

2010 -- H 7733

LC01712

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO HUMAN SERVICES -- FAMILY INDEPENDENCE ACT

Introduced By: Representatives Palumbo, Jacquard, Corvese, and Lima

Date Introduced: February 25, 2010

Referred To: House 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, including, but not  
7 limited to, the mandatory submitting of urine tests for the presence of illegal substances by all  
8 adult family members, and parents shall be eligible so long as they meet the terms and conditions  
9 of the work requirements of subsection (c). The monthly amount of cash assistance shall be equal  
10 to the payment standard for the family minus the countable income of the family in that month.  
11 The department is authorized to reduce the amount of assistance in the month of application to  
12 reflect the number of the days between the first (1st) day of the month and the effective date of  
13 the application.

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

19 (c) (1) Work requirements. - Effective for applications filed on or after July 1, 2006 and

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

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

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

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

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

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

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

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

29 (F) A supervised individual job search, which meets the conditions set forth in section  
30 40-5.1-21;

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

34 (H) For a parent age twenty (20) or older, without basic literacy or English literacy skills,

1 successful participation on a full-time basis in a program to secure such skills; and

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

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

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

16 (B) A community work experience program, which satisfies the requirements of section  
17 40-5.1-23;

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

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

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

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

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

34 (C) A parent age twenty (20) years or older, who is successfully participating 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 provided, however, that the parent began the program prior to the twenty-fifth (25th) month of his  
5 or her employment plan; provided, further, however, that participation shall not be deemed a  
6 work activity after the thirty-sixth (36th) month of the employment plan;

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

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

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

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

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

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

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

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

24 (G) Otherwise exempt by the department.

25 (v) (A) The amount of cash assistance to which an otherwise eligible family is entitled  
26 under the act, shall be reduced by the portion of the family's benefit attributable to any parent  
27 who, without good cause, has failed to enter into an individual employment plan or has failed to  
28 comply with his or her individual employment plan, as required under this chapter; provided that  
29 the reduction shall be applied during the first six (6) months, whether or not consecutive, of such  
30 failure or non-compliance by the parent.

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

34 (C) For purposes of this paragraph (v) the benefit reduction for a family size of two (2)

1 shall be computed utilizing a family size of three (3).

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

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

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

25 (I) Unsubsidized employment;

26 (II) Subsidized private sector employment;

27 (III) Subsidized public sector employment;

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

29 (V) On-the-job training;

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

33 (VII) Community service program;

34 (VIII) Vocational educational training (not to exceed twelve (12) months with respect to

1 any individual); or

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

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

10 (I) Unsubsidized employment;

11 (II) Subsidized private sector employment;

12 (III) Subsidized public sector employment;

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

14 (V) On-the-job training; or

15 (VI) Community service programs;

16 (viii) Paragraph (vii) shall not apply:

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

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

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

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

27 (E) If, during any month, parents required to comply with paragraph (vii) fail, without  
28 good cause to do so the parent included in the family, unless exempt pursuant to paragraph (iv),  
29 shall be required to comply with paragraph (vii) of this subsection and shall be subject to the  
30 penalties in paragraphs (v) and (vi), as applicable, if the parent fails to do so. Notwithstanding the  
31 foregoing, in determining the amount of cash assistance to which a family is entitled under this  
32 chapter, the earnings of any parent living in the same household as a family eligible for cash  
33 assistance shall be deemed to be earned income of the family for purposes of section 40-5.1-  
34 10(b).

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

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

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

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

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

21 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 -- FAMILY INDEPENDENCE ACT

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- 1           This act would require mandatory urine testing for the presence of illegal substances by
- 2 all adult members of the family receiving assistance.
- 3           This act would take effect upon passage.

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