STATE OF RHODE ISLAND
DEPARTMENT OF HUMAN SERVICES

PUBLIC NOTICE OF PROPOSED RULE-MAKING

In accordance Rhode Island General Laws (RIGL) 42-35, notice is hereby given that the Department of Human Services proposes to amend the following DHS rule:

RHODE ISLAND WORKS (RIW)
SECTION 1406-1416 NON FINANCIAL REQUIREMENTS

This amended rule reflects provisions of the Defense Appropriations Act (P.L. 111-118) changing the status of Iraqi and Afghan Special Immigrants to have the same eligibility for public benefits as refugees. This rule further reflects technical revisions throughout to comply with current State and Federal Law, and enhancements to internal procedures on program operation.

In the development of this rule, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This proposed rule is accessible on the R.I. Secretary of State website (http://www.sec.state.ri.us/ProposedRules/) and the DHS website (www.dhs.ri.gov) or available in hard copy upon request (401 462-2018 or RI Relay, dial 711). Interested persons should submit data, views or written comments by Friday March, 12, 2010 to Kimberly Merolla-Brito, Office of Policy Development, Department of Human Services, Louis Pasteur Building, Bldg. 57, Howard Avenue, Cranston, RI 02920.

In Accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

The Department of Human Services does not discriminate against individuals based on race, color, national origin, sex, gender identity or expression, sexual orientation, religious belief, political belief or handicap in acceptance for or provision of services or employment in its programs or activities.

Gary D. Alexander, Director

1406 NON-FINANCIAL REQUIREMENTS

1406.05 NON-FINANCIAL ELIGIBILITY FACTORS

EFF: 10/2008

In addition to meeting eligibility factors pertaining to need, a RI Works Program applicant/recipient must satisfy certain non-financial eligibility factors as well. These are:

- Age;
- Relationship: living with at least one parent or a specific relative;
- Establishment or re-establishment of the home;
- Citizenship or qualified non-citizen status;
- Residency;
- Special circumstances;
- Enumeration; and
- Time limits.

Special circumstances relate to the determination of eligibility of families with children receiving SSI, families consisting of a pregnant woman, and minor parents.

The information on the DHS-2 provides the basis for the establishment of these factors. The agency representative assesses the data on the DHS-2 and supplies to the client any supplementary forms that are needed.

In addition to the specific eligibility factors, eligible persons within the assistance unit must be either citizens or lawfully admitted permanent resident aliens (or refugees/entrants admitted under specific immigration legislation), must furnish a social security number for each enumerated family member, and meet certain time limit criteria. For further discussion of eligible non-citizens, please see Section 1406.30.

Section 1406.10 through 1406.50 present the requirements for each of the eligibility factors other than need. The date and source of verification of each item must be entered as verified on the DHS-2.

1406.10 ELIGIBILITY FACTOR OF AGE

EFF: 10/2008

To be eligible for cash assistance, a parent (or other caretaker relative) must have a needy child under the age of eighteen (18) or a needy child between eighteen (18) and nineteen (19) if the following conditions are met.

At age eighteen (18), a child can be eligible for cash assistance only when s/he is a full-time student in a secondary school, or at the equivalent level of vocational or technical training, and is reasonably expected to complete the program before or in the month of her/his nineteenth (19th) birthday. (A student attending summer school full time, as defined by school authorities, is considered a full-time

student for these purposes.) If these conditions are not met, the child is not eligible for cash assistance after the month in which his/her eighteenth (18th) birthday occurs.

In determining eligibility, the exact date of birth must be verified for each child to assure termination when the child no longer meets the age requirement. A child who is otherwise eligible may receive a payment for the entire month in which his/her eighteenth (18th) birthday occurs. A child between age eighteen (18) and nineteen (19) years in school and completing his/her schooling or training, as specified above, may receive a payment for the entire month in which his/her schooling or training is completed or discontinued.

1406.10.05 Verification of Age

EFF: 10/2008

The birth certificate is the primary source of verification to establish age. If this is not available or obtainable, the following other documents are satisfactory verification:

Baptismal Certificate	Marriage License
Confirmation Papers	Driver's License
Immigration Papers	*State or Federal Census Record
Military Service Papers	*Life Insurance Policy
Hospital Birth Records	*School Records
Adoption Records	*Physician's Records
Passport	RSDI Award Letter if birth date of child is included
Voter Registration Card	Family Bible
Affidavit of Third Party	(See Sec. 1406.15.20.)

* Acceptable if dated at least six (6) months prior to date of application and provided it contains evidence of age.

The agency representative will assist the family, if needed, in obtaining the verification.

1406.10.10 School or Training of Children 18-19

EFF: 10/2008

A child between the ages of eighteen (18) and nineteen (19) is eligible only if s/he is a full-time student in a secondary school or in the equivalent level of vocational or technical training and reasonably expected to complete the program before or in the month of her/his nineteenth (19th) birthday. A student attending summer school full-time, as defined by school authorities, is considered a full-time student for cash assistance purposes.

Vocational or Technical Training

A course of vocational or technical training not beyond the level of high school can occur in a school or training unit, or an organized training program under recognized sponsorship with a specified vocational or technical training objective.

Payment

Payments are made for months in which the child is not attending school or training because of official school vacation, illness, convalescence, or family emergency, and for the month in which s/he completes or discontinues her/his school or training before to the nineteenth (19th) birthday.

1406.10.15 Verification of Attendance

EFF: 10/2008

Child Aged Eighteen (18) to Nineteen (19)

Verification is required to establish the fact that a child between eighteen (18) and nineteen (19) is a full-time student and is expected to complete high school or the equivalent level of vocational or technical training before or in the month of her/his nineteen (19th) birthday. A student attending summer school full time, as defined by school authorities, is considered a full-time student for RI Works Program purposes.

1406.15 ELIGIBILITY FACTOR OF RELATIONSHIP

EFF: 10/2008

To be eligible for the RI Works program, a child must be living with a relative of acceptable degree of relationship in a home maintained by such relative. When the relative with whom the child lives is not the biological or adoptive parent, the term in loco parentis (in place of the parent) is used. Spouses of any of the persons in the listed groups meet the relationship requirement and continue to meet it even after the marriage is terminated by death or divorce. A child meets this eligibility factor if his/her home is with any of the following relatives:

- father, adoptive father, mother, adoptive mother;
- stepfather, stepmother (but not the parent of either);
- grandfather, great grandfather, great-great grandfather;
- grandmother, great grandmother, great-great grandmother;
- adoptive grandparent if the grandchild is the natural child of a parent who was adoptive, or if the grandchild is the adopted child of a parent who was the natural child of the grandparent;
- brother, half brother, adoptive brother, stepbrother, sister, half sister, adoptive sister, stepsister;
- uncle, great uncle, great-great uncle, aunt, great aunt, great-great aunt (including uncle or aunt of whole or half blood);
- nephew, great nephew, great-great nephew, niece, great niece, great-great niece (including nephew or niece of whole or half blood);
- first cousin (including first cousin of whole or half blood), first cousin once removed.

1406.15.05 Verification of Relationship

EFF: 10/2008

The degree of relationship between the parent or caretaker relative and the child must be established. The following sources of evidence serve to substantiate the parent's statement of relationship.

Vital Records

For natural or adoptive parents, relationship is determined by examination of the child's birth certificate on which the parents' names are recorded. For other relatives, a combination of vital records must be reviewed in order to establish the required degree of relationship as specified in Section 1406.15.

Other Records

When vital records are unavailable for review, applicable court documents, insurance policies, RSDI award letters, or written statements by doctors, clergy, school authorities, or others who have previous knowledge of the relationship constitute acceptable evidence. See Section 1406.15.10 for policy concerning establishing relationship for an unwed natural father.

1406.15.10 Unwed Father as Applicant

EFF: 10/2008

An "unwed natural father" is defined as a child's biological father who was not married to the child's mother at the time of the child's birth.

The primary sources of verification of relationship for an unwed natural father are the child's birth certificate on which the man's name is recorded, or an adjudication of paternity by the R.I. Family Court or any court of competent jurisdiction. When paternity has been established through adjudication, a copy of the court order or decree must be retained as part of the case record. If either of these sources of verification is available, no further documentation of paternity is required.

When no primary source of verification is available, the agency representative explains to the applicant that DHS-OCSS will assist him in completing a voluntary acknowledgment of paternity.

If all other criteria are met, the case is accepted on cash assistance when the alleged father signs an affidavit voluntarily acknowledging paternity, which has been appropriately filed with the Court.

Continued eligibility is contingent upon the alleged father cooperating with the Department of Human Services, Office of Child Support Services and/or the R.I. Department of Health, Division of Vital Records, in establishing his paternity in accordance with applicable law. In most cases, the alleged father will be required to attend a Family Court hearing to adjudicate paternity.

Procedures

The alleged (putative) father is referred to DHS-OCSS, Office of Legal Counsel, 77 Dorrance Street, Providence 02903.

The Office of Legal Counsel will then arrange an appointment for the client with the Paternity Unit as soon as possible.

The application for cash assistance is held in pending status until the agency representative is notified by DHS-OCSS, that an affidavit of voluntary acknowledgment of paternity has been signed by the alleged father. Office of Legal Counsel staff notifies the agency representative of the completed action via electronic mail and also forwards a copy of the signed affidavit to the local assistance office. The agency representative assigned to the case can be determined by entering the man's social security number in the CASE function of INRHODES IV-A Menu. Upon verification that the voluntary acknowledgment of paternity has been executed, the agency representative determines eligibility for cash assistance as of the filing date. An automatic referral of the absent parent (in this case, the mother) is made to DHS-OCSS, by the completion of an absent parent panel and approval of eligibility. The Office of Child Support Services will then act to establish and enforce a child support order.

It is the responsibility of the recipient to provide the agency with a copy of the child's amended birth certificate or a copy of the R.I. Family Court decree or court order when these documents become available. If a primary source of verification of relationship (amended birth certificate or court order/decree) remains unavailable by the time of the next scheduled redetermination, the eligibility staff must review the status of the DHS-OCSS case by contacting the Office of Legal Counsel.

In the event that the recipient has failed to cooperate with the Office of Legal Counsel in establishing his paternity, appropriate action to terminate the case is initiated. The putative father and the child(ren) would be ineligible for assistance because the child(ren) must be living with a relative of the proper degree of relationship as defined in Section 1406.15. In the event that the recipient is cooperating but the legal process is incomplete, notation of this status is made in the CLOG function of INRHODES and the cash assistance case remains active, if otherwise eligible.

