

2015 -- H 5347

=====
LC000118
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

—————
A N A C T

RELATING TO HUMAN SERVICES -- RHODE ISLAND WORKS PROGRAM--
COMPULSORY ATTENDANCE

Introduced By: Representatives Casey, and Amore

Date Introduced: February 05, 2015

Referred To: House Finance

(by request)

It is enacted by the General Assembly as follows:

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

3 **40-5.2-10. Necessary requirements and conditions.** -- The following requirements and
4 conditions shall be necessary to establish eligibility for the program.

5 (a) Citizenship, alienage and residency requirements.

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

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

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

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

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

1 subdivision 115(d)(1)(A) of Public Law 104-193, the Personal Responsibility and Work
2 Opportunity Reconciliation Act of 1996, PRWORA, which makes any individual ineligible for
3 certain state and federal assistance if that individual has been convicted under federal or state law
4 of any offense which is classified as a felony by the law of the jurisdiction and which has as an
5 element the possession, use, or distribution of a controlled substance as defined in § 102(6) of the
6 Controlled Substances Act (21 U.S.C. 802(6)).

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

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

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

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

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

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

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

1 12(g) and (i).

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

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

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

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

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

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

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

29 (f) Resources.

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

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

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

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

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

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

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

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

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

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

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

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

1 (g) Income.

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

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

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

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

14 (B) Earned income of any child;

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

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

22 (E) Value of certain assistance provided to undergraduate students, including any grant
23 or loan for an undergraduate student for educational purposes made or insured under any loan
24 program administered by the U.S. Commissioner of Education (or the Rhode Island board of
25 governors for higher education or the Rhode Island higher educational assistance authority);

26 (F) Foster Care Payments;

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

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

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

1 (J) Certain payments to native Americans; payments distributed per capita to, or held in
2 trust for, members of any Indian Tribe under P.L. 92-254, 25 U.S.C. § 1261 et seq., P.L. 93-134,
3 25 U.S.C. § 1401 et seq., or P.L. 94-540; receipts distributed to members of certain Indian tribes
4 which are referred to in § 5 of P.L. 94-114, 25 U.S.C. § 459d, that became effective October 17,
5 1975;

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

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

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

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

13 (1) No cash assistance shall be provided, pursuant to this chapter, to a family or
14 assistance unit which includes an adult member who has received cash assistance, either for
15 him/herself or on behalf of his/her children, for a total of twenty-four (24) months, (whether or
16 not consecutive) within any sixty (60) continuous months after July 1, 2008 to include any time
17 receiving any type of cash assistance in any other state or territory of the United States of
18 America as defined herein. Provided further, in no circumstances other than provided for in
19 section (3) below with respect to certain minor children, shall cash assistance be provided
20 pursuant to this chapter to a family or assistance unit which includes an adult member who has
21 received cash assistance for a total of a lifetime limit of forty-eight (48) months.

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

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

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

1 (5) (A) The department of human service shall mail a notice to each assistance unit when
2 the assistance unit has six (6) months of cash assistance remaining and each month thereafter
3 until the time limit has expired. The notice must be developed by the department of human
4 services and must contain information about the lifetime time limit, the number of months the
5 participant has remaining, the hardship extension policy, the availability of a post-employment-
6 and-closure bonus, and any other information pertinent to a family or an assistance unit nearing
7 either the twenty-four (24) month or forty-eight (48) month lifetime time limit.

8 (B) For applicants who have less than six (6) months remaining in either the twenty-four
9 (24) month or forty-eight (48) month lifetime time limit because the family or assistance unit
10 previously received cash assistance in Rhode Island or in another state, the department shall
11 notify the applicant of the number of months remaining when the application is approved and
12 begin the process required in paragraph (A) above.

13 (6) If a cash assistance recipient family closed pursuant to Rhode Island's Temporary
14 Assistance for Needy Families Program, (federal TANF described in Title IV A of the Federal
15 Social Security Act, 42 U.S.C. 601 et seq.) formerly entitled the Rhode Island Family
16 Independence Program, more specifically under subdivision 40-5.1-9(2)(c), due to sanction
17 because of failure to comply with the cash assistance program requirements; and that recipients
18 family received forty-eight (48) months of cash benefits in accordance with the Family
19 Independence Program, than that recipient family is not able to receive further cash assistance for
20 his/her family, under this chapter, except under hardship exceptions.

21 (7) The months of state or federally funded cash assistance received by a recipient family
22 since May 1, 1997 under Rhode Island's Temporary Assistance for Needy Families Program,
23 (federal TANF described in Title IV A of the Federal Social Security Act, 42 U.S.C. § 601 et
24 seq.) formerly entitled the Rhode Island Family Independence Program, shall be countable toward
25 the time limited cash assistance described in this chapter.

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

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

34 (B) Effective August 1, 2008 no cash assistance shall be provided pursuant to this

1 chapter to a family in which a child has received cash assistance for a total of sixty (60) months
2 (whether or not consecutive) if the parent is ineligible for assistance under this chapter pursuant
3 to subdivision 40-5.2(a) (2) to include any time received any type of cash assistance in any other
4 state or territory of the United States as defined herein.

5 (j) Hardship Exceptions.

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

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

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

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

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

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

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

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

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

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

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

28 (m) School attendance as a condition of eligibility. - (1) As a condition of eligibility for
29 cash and medical assistance under this chapter, each adult member, who is the parent or legal
30 guardian of a child who is a member of the family/assistance unit and who is required by law to
31 attend school must sign an affidavit stating that the child is enrolled in and attending school and
32 has an attendance rate of not less than eighty percent (80%) for the current school year, not
33 including illness, or injury-related absences. The affidavit shall include the child's name, the
34 name of the school the child attends, and the name of the city or town in which the school is

1 located.

2 (2) The department of human services may require consent to release the child's school
3 attendance records to the department as a condition of eligibility for assistance under this chapter.

4 (3) The department of human services shall verify the attendance rate of each child who
5 is the subject of any affidavit under this section.

6 (4) A family/assistance unit is in compliance with this section when every child within
7 the unit has a verified attendance rate of not less than eighty percent (80%) for the current school
8 year, not including illness or injury-related absences.

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

=====
LC000118
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HUMAN SERVICES -- RHODE ISLAND WORKS PROGRAM--
COMPULSORY ATTENDANCE

- 1 This act would require an eighty percent (80%) school attendance rate for children in
- 2 families receiving cash and medical assistance from the state as a condition of eligibility.
- 3 This act would take effect upon passage.

=====
LC000118

=====