

2024 -- H 7123

LC003971

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO HUMAN SERVICES -- THE RHODE ISLAND WORKS PROGRAM

Introduced By: Representatives Diaz, Casimiro, Shallcross Smith, Caldwell, Cruz, Slater, Edwards, Potter, Messier, and Tanzi

Date Introduced: January 10, 2024

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 40-5.2-20 of the General Laws in Chapter 40-5.2 entitled "The Rhode  
2 Island Works Program" is hereby amended to read as follows:

3 **40-5.2-20. Childcare assistance — Families or assistance units eligible.**

4 (a) The department shall provide appropriate child care to every participant who is eligible  
5 for cash assistance and who requires child care in order to meet the work requirements in  
6 accordance with this chapter.

7 (b) **Low-income child care.** The department shall provide child care to all other working  
8 families with incomes at or below two hundred percent (200%) of the federal poverty level if, and  
9 to the extent, these other families require child care in order to work at paid employment as defined  
10 in the department's rules and regulations. The department shall also provide child care to families  
11 with incomes below two hundred percent (200%) of the federal poverty level if, and to the extent,  
12 these families require child care to participate on a short-term basis, as defined in the department's  
13 rules and regulations, in training, apprenticeship, internship, on-the-job training, work experience,  
14 work immersion, or other job-readiness/job-attachment program sponsored or funded by the human  
15 resource investment council (governor's workforce board) or state agencies that are part of the  
16 coordinated program system pursuant to § 42-102-11. Effective from January 1, 2021, through June  
17 30, 2022, the department shall also provide childcare assistance to families with incomes below  
18 one hundred eighty percent (180%) of the federal poverty level when such assistance is necessary  
19 for a member of these families to enroll or maintain enrollment in a Rhode Island public institution

1 of higher education provided that eligibility to receive funding is capped when expenditures reach  
2 \$200,000 for this provision. Effective July 1, 2022, the department shall also provide childcare  
3 assistance to families with incomes below two hundred percent (200%) of the federal poverty level  
4 when such assistance is necessary for a member of these families to enroll or maintain enrollment  
5 in a Rhode Island public institution of higher education.

6 (c) No family/assistance unit shall be eligible for childcare assistance under this chapter if  
7 the combined value of its liquid resources exceeds one million dollars (\$1,000,000), which  
8 corresponds to the amount permitted by the federal government under the state plan and set forth  
9 in the administrative rulemaking process by the department. Liquid resources are defined as any  
10 interest(s) in property in the form of cash or other financial instruments or accounts that are readily  
11 convertible to cash or cash equivalents. These include, but are not limited to: cash, bank, credit  
12 union, or other financial institution savings, checking, and money market accounts; certificates of  
13 deposit or other time deposits; stocks; bonds; mutual funds; and other similar financial instruments  
14 or accounts. These do not include educational savings accounts, plans, or programs; retirement  
15 accounts, plans, or programs; or accounts held jointly with another adult, not including a spouse.  
16 The department is authorized to promulgate rules and regulations to determine the ownership and  
17 source of the funds in the joint account.

18 (d) As a condition of eligibility for childcare assistance under this chapter, the parent or  
19 caretaker relative of the family must consent to, and must cooperate with, the department in  
20 establishing paternity, and in establishing and/or enforcing child support and medical support  
21 orders for any children in the family receiving appropriate child care under this section in  
22 accordance with the applicable sections of title 15, as amended, unless the parent or caretaker  
23 relative is found to have good cause for refusing to comply with the requirements of this subsection.

24 (e) For purposes of this section, “appropriate child care” means child care, including infant,  
25 toddler, preschool, nursery school, and school-age, that is provided by a person or organization  
26 qualified, approved, and authorized to provide the care by the state agency or agencies designated  
27 to make the determinations in accordance with the provisions set forth herein.

28 (f)(1) Families with incomes below one hundred percent (100%) of the applicable federal  
29 poverty level guidelines shall be provided with free child care. Families with incomes greater than  
30 one hundred percent (100%) and less than two hundred percent (200%) of the applicable federal  
31 poverty guideline shall be required to pay for some portion of the child care they receive, according  
32 to a sliding-fee scale adopted by the department in the department’s rules, not to exceed seven  
33 percent (7%) of income as defined in subsection (h) of this section.

34 (2) Families who are receiving childcare assistance and who become ineligible for

1 childcare assistance as a result of their incomes exceeding two hundred percent (200%) of the  
2 applicable federal poverty guidelines shall continue to be eligible for childcare assistance until their  
3 incomes exceed three hundred percent (300%) of the applicable federal poverty guidelines. To be  
4 eligible, the families must continue to pay for some portion of the child care they receive, as  
5 indicated in a sliding-fee scale adopted in the department's rules, not to exceed seven percent (7%)  
6 of income as defined in subsection (h) of this section, and in accordance with all other eligibility  
7 standards.

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

11 (h) For purposes of this section, "income" for families receiving cash assistance under §  
12 40-5.2-11 means gross, earned income and unearned income, subject to the income exclusions in  
13 §§ 40-5.2-10(g)(2) and 40-5.2-10(g)(3), and income for other families shall mean gross, earned and  
14 unearned income as determined by departmental regulations.

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

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

22 (k) ~~Effective from August 1, 2023, through July 31, 2024, the~~ The department shall provide  
23 funding for child care for eligible childcare educators, and childcare staff, who work at least twenty  
24 (20) hours a week in licensed childcare centers and licensed family childcare homes as defined in  
25 the department's rules and regulations. Furthermore, the department shall provide funding for child  
26 care for eligible staff providing early intervention services at least twenty (20) hours per week to  
27 infants and toddlers with developmental delays and disabilities under Part C of the Individuals with  
28 Disabilities Education Act. ~~Eligibility is limited to qualifying childcare educators and childcare~~  
29 ~~staff with family incomes up to three hundred percent (300%) of the applicable federal poverty~~  
30 ~~guidelines and~~ for child care assistance for these children will fall under the federal Child Care  
31 Development Funds definition of a "protected population" and would be determined on a case-by-  
32 case basis by the department using federal affordability guidelines. Families determined eligible by  
33 the department under this "protected population" category will have no copayments. Qualifying  
34 participants may select the childcare center or family childcare home for their children. The

1 department shall promulgate regulations necessary to implement this section, and will collect  
2 applicant and participant data to report estimated demand for state-funded child care for eligible  
3 childcare educators, ~~and~~ childcare staff [and early intervention staff](#). The report shall be due to the  
4 governor and the general assembly [annually](#) by November 1, ~~2024~~.

5 SECTION 2. 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 -- THE RHODE ISLAND WORKS PROGRAM

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1           This act would eliminate the sunset on the provision of funding for child care for eligible  
2 child care educators and child care staff and would add such funding for early intervention services  
3 and would require an annual reporting of participant data to the governor and general assembly  
4 November 1.

5           This act would take effect upon passage.

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