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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2005

A N A C T

RELATING TO HUMAN SERVICES -- FAMILY INDEPENDENCE ACT

Introduced By: Senators Gibbs, Perry, Roberts, C Levesque, and Bates

Date Introduced: February 10, 2005

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 40-5.1-9 of the General Laws in Chapter 40-5.1 entitled "Family
2 Independence Act" is hereby amended to read as follows:

3 **40-5.1-9. Cash assistance.** -- (a) Entitlement to cash assistance. - A family found by the
4 department to meet the eligibility criteria set forth in this chapter shall be entitled to receive cash
5 assistance from the date of submitting a signed application. The family members shall be eligible
6 for cash assistance for so long as they continue to meet the eligibility criteria and parents shall be
7 eligible so long as they meet the terms and conditions of the work requirements of subsection (c).
8 The monthly amount of cash assistance shall be equal to the payment standard for the family
9 minus the countable income of the family in that month. The department is authorized to reduce
10 the amount of assistance in the month of application to reflect the number of the days between the
11 first (1st) day of the month and the effective date of the application.

12 (b) Payment standard. - The payment standard is equal to the sum of the following: three
13 hundred twenty-seven dollars (\$327) (two hundred seventy-seven dollars (\$277) for a family
14 residing in subsidized housing) for the first person, one hundred twenty-two dollars (\$122) for the
15 second person, one hundred five dollars (\$105) for the third person and eighty dollars (\$80) for
16 each additional person.

17 (c) (1) Work requirements. - No more than forty-five (45) days following the date on
18 which a family has been notified by the department in writing that it is eligible for cash assistance
19 under the act, the department shall develop a family financial plan pursuant to section 40-5.1-5

1 and, unless the parent is exempt from work pursuant to paragraph (iv), the department shall assess
2 the parent's educational and vocational abilities and develop an individual employment plan
3 pursuant to section 40-5.1-5. In the case of a family including two (2) parents, the department
4 may develop an employment plan for each parent if the parents so request.

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

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

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

15 (B) A community work experience in a program which satisfies the requirements of
16 section 40-5.1-23;

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

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

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

25 (F) A supervised individual job search which meets the conditions set forth in section
26 40-5.1-21;

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

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

32 (I) For a parent age twenty (20) or older (and a parent under the age of twenty (20) who
33 has a high school degree or the equivalent or a parent under the age of twenty (20) for whom
34 attendance at a high school is determined to be inappropriate) successful participation in a

1 vocational education, skills or job training program, including without limitation, a program of
2 postsecondary education, which the department determines is likely to result in regular full-time
3 employment at wages sufficient to eliminate eligibility for cash assistance under the act.

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

11 (A) Paid employment (including on-the-job training);

12 (B) A community work experience program which satisfies the requirements of section
13 40-5.1-23;

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

16 (D) Job Search.

17 (iii) The following parents shall be deferred from the participation requirement in
18 paragraph (ii):

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

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

28 (C) A parent age twenty (20) years or older, who is successfully participating in a
29 vocational education, skills or job training program, including without limitation, a program of
30 postsecondary education, which the department determines is likely to result in regular full-time
31 employment at wages sufficient to eliminate eligibility for cash assistance under the act;
32 provided, however, that the parent began the program prior to the twenty-fifth (25th) month of his
33 or her employment plan; provided, further, however, that participation shall not be deemed a
34 work activity after the thirty-sixth (36th) month of the employment plan;

1 (D) A parent who has worked for at least twelve (12) months and for whom full-time
2 participation in a short-term training program would result in employment at wages sufficient to
3 eliminate eligibility for cash assistance under the act.

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

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

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

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

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

16 (D) Caring for a child below the age of one; provided, however, that a minor parent
17 without a high school diploma or the equivalent, and who is not married, shall not be exempt
18 from subparagraph (i)(G) for more than twelve (12) weeks from the birth of the child;

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

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

21 (G) Otherwise exempt by the department.

22 (v) (A) The amount of cash assistance to which an otherwise eligible family is entitled
23 under the act, shall be reduced by the portion of the family's benefit attributable to any parent
24 who, without good cause, has failed to enter into an individual employment plan or has failed to
25 comply with his or her individual employment plan, as required under this chapter; provided that
26 the reduction shall be applied during the first twenty-four (24) months, whether or not
27 consecutive, of such failure or non-compliance by the parent.

28 (B) The department shall terminate cash assistance to a family if any parent in the
29 family has failed, without good cause, to enter into an individual employment plan, or to comply
30 with his or her individual employment plan, for twenty-four (24) months, whether or not
31 consecutive.