1406.15.10.05 Relative of an Unwed Father as Applicant

EFF: 10/2008

When an application for cash assistance is made by a paternal relative on behalf of a dependent child, it is necessary to establish the relationship between the child and the applicant.

If the alleged father is available and participates in the process of voluntarily acknowledging paternity as specified in Section 1406.15.10, the dependent child is accepted on cash assistance, if otherwise eligible. The relative with whom the child is living must satisfy the relationship requirements in Section 1406.15. The alleged father is

not required to apply for assistance for himself, unless he is living in the child's home and therefore is compelled to do so by the assistance unit provisions in Section 1404.

When the alleged father is unavailable or unwilling to sign an affidavit of voluntary acknowledgment of paternity, a relative of the proper degree of relationship may qualify as a loco parentis through the use of other records or third-party affidavits.

Insurance policies, RSDI award letters, or written statements by doctors, clergy, school authorities, or others who have previous knowledge of the relationship constitute acceptable evidence. In these situations, it may be necessary to examine a variety of documents in order to trace relationship from the child to the specified relative.

The agency representative completes absent parent panels in INRHODES for both the mother and putative father. This results, after approval of eligibility, in an automatic referral to DHS-OCSS for the purpose of establishing the paternity of the child(ren) born out of wedlock and for establishing and enforcing child support orders with respect to both absent parents.

1406.15.15 Verification by Means of an Affidavit

EFF: 10/2008

When verification of age and/or relationship is unobtainable from any other source, a third party affidavit may be acceptable evidence, if the criteria set forth below are met.

An affidavit is the signed and sworn statement of a third person based upon the third person's personal knowledge of the facts which would indicate the probable age and relationship of the child. It is not merely a statement of belief based on the applicant's appearance. It should contain a statement of the circumstances upon which the third party's knowledge is based.

The facts to which attested must be consistent with the information provided on the DHS-2 and must not contradict other records or evidence in the case record.

Preparation of the Affidavit

The agency representative determines with the applicant who is the person in the best position to attest to the facts, and the person who is readily available should be first choice.

The affidavit from the third party must be notarized and must contain the following:

- Name, address, occupation and length of time the third party has been at the address.
- Relationship to the applicant (e.g., friend, cousin, doctor, employer, teacher).
- How long s/he has known the applicant.

- The approximate age, number and sex of the child(ren).

- Circumstances in establishing the connection with the applicant. This might include statements such as: "I grew up with the applicant and his brothers and sisters. We went to school together. I know that the child(ren) (name(s)) was born on (date) and is his/her child(ren)."

Use of Affidavit in Establishing Eligibility

An affidavit of a third person shall not be the first source of verification. The applicant together with the eligibility technician must explore the availability of other sources to establish age and relationship. S/He must demonstrate that s/he has tried to obtain appropriate records (e.g., letter has been written to a city or state registry).

An affidavit is acceptable verification while awaiting replies from other sources, and it may be accepted if no other record is obtainable. However, prior approval of the Regional Manager must be obtained before an affidavit can be accepted to establish eligibility.

1406.20 ESTABLISHMENT OF HOME

EFF: 10/2008

A home is the family setting maintained or in the process of being established, as evidenced by assumption, continuation, and exercise of responsibility for day-to-day care and control of the child by the relative with whom the child is living, regardless of who has legal custody. The agency representative is responsible for confirming that the child is, in fact, meeting this requirement.

When there is any doubt, the agency representative may verify that a child is living with the parent through school records showing the address of the child and responsibility for the child. Other sources of verification which the eligibility technician might use are based on the individual situation.

These could include a landlord's statement; contact with a public housing authority; a child support order; a physician, clergyman's or neighbor's statement; records from the juvenile court; child welfare agencies; Head Start; a child care center; a church; and visual confirmation.

1406.20.05 Temporary Absence from Home

EFF: 10/2008

A "home" exists while the parent exercises responsibility for the child even though circumstances may require the temporary absence of either the child or caretaker from the customary family setting. Examples of allowable temporary physical separations between parent and child, without compromising eligibility for cash assistance, include but are not limited to the following:

- Hospitalization of the child or parent, when the illness is such that a return to the family can be expected and parental responsibility continues.

- Attendance at school for the primary purpose of obtaining an education or vocational training while the parent retains full responsibility for the child.

- Visiting or moving to another community and similar situations in which the child or parent is away from home for a temporary period of time.

However, allowable temporary absences of the child from the home are limited to ninety (90) days per episode, with a second ninety (90) day renewal authorized only through supervisory approval.

Circumstances relating to the temporary absence must be noted in the CLOG.

Note the requirement in Section 1408.30 that whenever an adult family member(s) becomes aware that a minor child in his or her household has been or will be temporarily absent from the home, the adult family member(s) is responsible to report such absence of a minor child from the home by the end of the five (5) day period.

When circumstances vary substantially from the examples given or whenever physical separation raises a serious question of eligibility, the agency representative must refer the case situation to the Regional Manager for review and decision.

1406.20.10 Separation as Bar to Eligibility

EFF: 10/2008

In determining whether a separation is allowable, the Regional Manager considers such factors as:

- the extent to which the parent retains custodial, legal, and/or financial responsibility for the child;

- the degree to which the parent's functioning as a provider of maintenance, physical care, or guidance is interrupted or terminated;

- whether the municipality in which the parent resides pays tuition to the municipality where the child attends school if the separation results from the child's attendance away at school; and

- frequency of contact between parent and child.

1406.25 RE-ESTABLISHMENT OF HOME

EFF: 10/2008

An initial payment may be made on behalf of a child who goes to live with the natural or adoptive parent (or other caretaker relative) within thirty (30) days of the receipt of the first payment, provided payments are not made for a concurrent period for the same child in the home of another relative or through Foster Care.

A payment may be made for the entire month in the course of which a child leaves the home of a specified relative, provided cash assistance is not paid for a concurrent period for the same child in the home of the home of another relative or as Foster Care.

1406.25.05 Temporary Arrangement in Emergencies

EFF: 10/2008

A payment to continue cash assistance may be made for a temporary period up to thirty (30) days to a non-relative acting for the parent in emergency situations. An emergency situation exists when the parent who was receiving the payment on behalf of the child is unable to continue such care because of sudden death, desertion, imprisonment, admission to a hospital for the mentally ill, or an emergency admission to any hospital. When the policy is used, referral is made immediately to social services. Such payments may be made only when:

- there is no parent or relative to assume immediate responsibility for the child; and

- the temporary period is limited to the time necessary to make and to carry out plans for the care and support of the child. Such plans include the return and resumption of care by the parent, planning with relatives who may be located, or transfer of responsibility for the child to the Department for Children, Youth and Families, through voluntary placement or commitment.

1406.30 CITIZENSHIP AND QUALIFIED NON-CITIZEN STATUS

~~EFF~~REV: 04/2010~~10/2008~~

To be eligible for cash assistance, an otherwise eligible ~~applicant~~ person must be either a United States citizen or meet the alienage requirements established in section 402 (b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). This requirement to comply with PRWORA will remain in effect according to all applicable changes made to the federal law, as that Act may hereafter be amended.

Those who are eligible include:

- U.S. Citizen or National. This is defined in the Immigration and Nationality Act as any person born in any of the fifty (50) states, the District of Columbia, Puerto Rico, Guam, or the United States Virgin Islands. Nationals from American Samoa or Swain's Island are also regarded as U.S. Citizens, as are those person who are naturalized U.S. citizens;
- A qualified non-citizen who entered the U.S. prior to 8/22/96;

- A qualified non-citizen who entered the country on or after 8/22/96 and is exempt from the five (5) year ban; or
- After the five (5) year ban, a qualified non-citizen who entered the U.S. on or after 8/22/96.

Qualified non-citizens who are exempt from the five (5) year ban include:

- Refugees, under section 207 of the Immigration and Nationality Act (INA) including Afghan and Iraqi Special Immigrants (SIV's) as permitted under PL 111-118
- Asylees, under section 208 of the INA
- Amerasian entrants as defined under section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988
- Cuban or Haitian entrants under section 501(e) of the Refugee Education Assistance Act of 1980
- Lawfully residing honorably-discharged veterans (except one discharged for reasons of immigration status), and the unremarried widow or widower of the veteran
- Non-citizens on active duty in the U.S. Armed Forces, their lawfully residing spouses and unmarried dependent children
- Battered victims with a petition pending under 204 (a)(1)(A) or (B) or 244(a)(3) of the INA
- Victims of human trafficking in accordance with section 107(b) of the Victims of Trafficking and Violence Protection Act of 2000

Qualified non-citizens who entered the U.S. on/after August 22, 1996, who are subject to the five (5) year ban include:

- Lawful permanent residents (LPR)
- Parolees for at least one (1) year under 212(d)(5) of the INA
- Conditional entrants under 203(a)(7) of immigration law in effect before April 1, 1980
- Certain American Indians born outside the U.S.

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. Those ~~applicants~~ persons who are ineligible include undocumented and/or illegal immigrants and persons documented as temporary visitors.
See General Provisions, Section 0104 for further discussion on citizenship.

1406.35 RESIDENCY

EFF: 10/2008
The RI Works program exists to meet the needs of the residents of the state. Therefore, as a factor of eligibility, an individual who is applying or reapplying for benefits or services from Rhode Island must be a resident of the state.

See General Provisions, Section 0106 for further discussion of residency.

1406.40 SPECIAL CIRCUMSTANCES RELATED TO ELIGIBILITY

EFF: 10/2008

There are special factors involved in the determination of eligibility for families with children receiving SSI, families consisting of pregnant women, minor parents, and individuals with a history of domestic violence. Sections 1406.40.05 through 1406.40.20 describe these factors and their respective requirements.

1406.40.05 Parent with Child Receiving SSI

EFF: 10/2008

The presence of an SSI child is taken into account for purposes of qualifying a parent(s) or other caretaker relative for cash assistance and there is no other child in the home who can qualify the parent(s). In these situations, only the needs of the eligible parent(s) or other caretaker relative are included in the cash assistance payment based on their own income and resources. The income and resources of the child are already counted in determining the SSI payment and therefore cannot be included in determining the cash assistance payment. If any income or resource of the parent is deemed to the SSI child, see Sections 1422 and 1424.

1406.40.10 Eligibility of a Pregnant Woman

EFF: 10/2008

A pregnant woman with no other child(ren) can qualify for cash assistance:

- When it is medically verified that the child is expected to be born in the month the payment is made or within the three-month period following such month of payment (see Table A, below). Verification of the month of expected date of delivery is required. Acceptable documentation includes a signed statement from the woman's physician or a pregnancy test report from Woman & Infants Hospital or other acceptable provider; and,

- She would be eligible for the RI Works program if the child had been born and was living with her in the month of payment.

