence" means an individual who has been subjected to:~~

~~(1) Physical acts that resulted in, or threatened to result in, physical injury to the individual;~~

~~(2) Sexual abuse;~~

~~(3) Sexual activity involving a dependent child;~~

~~(4) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;~~

~~(5) Threats of, or attempts at, physical or sexual abuse;~~

~~(6) Mental abuse; or~~

(7) Neglect or deprivation of medical care.

~~§ 40-5.1-47 Child Support Pass-Through.~~ For any month in which a non custodial parent makes a child support payment in the month when due and the support is collected by the department of administration, division of taxation, for a child or children receiving cash assistance pursuant to this chapter, the first fifty dollars (\$50.00) of the child support payment, or the actual amount of the child support payment if the payment is less than fifty dollars (\$50.00), shall be paid to the family in which the child resides. If more than one non custodial parent makes a child support payment to children living in the same family, there shall only be one payment of fifty (\$50.00) paid to the family from the child support collected. This payment is known as the "pass through" payment and shall be sent to the family within two (2) business days of the determination that the amount is due and owing and no later than within two (2) business days of the end of the month in which the support was collected.

SECTION 3. Unless specifically provided for and otherwise described herein, this article shall take effect upon passage.