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

34 (vi) (A) If the family's benefit has been reduced in accordance with paragraph (v)(A) for

1 less than twenty-four (24) months, whether or not consecutive, due to the parent's failure to enter
2 into an individual employment plan or failure to comply with the terms of his or her individual
3 employment plan, benefits shall be restored to the full amount beginning with the initial payment
4 made on the first of the month following the month in which the parent (1) enters into an
5 individual employment plan and demonstrates compliance with the terms thereof, or (2)
6 demonstrates compliance with the terms of his or her existing individual employment plan, as
7 such plan may be amended by agreement of the parent and the department.

8 (B) If the family's benefit has been terminated in accordance with paragraph (v)(B) due
9 to the failure by one or more parents to enter into an individual employment plan or failure to
10 comply with the terms of his or her individual employment plan, the family may re-apply for
11 benefits and benefits shall be restored to the family in the full amount the family is otherwise
12 entitled to under this chapter beginning on the first of the month following the month in which all
13 parents in the family who are subject to the employment plan requirements under this chapter (1)
14 enter into an individual employment plan and demonstrate compliance with the terms thereof, or
15 (2) demonstrate compliance with the terms of the parent's individual employment plan in effect
16 at the time of termination of benefits, as such plan may be amended by agreement of the parent
17 and the department.

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

24 (A) Unsubsidized employment;

25 (B) Subsidized private sector employment;

26 (C) Subsidized public sector employment;

27 (D) Work experience if sufficient private sector employment is not available;

28 (E) On-the-job training;

29 (F) Job search and job readiness assistance;

30 (G) Community service program;

31 (H) Vocational educational training (not to exceed twelve (12) months with respect to
32 any individual); or

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

1 Moreover, in the case of a two (2) parent family wherein one parent is engaged for at
2 least thirty-five (35) hours per week in the work activities specified immediately above, and if the
3 family requests child care assistance under this chapter, and an adult in the family is not disabled
4 or caring for a severely disabled child, the second parent must be engaged in work activities
5 during the month for not fewer than twenty (20) hours per week in one or more of the following
6 activities:

- 7 (A) Unsubsidized employment;
- 8 (B) Subsidized private sector employment;
- 9 (C) Subsidized public sector employment;
- 10 (D) Work experience if sufficient private sector employment is not available;
- 11 (E) On-the-job training; or
- 12 (F) Community service programs;

13 (viii) Paragraph (vii) shall not apply:
14 (A) To a parent who is ill and the department determines on the basis of medical
15 evidence that the illness is serious enough to temporarily prevent entry into employment or
16 engaging in the activities listed in paragraph (vii) or to provide care for his or her children; or

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

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

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

24 (ix) If, during any month, parents required to comply with paragraph (vii) fail, without
25 good cause to do so, the family shall be deemed for all purposes under this act to include only one
26 parent. The parent included in the family shall be the parent which the department determines has
27 accepted primary responsibility for child care. The parent included in the family, unless exempt
28 pursuant to paragraph (iv), shall be required to comply with paragraphs (i) and (ii) of this
29 subsection and shall be subject to the penalties in paragraphs (v) and (vi), as applicable, if the
30 parent fails to do so. Notwithstanding the foregoing, in determining the amount of cash assistance
31 to which a family is entitled under this chapter, the earnings of any parent living in the same
32 household as a family eligible for cash assistance, shall be deemed to be earned income of the
33 family for purposes of section 40-5.1-10(b).

34 (x) A parent's failure, without good cause, to accept a bona fide offer of work, including

1 full-time, part-time and/or temporary employment, or unpaid community service, to the extent the
2 offer of work is not inconsistent with the employment plan shall be deemed a failure to comply
3 with this section, provided that:

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

5 (B) Appropriate child care (as defined in subsection (e) hereof) is made available to the
6 parent.

7 (xi) A two (2) parent family that includes a disabled parent shall be considered to be a
8 single parent family for purposes of applying the work requirements of paragraphs (i) and (ii).

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

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

22 SECTION 2. Chapter 40-5.1 of the General Laws entitled "Family Independence Act" is
23 hereby amended by adding thereto the following section:

24 **40-5.1-48. Allowance for adults.** – An adult recipient of assistance under this chapter
25 who begins employment of twenty (20) hours a week or more, or who begins a vocational
26 training program or post-secondary education program pursuant to an employment plan under
27 section 40-5.1-5 shall receive a one-time payment of one hundred and fifty dollars (\$150) toward
28 the purchase of clothing or uniforms.

29 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HUMAN SERVICES -- FAMILY INDEPENDENCE ACT

1 This act would make changes in the allowable employment plan activities and would
2 provide a one time clothing allowance of one hundred and fifty dollars (\$150) to Family
3 Independence Program participants who begin twenty (20) or more hours of work, or enter a
4 vocational training program or post-secondary education program.

5 This act would take effect upon passage.

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