TABLE A

EXPECTED DELIVERY DATE	FIRST MONTH ELIGIBLE	EXPECTED DELIVERY DATE	FIRST MONTH ELIGIBLE
January	October	July	April
February	November	August	May
March	December	September	June
April	January	October	July

May.....…....February	November.....August
June.....…....March	December.....September

Payment for a pregnant woman (with no other child) is computed at the plan size of one as the unborn is not considered in the payment. In addition, when there is no eligible child in the home (the unborn not being considered an eligible child), the expectant father in the home is not eligible for inclusion in the cash payment.

A pregnant woman can be considered for Medical Assistance eligibility prior to eligibility for cash assistance when the pregnancy is medically confirmed.

1406.40.15 Minor Parents

EFF: 10/2008

In order to qualify for a cash assistance payment, a pregnant minor or a minor parent (minor is defined as under age eighteen (18)) with a dependent child(ren) in her/his care must reside in the household of a parent, legal guardian, or adult relative with certain exceptions. In the latter situations, the minor must reside in a supervised supported living arrangement to the extent such arrangement is available and appropriate. See Section 1414 for further discussion.

1406.40.20 Domestic Violence Situations

EFF: 10/2008

The Department will screen and identify individuals with a history of domestic violence applying for or receiving assistance while maintaining the confidentiality of such individuals. The Department will refer such individuals to counseling and appropriate services.

The Department will 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 from the RI Works Program to escape domestic violence or unfairly penalize such individuals who are or have been at risk of further domestic violence.

See Section 1414.10 for procedures relating to the domestic violence waiver process.

1406.40.20.05 Definition of Domestic Violence

EFF: 10/2008

The term individual with a history of domestic violence means an individual who has been subjected to:

* Physical acts that resulted in, or threatened to result in, physical injury to that individual;

* Sexual abuse;

* Sexual activity involving a dependent child;

* Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;

* Threats of, or attempts at, physical or sexual abuse;

* Mental abuse; or

* Neglect or deprivation of medical care.

1406.45 ENUMERATION

EFF: 10/2008

As a condition of eligibility for assistance, applicants for and recipients of the cash assistance program must furnish the Department with their social security numbers and the social security number of each person for whom they are requesting assistance. Upon verification of birth of a child, one must be obtained.

The applicant or recipient must be notified that the furnishing of the SSN is a condition of eligibility and that the number will be utilized only in the administration of the RI Works program.

1406.45.05 Inability to Furnish SSN

EFF: 10/2008

If the applicant or recipient is unable to furnish a number because one has not been issued, or is lost, or is not known, such person is required to apply for a Social Security Number Card at the appropriate Social Security Administration office.

Acceptance of Applicant/Recipient

Applicants or recipients who have complied with the above and who are otherwise eligible are accepted for a payment pending the issuance or verification of their Social Security number. Refusal to comply with these requirements will result in ineligibility of each person for whom the number is not obtained.

1406.50 TIME LIMITS

~~EFF: 10/2008~~REV: 04/2010

New Applicants

The Rhode Island Works law (RIGL 40-5.2) provides in part that all new applicants applying for cash assistance on or after July 1, 2008 shall be subject to a time limit of twenty-four (24) months in any sixty (60) month period, after July 1, 2008, with a maximum lifetime limit of forty-eight (48) months of cash receipt, after May 1, 1997.

Recipients on 9/30/08

For all those assistance units active as of 10/1/08 who have received cash assistance, either federally or state-funded, for either parent and/or any child since May 1, 1997, whether or not consecutive, to include any time receiving family cash assistance in any other state or territory of the United States of America, and who remain open without any break in eligibility until 6/30/09, the RI Works time limits (twenty-four (24) months in any sixty (60) month period since 7/1/2008 with a maximum lifetime limit of forty-eight (48) months) will take effect on 7/1/09.

Assistance units as of 10/1/08 who previously received Family Independence Program cash assistance (either state or federally funded) who will reach the prior Family Independence Program time limit of sixty (60) months prior to July 1, 2009, shall be closed at the time they would have reached the sixty (60) month time limit.

As of 10/1/08, closure will occur for families in which a parent had accumulated sixty (60) months of assistance but has children who were continuing to receive cash benefits under the Family Independence Program.

As of 10/1/08, closure will occur when Legal Permanent Resident families (families in which the parent has been in the United States less than the five (5) years which is required for eligibility for cash assistance under federal PRWORA) have a child who has received 60 months of cash assistance.

As of 10/1/08, closure for the family will occur when any United States citizen child in a family in which the parent is undocumented reaches 60 months of cash assistance.

On 7/1/09, when the Rhode Island Works time limits of twenty-four (24) months in any sixty (60) months, with a lifetime maximum of forty-eight (48) months, will apply to all applicants and recipients, closure will occur for any assistance unit, including those containing citizen children of non-citizen parents or legal permanent residents in the U.S. less than five years, which has received ~~twenty-four (24) months in the preceding sixty (60) months or~~ a lifetime total of forty-eight (48) months. On 6/30/2010, the Rhode Island Works time limit of twenty-four (24) months in any sixty months will begin to take effect, closing all those cases that have received consecutive months of cash issuance between 7/1/2008 and 6/30/2010.

Exemptions to the Time Limits and Notices

Rhode Island Works states that the Department of Human Services "may exempt a family from the application of the lifetime time limit by reason of hardship; provided, however, that the number of such families to be exempted by the Department under hardship shall not exceed twenty percent (20%) of the average monthly number of families to which assistance is provided" plus families with individuals waived from Rhode Island Works work requirements due to domestic violence.

Notice of Time Limits

When an individual reaches his/her time limits, an adequate notice shall be issued, starting at six (6) months of cash assistance remaining and each month thereafter until the twenty-four (24) or forty-eight (48) month limits have expired, to notify the individual of the action being taken in accordance with Section 1434.05. The notice must contain information about the time limits, the number of months the recipient has remaining, the hardship extension policy, the availability of a post-employment closure bonus, and any other information pertinent to an assistance unit nearing the time limits. For applicants who have less than six (6) months remaining in the time limits because the family/assistance unit previously received cash assistance in Rhode Island or any other state, the Department shall notify the applicant of the number of months remaining when the application is approved and shall begin the monthly notice process as described above.

1406.50.03 Counting Cash Assistance from Other States

EFF: 10/2008

Family cash assistance issued in any other state or territory of the United States of America shall include family cash assistance funded on or after May 1, 1997, in whole or in part by Temporary Assistance for Needy Families (TANF) funds and/or family cash assistance provided under a program similar to the Rhode Island Works program or the federal TANF program.

For all applications received on or after July 1, 2008, and for all redeterminations of continuing eligibility occurring on or after July 1, 2008, the Department must determine if the family received cash assistance from other states/territories in the U.S. after May 1,1997. The DHS form entitled "Cash Assistance Received in Other States," is used to obtain this information from each applicant or assistance unit. This form shall now be a part of each Rhode Island Works application and redetermination packet. The form is part of the application process and must be completed by the applicant or assistance unit in order for initial or continuing eligibility to be determined. The completed and signed form is retained in the case file.

Form RIW-21 "Months on Cash Assistance Request," is completed if any cash assistance is reported as received on the "Cash Assistance Received in Other States," RIW-20 form or the department becomes aware of cash assistance received by the family from other sources. The original is sent to the state(s) or territory(ies) where the family received cash assistance to verify the number of months the family received cash assistance from that state/territory. A copy of the "Months on Cash Assistance Request" response form is retained in the case file.

When the response form is returned verifying the number of months of cash assistance received by the family, that information is entered into InRhodes. The number of months of cash assistance that is counted toward the time limits for the assistance unit is then recalculated. In calculating the months of cash assistance received in other state(s)and/or territories, all benefits received for the adult(s) and

children, in which the adult's needs were considered, shall count toward that family's time limits. Cases in which the adult(s) was/were sanctioned shall be counted toward the adult's time limits. The department shall disregard any months during which the adult had previously received cash benefits as a minor dependent child. A notice of adverse action is generated through InRhodes and mailed to the family to inform them of the change in the number of months being counted toward the adult's time limits.

1406.50.05 Exceptions to Time Limits

EFF: 10/2008

The time limit shall not apply in the instances of (1) a minor child(ren) living with a single parent who receives SSI benefits, or with two parents who both receive SSI benefits, and (2) a minor child(ren) living with a legally responsible non-parent caretaker relative who is not in the cash assistance payment.

1406.50.10 Criteria for Hardship Extension to the Time Limit

EFF: 10/2008

Any individual approaching either time limit is notified that s/he may request a reassessment to determine whether or not s/he may meet the criteria for an extension beyond the time limit. Additionally, any parent who has met or exceeded the time limit may reapply and be assessed to determine if s/he may meet the criteria for an extension beyond the time limit.

A parent who is undocumented, who has received benefits for his/her citizen child(ren), may request a hardship extension for the child(ren) at either time limit. A parent who does not meet the alienage requirements required for eligibility for cash assistance under federal PRWORA (e.g., those Legal Permanent Resident families in which the parent has been in the United States less than five (5) years), who has received benefits for his/her citizen child(ren), may also request a hardship extension for the child(ren) at either time limit.

Also, a client who has closed due to reaching both the 48-month lifetime time limit and the three-month full family sanction, simultaneously, may request to be evaluated, and may be eligible for an extension to the time limits.

A hardship extension may be granted to a family if all other Rhode Island Works eligibility requirements are met, including redeterminations, and one of the following criteria applies:

* has a documented significant physical or mental incapacity and can document a pending application for SSI or SSDI and have submitted an application for or be active and making progress in his/her employment plan with the Office of Rehabilitation Services; or

* is caring for a significantly disabled family member who resides in the home and requires full time care; or

* is homeless as defined in Section 1406.50.10.05; or

* is unable to pursue employment because of a current, documented domestic violence situation; or

* is unable to work because of a critical other condition or circumstance, other than citizenship or alienage status, as approved by a DHS regional manager.

The individual will be offered appropriate assistance, such as domestic violence support services or intensive job search referral, to remove or ameliorate whatever barriers are preventing her/him from obtaining and maintaining employment and ending cash assistance.

1406.50.10.05 Hardship Extensions and Procedures

~~EFF~~REV: ~~10/2008~~04/2010

Individuals within six (6) months of applicable time limits are sent letters informing them of the time remaining and that they may request a review of their pending closure. When a request for a reassessment is received, whether by a current recipient or a re-applicant, the Rhode Island Works case worker must promptly ~~schedule an appointment for such reassessment to~~ determine whether or not the individual meets the criteria for an extension to the time limit.

The reassessment must also determine the extent to which her or his ability to work is affected by the applicable criteria listed in 1406.50.10. For example, an individual with a significant impairment who has a pending SSI application may be able to work at least part-time while pursuing appropriate medical or rehabilitation services. Any hardship extension that is granted requires an amended Employment Plan be signed containing steps to be taken as appropriate in order to increase the individual's income, obtain employment of thirty (30) or more hours per week and/or remove whatever barriers are preventing her/him from leaving cash assistance.

If a requesting parent cannot have an Employment Plan entered into InRhodes due to a reason for exclusion (e.g., alienage not meeting PRWORA requirements), a written Employment Plan is required to be developed, and to be signed by the parent stating that the parent will cooperate with services to ameliorate the condition that led to the hardship. An undocumented alien parent cannot be required to work, so must sign a written plan to address/ameliorate the presenting conditions that required the extension, separate from the Employment Plan. This plan will contain steps to be taken as appropriate in order to increase the individual's income, obtain employment of thirty (30) or more hours per week and/or remove whatever barriers are preventing the family from leaving cash assistance.

Hardship extensions may be granted and approved by the supervisor, chief, or regional manager, as applicable, in increments up to three (3) months for a period of six months. The regional manager must approve any additional three-month extensions, for a maximum of six (6) months, totaling one year of extensions.

A significant physical or mental incapacity must be documented on a current C1-b, and the individual must apply for or have a pending application for SSI or SSDI, and the individual must have submitted an application for or be active and compliant with the Office of Rehabilitation Services' Vocational Rehabilitation program as a condition of approval for the initial extension of the time limit. For subsequent incremental extensions, a new C1-b form is required, along with evidence of the active status or outcome of the SSI/SSDI application and evidence of satisfactory progress in the individual's rehabilitation employment plan as reported by the Office of Rehabilitation Services.

The need to care for a significantly disabled family member who resides in the home and requires full time care must be documented by a descriptive statement from a Doctor of Medicine (M.D.), Psychiatrist (M.D.), Psychologist (PhD), or Doctor Of Osteopathy (D.O.) as a condition of approval for the initial extension of the time limit. In addition to the full-time care of the family member, the individual's employment plan must include a requirement that the individual develop a plan for transfer of care (for the disabled family member) to enable a return to employment for the individual or other plan for support in anticipation of the end of cash assistance. For subsequent incremental extensions, a new medical statement is needed, and the individual must update the social caseworker on the plan to transition from cash assistance.

Homelessness is defined as the lack of a fixed and regular nighttime residence or a primary nighttime residence, such as:

- A supervised shelter designed to provide temporary accommodations, for example, an emergency shelter or shelter for victims of domestic violence; or

- A halfway house or similar institution which provides temporary residence for individuals who would otherwise be institutionalized; or

- A temporary accommodation, e.g., a hotel/motel, or in the residence of another individual for not more than ninety (90) days; or

- A place not designed for, or ordinarily used, as a regular sleeping accommodation, such as a bus station, a lobby, or similar place.

Homeless families must be immediately referred to a Housing social caseworker and must develop an amended Employment Plan with their social caseworker or housing worker to solve the problem. Appropriate documentation of homelessness may include a letter from the shelter, or other evidence as described in 1426.25.10 – 1426.25.10.05.

The initial extension granted by the case worker and supervisor should be for the minimum time needed to find suitable housing, but it can be granted for up to three (3) months. During the housing search, a detailed account of the search and the outcome of all inquiries must be maintained in a housing search log. Any request for further extension due to homelessness cannot be immediately consecutive if the client

continues to reside in the home of another individual without having ameliorated the problem. The request for extension must be accompanied by the submission of a detailed memorandum from a housing search specialist, providing a rationale for the extension. All extensions under this paragraph must not exceed twelve (12) months, whether they occur consecutively or cumulatively.

Inability to work because of a current domestic violence situation is documented by a memorandum from a Family Violence Advocate. The initial extension to the time limit requires an employment plan that articulates appropriate steps to reduce the threat of violence and increase family security, including steps to prepare for employment and economic independence in the shortest time possible.

Inability to work because of a critical other condition or circumstance, other than citizenship or alienage status, is documented as deemed appropriate by the regional manager who approves the extension.

1408 COOPERATION REQUIREMENTS

1408.05 ASSIGNMENT OF SUPPORT RIGHTS

EFF: 10/2008

An applicant for or recipient of cash assistance for and on behalf of herself or himself and for and on behalf of a child(ren) or children, shall be deemed, without the necessity of signing any document other than the DHS-2 Statement of Need, to have made an assignment to the Department of Human Services pursuant to Rhode Island General Laws, Section 40-6-9 against any parent failing to or obligated to provide for the support and maintenance of any minor child(ren) for the period of time that assistance is being paid by the Department.

Additionally, the Department of Human Services, Office of Child Support Services (DHS-OCSS), is authorized to perform the act of instituting suit to establish paternity and/or to collect support for said child(ren) who receives or received assistance from DHS.

Cooperation in Obtaining Support

An explanation must be given by the agency representative that a parent or caretaker relative must assist DHS and DHS-OCSS by providing all relevant information in seeking support from a person who has a legal duty to support the child(ren) and/or in establishing paternity and seeking support from the putative father unless good cause for refusing to do so is determined to exist. An AP-35, Notice Concerning Good Cause for Refusal to Cooperate, a copy of which is included in the intake package, is reviewed with the applicant who is requested to sign a copy for the case record. See Section 1408.05.10 for further discussion of cooperation.

1408.05.05 Referral to the Office of Child Support Services

EFF: 10/2008

The DHS agency representative refers the applicant's case to DHS-OCSS after approval of eligibility via completion of an Absent Parent (ABSP) panel for each absent parent. If a good cause for refusal has been determined in accordance with the requirements outlined in Sections 1408.05.15-1408.05.15.25, the DHS agency representative codes the appropriate fields in the ABSP panel.

1408.05.10 Cooperation in Obtaining Support

EFF: 10/2008

An applicant or recipient must cooperate with the agency for each child for whom assistance is applied or received (unless good cause for refusing to do so has been determined to exist) in:

- Identifying and locating the parent of a child for whom assistance is claimed;

- Establishing the paternity of a child born out of wedlock for whom assistance is claimed;

- Obtaining support payments for the applicant or recipient and for a child for whom assistance is claimed; and

- Obtaining any other payments or property due the applicant or recipient or the child from an absent parent.

  In the case of a minor head of household, a referral to the Office of Child Support Services is required for both the teen parent and any other child(ren) in the household.

To cooperate in achieving the above objectives is defined as, that at the request of DHS or DHS-OCSS, the applicant or recipient must:

- Appear, as necessary, to provide verbal or written information or documentary evidence, known to, possessed by, or reasonably obtainable by her/him.

- Appear as a witness at court or other hearings or proceedings, as necessary.

- Provide information, or attest to the lack of information, under penalty of perjury.

- Forward to the agency any support payments received from the absent parent which are covered by the assignment.

The consequences of failure to cooperate with DHS or DHS-OCSS are delineated in Section 1408.05.17.

1408.05.15 Good Cause for Refusing to Cooperate

EFF: 10/2008

Every applicant or recipient is given an opportunity to claim good cause for refusing to cooperate. An AP-35 is read by the applicant/recipient, explained by the DHS agency representative and signed and dated, in duplicate, by each. The applicant/recipient retains a copy. The second copy is filed in the case record.

Good cause applies only to cooperation. The eligibility requirement regarding assignment is not affected by a good cause determination. If good cause is claimed, the applicant/recipient is advised that s/he must state the basis of the claim and present corroborative evidence within twenty (20) days of the claim; or, s/he must provide sufficient information to enable the investigation of the existence of the circumstance; or, provide sworn statements from individuals to support the claim as specified on the AP-35.

A determination of good cause is based on the evidence supplied which establishes the claim; or, an investigation by the agency of the circumstance which confirms the claim; or, a combination of evidence and investigation; or, when the claim is one of anticipated physical harm without evidence, the investigation supports the credibility of the claimant. The determination as to whether good cause does or does not exist should be made within thirty (30) days of the good cause claim unless the record documents that the agency needs additional time because the information required to verify the claim cannot be obtained within the time standard.

If the reason that the information is not available is that the client did not present the corroborative evidence within twenty (20) days of the claim, the record must document that the agency determined that the applicant/recipient required additional time to obtain the evidence, the amount of additional time allowed, and that this decision had supervisory approval. The final determination that good cause does or does not exist, including the findings and basis for the decision, must be included in the CLOG.

The DHS representative will obtain verification and/or conduct an investigation in order to make the determination. If sufficient information to conduct an investigation is provided, an otherwise eligible individual is provided assistance (or assistance is continued) pending the final determination on the good cause claim.

1408.05.15.05 When Cooperation Not in Best Interest

EFF: 10/2008

Cooperation is determined to be against the best interest of the child, if:

- The individual's cooperation is reasonably anticipated to result in physical or emotional harm to the child, mother, or other relative with whom the child is living. (Physical or emotional harm must be determined to be of a genuine and serious nature. The mere belief that cooperation would result in harm is not sufficient basis for a finding of good cause. The emotional harm to the mother must be of such a serious nature that the capacity to care for the child adequately would be

reduced.); or

- It would be harmful to the child for whom support would be sought because the child was conceived as a result of incest or forcible rape; or

- Legal proceedings for adoption of the child are pending before a court of competent jurisdiction; or

- The individual is currently being assisted by a public or licensed private social agency to resolve the issue of whether to keep the child or release her or him for adoption and the discussions have not gone on for more than three (3) months; or

- There is anticipated physical harm to the parent without corroborative evidence.

1408.05.15.10 Corroborative Evidence of Good Cause

EFF: 10/2008

Corroborative evidence upon which a determination of good cause is based without further agency investigation is limited to documents similar to the following which must be presented within twenty (20) days of the claim:

- Birth certificates, medical, or law enforcement records which indicate that the child was conceived as a result of incest or forcible rape.

- Court documents or other records which indicate that legal proceedings for adoption are pending before a court of competent jurisdiction.

- Court, medical, criminal, child protective services, social services, psychological, or law enforcement records which indicate that the putative father or absent parent might inflict physical or emotional harm on the child or caretaker relative.

- Medical records which indicate emotional health history and present emotional health status of the caretaker relative (parent or loco parentis) or the child for whom support is sought or, written statements from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of the caretaker relative or the child for whom support is sought.

- A written statement from a public or licensed private social agency that the individual is being assisted by the agency to resolve the issue of whether to keep the child or release him for adoption, and the discussions have not gone on for more than three (3) months.

If the evidence is insufficient, the DHS agency representative will promptly notify the applicant/recipient that additional corroborative evidence is needed and specify the type of document needed. The DHS representative will assist in obtaining the needed evidence if requested to do so by the individual. This assistance might be in the form of advising the individual how to go about obtaining the documents, or, if requested, undertaking reasonable efforts to obtain the evidence, if s/he is not reasonably able to obtain it by him or herself.

When sufficient information to permit an investigation is given or when the claim is one of anticipated physical harm without corroborative evidence and the DHS representative considers the claim credible and corroborative evidence is not available, the DHS representative will conduct an investigation. In conducting the investigation, the DHS representative will not contact the absent father or putative father unless such contact is determined to be necessary to establish the claim. Prior to making any contact, the applicant or recipient will be notified in order for her to present additional evidence or information that the contact is unnecessary or she can withdraw the application, or the good cause claim can be denied.

On the basis of the evidence or the results of the investigation, the DHS agency representative makes a decision on the applicant/recipient's good cause claim as described in 1408.05.15.20.

1408.05.15.15 Emotional and Physical Harm Defined

EFF: 10/2008

Physical harm and emotional harm, as defined, must be of a serious nature. It must be demonstrated to the DHS agency representative that there exists an emotional impairment that substantially affects the individual's functioning for a finding of good cause for emotional harm to be made.

If a determination is based in whole or in part upon the anticipation of emotional harm to the child, parent, or other caretaker relative, consideration is given to the following:

- the present emotional state of the individual subject to emotional harm;
- the emotional health history of the individual;
- intensity and probable duration of the emotional upset;
- degree of cooperation to be required; and the extent of involvement of the child in paternity establishment or support enforcement activity to be undertaken.

The DHS agency representative can find good cause on the basis of anticipated physical harm without corroborative evidence if the agency considers the claim credible without corroborative evidence and if such corroborative evidence is not available.

For example, battered women are often too afraid or ashamed to tell anyone of the beatings they have received and would therefore be unable to corroborate a valid good cause claim.

In this case, the claimant has the burden of establishing her credibility as well as explaining why no evidence is available.

The agency is required to investigate this type of claim and while it may not establish the good cause circumstance, it should establish the credibility of the claimant.

1408.05.15.20 Good Cause Decision

EFF: 10/2008

After the DHS representative has made a determination that good cause exists, and the case has been referred to DHS-OCSS, the OCSS representative evaluates the evidence and information in the ABSP panel(s). The OCSS representative makes a determination whether support enforcement activity can be conducted without risk of harm to the child or caretaker relative if taken without the caretaker's cooperation.

1408.05.15.25 Review of Good Cause Finding

EFF: 10/2008

A review of the good cause decision must be made at each redetermination by the DHS agency representative. If it is determined that circumstances have changed such that good cause no longer exists, there must be enforcement of the cooperation requirements.

The failure of a parent or caretaker relative to comply with child support enforcement cooperation requirements without good cause results in the imposition of a sanction as outlined in Section 1408.05.17. DHS-OCSS notifies the DHS representative of any failure to cooperate with that agency and the DHS representative must take the necessary action on the case.

1408.05.17 Consequences of Noncooperation with OCSS

EFF: 10/2008

The failure of a parent or caretaker relative 1) to cooperate with DHS-OCSS in establishing paternity or in establishing, modifying, or enforcing a support order with respect to a child and 2) the individual does not qualify for good cause results in the imposition of a financial sanction.

The financial sanction is equal to a twenty-five percent (25%) reduction of the entire assistance unit's standard of assistance before the application of any income. The sanction renders the noncompliant parent or caretaker relative ineligible for cash and medical assistance, however the noncompliant parent or caretaker relative will still be required to cooperate with and participate in employment plan requirements. Further, after three (3) months’ sanction due to non-compliance with OCSS (or due to similar non-compliance with employment

plan requirements), the family unit will be subject to closure due to full-family sanction.

DHS-OCSS notifies the RI Works Program representative of failure to cooperate with that agency and the RI Works Program representative must take the necessary action on the case.

The reduction in assistance and ineligibility of the sanctioned individual shall continue until the parent/caretaker relative who refused to comply with child support cooperation requirements consents to and cooperates with the agency in satisfying those requirements, or until the three-month full-family sanction begins. DHS-OCSS notifies the RI Works Program staff of any compliance for appropriate follow-up by the RI Works Program representative.

1408.05.20 Notifying IV-D of Additional Information

EFF: 10/2008

The RI Works Program representative utilizes E-Mail in INRHODES to notify DHS-OCSS to any new information about the absent parent, particularly as regards her/his residence or place of employment.

1408.10 THIRD PARTY LIABILITY

EFF: 10/2008

A third party is a collateral source which may be liable for an accident, injury, or illness of applicants/recipients. When an applicant needs and accepts a cash payment during the period in which a claim for payment from a collateral source is pending, the applicant is advised that repayment for funds financed by the state to the applicant is required by Chapter 40-6-9 of the General Laws of Rhode Island, as amended, if the applicant is subsequently found eligible for monies from the collateral source.

When the applicant signs the DHS-2 Statement of Need, s/he assigns all rights to the Department of Human Services (DHS) for and on behalf of her- or himself and any person for whom the individual may legally act for amounts recoverable from a third party equal to the amount of financial assistance and medical assistance provided as a result of the accident, illness, or injury.

1408.10.05 Third Party Payments

EFF: 04/2010~~10/2008~~

Potentially liable third parties include but are not limited to insurance companies liable for Worker's Compensation and/or other types of insurance. RSDI benefits are not subject to reimbursement. Generally, these payments are retroactive payments and cover a period of time cash assistance had to be paid because the income from the collateral source was not available.

Funds subject to such assignment are all cash assistance payments provided to such applicant and any family members included in the applicant's cash assistance payment and all Title XIX payments which

are related to the accident, injury, or illness for which the third party may be liable.

All pertinent information concerning a potential third party resource is contained in Question 21 of the DHS-2. This data is entered into a STAT/~~Sett~~ SETT (Settlement) panel; this information is automatically referred to the TPL Unit.

1408.10.10 Responsibility of Third Party Liability Unit

EFF: 10/2008

Upon receipt of the electronic referral, the Third Party Liability Unit reviews it for completeness and sets up a case file. Verification of such claims is accomplished by contacting attorneys, insurance companies, or other applicable third parties identified by the client via a notice of assignment sent by certified mail, return receipt. This acts as the State's legal instrument in ensuring third party reimbursements (liens) through settlement proceeds.

Copies of verified medical documentation, payments, recipient data, and third party information are contained in the case record maintained by the TPL Unit. Appropriate information is forwarded to the attorney and/or insurance company that is settling the liability claim. Those providing the settlement check are advised to make the check payable to the Department of Human Services.

Settled Cases

Upon receipt of the lien payment, the TPL agency representative initiates closing action on the paid claim and sends a discharge/release of lien to the appropriate party(ies). The check is deposited and settlement information is entered into the SETT screen in the case. A memorandum is forwarded to appropriate agency representatives to review the case(s) for continuing eligibility.

1408.15 RI WORKS PROGRAM REQUIREMENTS

EFF: 10/2008

A nonexempt RI Works Program participant who fails without good cause to participate in an assigned work activity component or otherwise refuses without good cause to comply with her/his employment plan or with any other work requirement, including but not limited to attendance at DHS or DLT appointments such as initial interview, orientation and assessment, job readiness and job search, is subject to sanction and possible closure as described in Section 1412.35.

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 1412.25.05. A participant who voluntarily quits or refuses a job without good cause, while receiving cash assistance, shall be sanctioned, and potentially terminated from the RI Works Program if the sanction continues for three (3) months.

1408.20 SAVE REQUIREMENTS

EFF: 10/2008

The Systematic Alien Verification for Entitlements (SAVE) Program is the Immigration and Naturalization Service operated system for the verification of immigration status of aliens applying for benefits from certain federally funded entitlement programs.

Beginning December 1, 1988, applicants for most major assistance programs must declare in writing that they are U.S. citizens or nationals or that they have "satisfactory immigration status".

See Section 0104 for further information details on SAVE requirements.

1408.25 PURSUIT OF POTENTIAL RESOURCES

EFF: 10/2008

Eligibility is denied or terminated if the value of available non-exempt resources exceeds the $1,000 limit. Resources are considered available both when actually available and when the applicant/recipient has a legal interest in a liquidated sum and has the ability to make such sum available for support and maintenance. However, in the event of joint ownership of bank accounts, there is an opportunity to rebut the presumption of ownership of the joint bank account. See Section 1422.15 for further discussion of cooperation with regard to pursuit of resources.

1408.30 CHANGE REPORTING REQUIREMENTS

EFF: 10/2008

All adult family members are responsible for reporting any changes in income, resources, family composition, or other factors which can affect the family's eligibility or payment level within ten (10) days of the change in circumstances with the following exception:

> Whenever an adult family member(s) becomes aware that a minor child in his or her household has been or will be temporarily absent from the home, the adult family member(s) is responsible 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) becomes aware that the minor child has been or will be absent from the home for a period of thirty (30) or more consecutive days.

The changes with a ten (10) day reporting requirement include:

* Changes in sources of income, including starting or stopping a job or changing jobs, if the change in employment is accompanied by a change in income;

* Changes in the amount of gross monthly earned income of more than one hundred dollars ($100) from the amount last used to calculate the household's allotment;

* Changes in the amount of unearned income of more than fifty

dollars ($50), except for a change in RI Works or GPA cash assistance;

* All changes in household composition, such as the addition or loss of a household member;

* Changes in residence;

* Acquisition of a licensed vehicle not excluded under Section 1422.10.20; and

* When cash on hand, stocks, bonds, and money in a bank account or savings institution reach or exceed a total of ONE thousand dollars ($1,000).

Furthermore, families receiving cash assistance as a supplement to earned income must report such earned income in the sixth month of each certification period. Such cases are identified by INRHODES as having job income (JINC panel(s)) or self-employment income (BUSI, DCIN, RINC, and/or RBIN panel(s)). Earnings reporting requirements and procedures are outlined in Section 1428.15.

1410 WORK PROGRAM PROCEDURES

1410.05 ASSESSMENT

EFF: 10/2008

The assessment of family circumstances and employability for applicants and recipients is conducted by RI Works Program caseworkers at screening.

At the beginning of the assessment process, the Information on the Family Violence Option (Form WVR-1a) is given to the applicant along with a brief summary of its contents in case the individual cannot read. Every recipient must be informed that s/he may be excused from certain RI Works requirements under the Family Violence Option if meeting these requirements puts the recipient or her or his children at risk of domestic violence and that s/he may claim the Family Violence Option at any time. The procedures to be followed after an applicant claims this option or discloses abuse are specified in Section 1414.10.

The assessment process begins with the RI Works screening caseworker using the Family Needs Assessment, RIW-200FN, and the InRhodes ASMT function, to collect information about the participant's past educational, training, and employment history as well as the health of the participant and her/his family. These and other factors provide a client profile which the agency representative evaluates and from which s/he can estimate the employment potential of the individual.

This collection of data is appraised to identify the individual's strengths in relation to the individual's readiness for employment. The purpose of the appraisal is firstly to identify if the individual meets any exception to the requirement for referral for Intensive Employment Services, and secondly, to gather preliminary information to relay to the One-Stop team so that the referred individual is not

completely unknown to them as they begin work with each client. A more in-depth assessment of the client's skill levels, as well as education and employment history, will be completed by the One-Stop team. It is acknowledged that the assessment is an on-going and developing process.

1410.05.05 Assessment Requirements

~~EFF: 10/2008~~REV: 04/2010

The assessment interview must cover all areas relating to the applicant's and the entire family's circumstances, including, but not limited to the following:

* Housing needs;
* Utility payments;
* Food security and nutrition;
* Physical and emotional health (including special issues affecting the well-being of the family such as an incapacity of a family member, substance abuse and domestic violence);
* Transportation issues;
* Child issues;
* Education history;
* Employment history;
* Known or suspected disabilities, including but not limited to learning disabilities;
* Level of crisis; and
* Academic testing.

Specific assessment information needed includes the individual's ability to speak English, and if not, the individual's primary language, marital status, military veteran status, employment status, last grade of school completed, as well as each adult household member's school attended, as appropriate, current health problems, names of educational facilities attended by the participant: program/course titles and completion dates, names and addresses of the participant's previous employers, job titles, and hire and end dates.

The RI Works caseworker must also assess the financial conditions of the family and develop a financial plan. See Section 1410.10 pertaining to the financial plan.

As appropriate, the RI Works case worker discusses the various special requirements for minor parents and pregnant minors, and for all adolescent parents who do not have their high school diploma or its equivalent and who are not attending school, the requirement for

participation in an educational program leading to such diploma, as well as other RI Works requirements. The initial assessment interview of pregnant minors and minor teen parents is conducted by the appropriate ~~Adolescent Self-Sufficiency Collaborative~~Youth Success provider.

For all adult parents, the RI Works social caseworker informs them of the work activity requirements as well as the time limits on the receipt of RI Works cash assistance. The RI Works social case worker reviews the RI Works Program information by outlining the sequence of the eligibility process and other compliance matters, activity requirements, the participant's as well as the Department's responsibilities, and the consequences if the individual fails to comply with program requirements.

The Employment Plan is developed at the screening appointment, from the data gathered during assessment; the plan outlines a systematic process to be followed by the individual in order to attain a specific employment goal within the shortest time frame that is practicable. The participant shall attend and participate immediately in intensive employment services as the first step in the individual employment plan at the Rhode Island DLT, unless temporarily or permanently exempt from this requirement as detailed in 1402.05.05.

1410.05.10 Assessment Recording

EFF: 10/2008

The agency representative enters the assessment information gathered from the client into the panels of the ASMT (Assessment) function of INRHODES. The ASMT function is used for both applicants and recipients; it should be periodically updated by appropriate agency representatives after Intake to record new assessment information. The agency representative enters a request for cash assistance on the parent’s MEMB panel in order to make the applicant a RI Works participant. When an applicant is not requesting cash assistance, there is no member information to display in ASMT, and a prompt will indicate, “Person has not been referred to RI Works.”

After the RI Works case worker reviews with the individual her/his family circumstances, including the needs of the individual's child(ren), the case worker enters for each adult family member any school(s) attended, as appropriate, and any current health problems for any and all family members.

The Assessment Participant Data screen reproduces certain household member information from the participant's IV-A STAT (Statement of Need) in INRHODES. The next Assessment panel displayed is the Family Needs screen. Any issues that might or will impact the participant’s ability to obtain or maintain employment must be noted here. This entry becomes viewable in TRAC/D.

In the Assessment Education History screen, all educational facilities attended by the participant, program/course titles, and completion dates are entered. Test results must be entered, if and when available. Similarly, the worker lists in the Assessment Employment

History panel the names and addresses of the participant's previous employers, job titles, and hire and end dates.

A summary of the assessment interview with the participant and any appropriate information must be entered in the Case Log (CLOG). All free-form text entries made in CLOG are viewable in TRAC/D, as well.

A full assessment includes three (3) categories: Family Needs Assessment, Education and Employment Assessment and Academic and Vocational Testing.

A full assessment is completed for all RI Works Program applicants and as appropriate, recipients. Certain individuals must undergo academic and vocational testing when required for specific activities (e.g., Skills Training and Post-secondary Education). This testing will be provided as a step in the intensive employment services the participant receives at DLT.

After the test results have been returned, data is entered into InRhodes by the DHS caseworker at DLT. The One Stop team conducts an in-depth interview with the individual in which the results are discussed and evaluated in light of her/his previous education, training, and employment history. The focus of the interview is to gauge the overall likelihood of the participant’s success in employment, and to determine if the employment goal or activity should be modified. A summary of each contact with the participant and any appropriate information is recorded in the CLOG (Case Log) in the SPEC function of INRHODES.

1410.10 FINANCIAL PLAN

EFF: 10/2008

The financial plan shall identify all available sources of income and all benefits and services available to the family from state government, local government, from the federal government, and from 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 noncustodial parents.

Benefits may include: food stamps, medical assistance, child care assistance, school lunch, housing assistance, home heating assistance, as well as cash assistance under the RI Works program.

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.

1410.15 EMPLOYMENT PLAN AS CONDITION OF ELIGIBILITY

EFF: 10/2008

As a condition of eligibility for RI Works cash assistance, the applicant/recipient must complete, sign and, unless otherwise exempt from the work participation requirements as defined in section 1412, participate in a RI Works Employment Plan.

With the information gathered during the assessment interview a preliminary RI Works Employment Plan is jointly developed by the applicant and the RI Works Screening social caseworker. The participant shall attend and participate immediately in intensive employment services as the first step in the individual employment plan at the Rhode Island DLT, unless temporarily or permanently exempt from this requirement as detailed in 1402.05.05.

If the participant at screening reports medical impairment(s), a C1(b) is provided to the participant to be completed by his/her medical professional. The applicant is instructed to return the form within thirty (30) days to the DHS caseworker at the One Stop. Information provided on the C1(b) Form is reviewed by the One Stop team. If there are any medical limitations to participation in employment indicated, those limitations are considered in selecting the goals and activities that may be modified in the Employment Plan. The medical limitations may limit the applicant in his/her employment activities.

If during the screening process, the caseworker and applicant identify barriers to employment, strategies and dates for resolving the barriers are devised. If medical or other specific information is sought, a release of information form, DHS-25M (for medical information) or DHS-25 (for other information), is signed by the parent authorizing the agency to obtain that information. A referral to the Office of Rehabilitation Services may be made if a significant impairment is presented by the applicant or participant and/or verified on the C1(b).

The participant also must be provided with information regarding the availability of supportive services, such as childcare assistance and/or transportation assistance. The caseworker authorizes the DHS services needed to participate, provides referral to community agencies that will assist the client, and informs the participant that services must be arranged prior to engagement at the One-Stop for Intensive Employment Services. Further discussion of this requirement was made in 1402.05.05.
The Employment Plan, as developed and revised by the client with the One-Stop team, must ultimately take into consideration the physical capacity, skills, education, including the results of the test measuring educational competencies, work experience, health and safety and family responsibilities, and place of residence of the individual; local employment opportunities; child care and supportive services required by and available to the applicant to avail himself or herself of employment opportunities and/or work readiness programs.

The plan outlines a systematic process to be followed by the individual in order to attain a specific employment goal within the shortest practicable timeframe. Applicants and participants of the RI Works 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, within the time frame agreed upon with the DHS caseworker.

If job search is determined by the One Stop team to be inappropriate for the individual’s circumstances and other activities would better prepare the individual for employment, the parent(s) shall be informed of their options, including attending education and/or training as needed to improve their employability as well as the option of combining twenty (20) hours of work with ten (10) hours of education/training. It is very important that this be understood by applicants as they make decisions about the nature of the activity that they will engage in and that they are made aware of the twenty four (24) and forty eight (48) month time limit constraints of receipt of RI Works.

The worker records a summary of each contact or interview in the CLOG (Case Log) section of the SPEC function of INRHODES; if employer or component provider contacts are made telephonically, the dates and appropriate information obtained are recorded in the Case Log (CLOG) as documentation. These entries will be viewable both in CLOG and in TRAC/D.

Discrepancies in case information discovered during interviews and contacts must be immediately forwarded to appropriate eligibility staff via the Information Transfer (D206) selection in the TOOL function of INRHODES.

Any modification of the Employment Plan requires the social caseworker to update and approve the employment activity schedule (EASC) in INRHODES. It contains the details of each work/training activity, the beginning and anticipated end dates of each program/activity, and the scheduled days and hours of attendance, and authorization of supportive services. At creation of and modification of the employment plan, a copy of the EASC will be printed by the caseworker and given to the applicant or recipient. Whenever an applicant or recipient is referred to ORS, the Vocational Rehabilitation Counselor must also receive a copy of the EASC or DHS employment plan.

When the employment plan activity is a component activity with a specific time-limited program, the parent must obtain and provide written verification of acceptance into the program, as well as a program schedule before the employment activity schedule is finalized.

In order for an employment activity to be approved, the total scheduled hours of the component(s) must match required hours as described in Sections 1412.05.05 and 1412.05.15. A reduced hours plan is allowable if either supported by medical evidence or necessitated by the Fair Labor Standards Act (FLSA) as it applies to unpaid work experience or community service.

The parent is advised of her/his responsibility to report within ten (10) days of any change in the family's circumstances as outlined in Section 1408.30. The family must also report immediately (within five (5) days) when a child leaves the household for any reason. Whenever an employment plan contains an education or training component, the worker must explain to the parent the attendance requirements and the concept of "successful participation". Attendance of all the scheduled hours is required. Successful participation in an education or training activity means that the parent is meeting a consistent

standard of progress toward the completion of the education or training activity. This standard must include a quantitative measure of progress such as a grade point average and a qualitative measure such as a reasonable time limit for completion of an education or training program. (See Section 1412.25.05)

The completed employment activity schedule must be approved by the agency representative before any supportive services can be authorized. When either a RI Works caseworker or a provider denies an individual's employment activity, a notice of the denial must be issued. If this activity closure effects eligibility, the notice of adverse action to eligibility will specify reasons for the denial of eligibility, and include information regarding the parent's appeal rights.

1412 WORK POLICY AND PROCEDURES

1412.05 PARTICIPATION REQUIREMENTS

EFF: 10/2008

All parents, and caretaker relatives (including those who are acting in loco parentis, if they are included in the cash assistance grant), who request and receive assistance are required to enter into an employment plan and participate, unless temporarily exempt, in DHS-approved work-related activities.

1412.05.05 One Parent Family

EFF: 10/2008

Single parents 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 defined in section 1400.20), as appropriate, in order to help the parent obtain stable full-time paid employment. For most parents, the first activity will be intensive employment services at the netWORKri One Stop Career Centers. For teen parents, the first activity must be secondary education or completion of a GED program, if either certificate has not yet been obtained.

Core Activities:

* Unsubsidized employment;

* Subsidized private sector employment;

* Subsidized public sector employment;

* Work experience. A parent participating 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 twenty (20) core hours if actual participation falls short of the required minimum hours per week (RI has a mini-simplified Food Stamp waiver). For parents whose youngest child is six

(6) or more years old and whose required minimum hours per week are thirty (30), any hours permissible by FLSA that are short of thirty (30) hours must be satisfied in some other TANF work activity;

* On-the-job training;

* Job search and job readiness. 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. The DHS, in consultation with the DLT, shall extend job search and job readiness assistance for up to twelve (12) weeks in a fiscal year if RI has an unemployment rate at least fifty percent (50%) greater than the United States federal unemployment rate, if the state meets the definition of a needy state under the contingency fund provisions of federal law;

* Community Service;

* Vocational educational training not to exceed twelve (12) months. Participation in a two-year degree program, a vocational certificate program, or a BA degree or advanced degree program may count as vocational educational training. Those participants who are in programs longer than twelve (12) months may use this activity as counting toward participation in a non-core job skills training, if they meet the requirement for a different core activity for sufficient hours.

All supervised homework plus up to one hour of unsupervised homework per each hour of class time may count as meeting part of the total hours required for compliance with the RI Works employment plan. However, total homework time cannot exceed the hours required or advised in writing by the educational program;

* Adult education in an intensive work readiness program not to exceed six (6) months; and

* Child care for an individual participating in a community service program.

Non-core Activities:

* Job skills training directly related to employment (allowable in addition to participation for twenty (20) hours per week in one of the above core activities);
* Education directly related to employment (allowable in addition to participation for twenty (20) hours per week in one of the above core activities); and
* Satisfactory attendance at a secondary school or in a course of study leading to a GED. In the case of a parent under the age of 20, such satisfactory attendance in secondary school or in a GED program is countable as a core activity.

Other Required Work Activities:

* Up to ten (10) hours of activities as defined in a DCYF service plan may substitute for meeting an equivalent number of hours toward the twenty (20) hour requirement for parents

with a child under age six (6), or for an equivalent number of hours toward the thirty (30) hour requirement for parents whose youngest child is age six (6) or older. The DCYF Social Caseworker II provides the actual number of hours of participation per week required in order for the parent to comply with their service plan. The RI Works Social Caseworker then makes these hours part of the total hours required for compliance with the RI Works employment plan.

In no case shall a parent be allowed to develop an employment plan which allots ten (10) hours to work activities, ten (10) hours to DCYF service plan activities and ten (10) hours to activities designed to help the parent obtain and maintain unsubsidized employment or increase the parent's earning potential. If the parent is required to comply with the thirty (30) hours of activity, twenty (20) of those hours must meet the work-based activities described above.

1412.05.10 Temporary Exemptions for Single Parents

EFF: 10/2008

Work requirements outlined above shall not apply to a single parent if (and for so long as) the Department finds that s/he is:

* Caring for a child below the age of one, provided that a parent may opt for deferral for a maximum of twelve (12) months during any twenty-four (24) months in sixty (60) month period of eligibility for cash assistance, but noting that a minor parent without a high school diploma or the equivalent, shall not be exempt for more than twelve (12) weeks from the birth of the child;

* Caring for a child or family member with a significant documented disability who resides in the home and requires full-time care;

* A recipient of SSI or RSDI/SSDI or other disability benefit that has the same standards of disability as defined by the Social Security Administration;

* An individual receiving assistance who is a victim of domestic violence; and

* An applicant for assistance in her third trimester of pregnancy or a pregnant woman in her third trimester who is a recipient of assistance and who has medical documentation that she cannot work.

1412.05.15 Two Parent Family Requirements

EFF: 10/2008

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 s/he shall begin with intensive employment services through the netWORKri One Stop Career Centers as the first step in the Individual Employment Plan. Two parent work requirements shall be defined as follows:

Core Activities:

* Unsubsidized employment;
* Subsidized private sector employment;
* Subsidized public sector employment;
* Work experience;
* On-the-job training;
* Job search and job readiness. 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. The DHS, in consultation with the DLT, shall extend job search and job readiness assistance for up to twelve (12) weeks in a fiscal year if RI has an unemployment rate at least fifty percent (50%) greater than the United States federal unemployment rate, if the state meets the definition of a needy state under the contingency fund provisions of federal law;
* Community service program;
* Vocational educational training not to exceed twelve (12) months;
* The provision of child care services to a participant individual who is participating in a community service program;
* Adult education in an intensive work readiness program not to exceed six (6) months.

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

Non-Core Activities:

* Job skills training directly related to employment;
* Education directly related to employment; and
* Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence. Satisfactory attendance in secondary school or in a GED program is countable as a core activity in the case of a parent who is married and is under twenty (20) years old.

Other Required Work Activities:

* Up to ten (10) hours of activities as defined in a DCYF service plan may substitute for meeting an equivalent number of hours toward the thirty-five (35) hour requirement. The DCYF Social Caseworker II provides the actual number of hours of participation per week required in order for the parent to comply with their service plan. The RI Works Social Caseworker then makes these hours part of the total hours required for compliance with the RI Works employment plan.
* Housing search, if the family is homeless (or about to become homeless), may be approved for the second parent in a two parent family, if the first parent is participating in a core

activity at least thirty (30) hours per week. This activity may be approved for the first parent, if the second parent receives SSI/RSDI/SSDI. Housing search is classified as job readiness, which is a core activity.

In a two parent family in which one (1) parent is engaged for at least thirty-five (35) hours per week in the work activities specified above, the other, second, parent may also participate in and have an assessment completed. The second parent must sign the employment plan.

A family with two parents, whether or not 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 thirty (30) core hours if actual participation falls short of the required minimum hours per week (RI has a mini-simplified Food Stamp waiver). For families that need additional hours beyond the core activity requirement, these hours must be satisfied in some other TANF work activity.

Except in the instance of a work experience or community service program which must meet the requirements of the FLSA as described above, 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. At least fifty (50) of the fifty-five (55) hours per week must come from participation in the activities listed in the Core Activities above. Above fifty (50) hours per week, the three (3) activities listed in Non-Core Activities above may also count as participation.

1412.05.15.05 Teen Two Parent Family Requirements

EFF: 10/2008

In a two-parent household in which both parents are under age twenty (20), the DHS social caseworker should assess the educational history of both parents. For either parent who has not completed high school or obtained a GED, as a first activity in the RI Works program the screening social caseworker should approve an employment plan and enter an EASC for that parent (or for both parents if neither have the high school diploma or GED) that shows full time attendance in secondary education (high school) or completion of a GED program as the first activity. After this first activity is completed for either teen parent, referral to the netWORKri One Stop Career Centers should be the next activity scheduled for that parent, and all other RI Works program requirements will take effect for that parent. When both have either reached the age of twenty (20) or completed the first activity of education as described above, all two parent family rules will come into full force and effect.

1412.05.20 Exemptions for Two Parent Families

EFF: 10/2008

The work requirements in Section 1412.05.15 shall not apply if (and for so long as) the Department finds that:

* both parents receive Supplemental Security Income(SSI) or Social Security Disability Insurance (SSDI); or

* one parent is caring for a child or family member with a significant documented disability who resides in the home, and who requires full time care and the other parent receives SSI/RSDI/SSDI and is medically documented to be unable to provide care for the disabled family member.

1412.10 WORK ACTIVITIES

EFF: 10/2008

The following comprise the activities which may be recorded in the component listing of an individual's employment plan in INRHODES:

* Basic Literacy Education;

* English as a Second Language (ESL);

* Basic Education Programs;

* High School/High School Equivalency (GED) Programs;

* Vocational Educational/Post-Secondary Degree Programs;

* Skills Training;

* Group and Individual Job Search;

* Rapid Job Placement (intensive employment services at the netWORKri One Stop Centers);

* Job Readiness;

* Work Experience

* Work Supplementation Program; and

* Employment (includes subsidized employment, unsubsidized employment and On-the-Job Training).

The component provider screens of the INRHODES employment activity schedule contain the provider's name and address, the activity type, the beginning and projected completion dates of the selected activity/program, and the weekly scheduled hours of the activity. The Employment Activity Referral and Response system (EARR) provides the route by which to verify the date of enrollment, to report attendance and progress, and to communicate other appropriate information.

1412.15 SUPPORTIVE SERVICES

EFF: 10/2008

A recipient may receive, as appropriate, allowances for transportation and/or child care services to enable the individual to participate in her or his employment plan; the service(s) is specified in the plan's supportive services section.

1412.15.05 Transportation

EFF: 10/2008

The Department will 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 five dollars ($5.00) per day. The participant must incur actual out-of-pocket expenses and must not be receiving a transportation stipend or allowance in excess of five dollars ($5) per day from any other source.

The transportation allowance of no more than five dollars ($5) per day from any source or combination of sources is paid directly to an individual as a reimbursement for each authorized day in which the person actually attended an approved activity.

If transportation costs are reimbursed in whole or in part by the RI Works program, the allowance is authorized by the appropriate agency representative and issued through INRHODES.

Monthly attendance reports must be submitted by the participant or the component provider to the Business Office. After the report is data-entered, a check is remitted to the individual.

Reimbursement of transportation costs is contingent upon the availability of funding.

1412.15.10 Child Care Services

EFF: 10/2008

Child care services are provided to individuals with approved employment plans who are participating in approved training or employment programs. Individuals are eligible for this supportive service subject to the policies outlined in Section 0850.

1412.15.15 Exclusion from Income

EFF: 10/2008

The transportation allowance Section 1412.15.05 is considered a reimbursement for training and employment readiness and is excluded as income and resources for both the RI Works and Food Stamp programs.

1412.20 PROGRESS AND ATTENDANCE REQUIREMENTS

EFF: 10/2008

Once the individual has begun to participate in an activity included in her/his employment plan, s/he must meet certain requirements in both

progress, referred to also as successful participation, and attendance to remain in compliance with RI Works Program requirements.

1412.20.05 Definition of Successful Participation

EFF: 10/2008

"Successfully participating" in an education or training component means that the participant in any training activity is meeting, on a periodically measured basis of less than a year, a consistent standard of progress toward completion of the education or training activity. This standard must include a qualitative measure of progress, such as a grade point average, and a quantitative measure, such as a reasonable time limit by which a student is expected to complete his/her education or training program.

With the exception of providers of postsecondary component activities, the agency representative will use the standard of the individual institution operating the education or training activity as its standard. Standards for participants in postsecondary activities are outlined in Section 1416.40. The appropriate standard for each participant will be defined as part of her/his employment plan when it is developed.

The agency representative monitors attendance and successful participation through attendance reports which are delivered biweekly by the component provider through the EARR system. Each report details the days and hours attended, indicates satisfactory or unsatisfactory progress, and, if the individual has stopped attending the program, indicates the termination or completion date. A written report for the transportation reimbursement is also completed noting days of attendance, is signed and dated by both the provider and the participant, and is returned to the Business Office.

When a DHS representative's EARR Report contains a message indicating Unsatisfactory Progress, the representative enters a sanction into InRhodes which is approved by the eligibility technician and which triggers an adverse action notice that gives the parent ten (10) days to provide a good cause for the lack of progress. If the parent provides good cause, within that time frame, the DHS representative will lift the sanction immediately. If no good cause is provided within that time frame, the sanction will remain in effect.

1412.20.10 Attendance Requirements

EFF: 10/2008

An individual is considered to be successfully participating relative to attendance if s/he attends the approved employment plan component activity for all scheduled hours, considering excused absence and good cause documentation.

1412.20.15 Activity Closure

EFF: 10/2008

When an activity is about to end or the agency representative learns that a participant has completed or terminated an activity, INRHODES automatically sends a notice which notifies the participant of the closed activity and of the closure of supportive services (but not child care services). Each closure notice contains the effective date of the closure and the participant's appeal rights.

Similarly, if appropriate, a separate notice must be sent discontinuing child care to the individual containing the reason for discontinuance, the effective date, and the participant's appeal rights. A notice informing the provider of the termination of DHS payment for child care services is also generated.

1412.25 FAILURE TO COMPLY WITH WORK REQUIREMENTS

EFF: 10/2008

The cash assistance to which an otherwise eligible family/assistance unit is entitled under this chapter, shall be reduced for three (3) months, whether or not consecutive, whenever any participant, without good cause,

* 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.

If the family's benefit has been reduced, 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 or rehabilitation plan and demonstrates compliance with the terms thereof; or

2. demonstrates compliance with the terms of his or her existing individual employment plan or rehabilitation plan, as such plan may be amended by agreement of the parent and the Department.

In the case where appropriate child care has been made available, 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 and shall result in reduction or termination of cash assistance.

If the family/assistance unit’s benefit has been reduced for a total of three (3) months, whether or not consecutive 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 RI Works, cash assistance to the entire family shall end. 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, 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:

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.

Up to ten (10) days following a notice of adverse action to reduce or terminate benefits under this subsection, the client may request the opportunity to meet with a social worker to identify the reasons for non-compliance, establish good cause and seek to resolve any issues that have prevented the parent from complying with the employment plan requirements.

The Domestic Violence Notice must be reviewed with the participant so that s/he is informed about claiming the Family Violence Option as part of the discussion process. The procedures following an applicant's claiming of this option or disclosure of abuse are outlined in Section 1414.10.

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, subdivision 40-5.1-9(2)(c), due to failure to comply with the cash assistance program requirements, but who had received less than forty-eight (48) months of cash assistance at the time of closure, and who reapply for cash assistance under the RI Works Program, must demonstrate full compliance, as defined by the Department in its rules and regulations, before they shall be eligible for cash assistance.

1412.25.05 Good Cause for Failure to Comply

EFF: 10/2008

Good Cause for failing to meet any program requirements including leaving employment, failure to fulfill documentation requirements, or for any refusal to participate requires documentation of the circumstance. Any failure to engage, whether in an employment plan activity or other program requirement, or a report of unsatisfactory progress, must trigger a notice of adverse action to which the parent has ten (10) days to supply good cause documentation. Circumstances leading to determinations of good cause for failure to participate are usually short-term in duration and result from events beyond the participant's control.

Although the individual's reason for refusing a particular assignment may appear valid, s/he shall be required to continue to participate in the component/activity, until s/he establishes good cause or is sanctioned for providing none.

Documentation of good cause must be included in either the Department's or a subcontractor's case file. The case log (CLOG) must include the

reasoning used by the supervisor in the determination of good cause in the limited circumstances when documentation can not be secured, e.g., very short-term illness not requiring a doctor's visit.

The following reasons, when substantiated, constitute good cause for failure or refusal to comply with her/his employment plan.

* Child care is necessary for the parent(s) to participate in employment plan activity and the agency representative determines that such child care is unavailable. If child care is not available for the client to engage in the Intensive Employment Services with the One-Stop team, at the outset, the client may be granted one additional week to secure child care prior to engaging in services at the One-Stop, provided the client has demonstrated the inability to secure child care to the assigned social caseworker. On the other hand, when a participant refuses without good cause to accept suitable child care, precluding participation in the activity, there is a de facto refusal to comply;

* Acceptance of a bona fide offer of employment of more than twenty (20) hours a week or in which the weekly earnings are equivalent to the Federal minimum wage multiplied by twenty (20) hours which, because of circumstances beyond the control of the primary wage earner, subsequently either does not materialize or results in employment of less than twenty (20) hours a week or weekly earnings of less than the Federal minimum wage multiplied by twenty (20) hours. (If such circumstance arises, the DHS representative must review the employment plan to include other approvable activities to meet the minimum required hours.);

* Illness of the participant;

* Illness of another family member sufficiently serious to require the presence of the participant;

* The individual is experiencing a family or household crisis or change in family circumstances such as the death of a spouse, parent, or child, or a housing crisis;

* Unusual weather conditions which prevented the participant and other persons similarly situated from attending the prescribed activity;

* Court-required appearance;

* Incarceration; or

* Breakdown in transportation arrangements with no readily accessible means of transportation. On the other hand, when a participant refuses without good cause to accept other available means of transportation, thereby precluding participation in work or training, there is a de facto refusal to comply.

The preceding list of reasons is not all-inclusive. If the participant claims some other grounds for her/his noncompliance, a conference with the supervisor is held to determine the validity of the reason, and if, in fact, it constitutes good cause. A complete record of the circumstances and the substance of the individual's refusal must be kept in the file and/or case log (CLOG), which can also be read in TRAC/D; a description of the supervisor's decision and the reasons for that determination must also be provided.

1412.30 PENALTIES FOR WORK REQUIREMENT NONCOMPLIANCE

EFF: 10/2008

FIRST THREE (3) MONTHS OF NONCOMPLIANCE

The amount of cash assistance to which an otherwise eligible recipient family is entitled 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 Sections 1412.05.05 and 1412.05.15 or other program requirements; provided that the reduction shall be applied during the first three (3) months, whether or not consecutive, of such failure or non-compliance by the parent.

For a family size of two (2), the benefit reduction due to noncompliance with the employment plan shall be computed utilizing a family size of three (3), in which the parent's portion equals one hundred five dollars ($105).

When a second parent enters or returns to the household, the employment plan for the parent(s) must be revised to reflect the two-parent work requirements in Section 1412.05.15. If no employment plan exists, one must be developed unless both parents are exempt from participation, within thirty (30) days of the change in household composition. Failure of the parents to comply with the revision or development of the employment plan will result in the family being ineligible for Cash Assistance in accordance with Section 1402.20 requiring an employment plan as a condition of eligibility.

IN EXCESS OF THREE (3) MONTHS OF NONCOMPLIANCE

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 and has been penalized for three (3) months, whether or not consecutive.

The penalty becomes effective on the next payroll date after the adverse action period. The participant is notified of the penalty by an INRHODES-generated notice.

When a parent who has been sanctioned for three (3) months moves from one household to another, a sanction is imposed on the new household.

No hearing is held when a decision has already been rendered by a Hearing Officer that the recipient has, without good cause, refused to participate in an employment plan activity, to accept employment, or to otherwise fail to comply with her/his plan or other program requirements.

However, the participant may contest the amount of the payment as it has been adversely affected by the refusal to participate, in which case the sanction period begins the next effective date if an adverse decision is rendered.

When an individual is penalized and subsequently becomes exempt from participation in her/his employment plan component activity, the documented exemption will result in the benefits being restored to the full amount beginning with the initial payment made on the first of the month following the date that the documentation of the exemption is received by the Department.

1412.35 FAIR HEARING REQUESTS

EFF: 10/2008

If an individual believes that the intended action is incorrect, s/he may request a hearing before the DHS Hearing Officer within thirty (30) days of the mailing of the notice of adverse action.

The request is made in writing by the individual or his/her authorized representative in accordance with the policy in Section 0110.

1412.40 ENDING WORK PENALTIES

EFF: 10/2008

A penalty for failure or refusal to comply with the employment plan or other program requirement can be ended if the individual complies as follows:

* Refusal to report to an employer when referred by the agency representative -- reporting to this employer if work is still available or to another employer to whom the parent is referred during a job search;

* Refusal to accept a bona fide offer of employment when referred by the agency representative -- acceptance of this employment, if still available to the individual, of any other employment with earnings equivalent to the refused job, or any other employment of at least thirty 30) hours per week, with weekly earnings equal to the higher of the state or Federal minimum wage multiplied by thirty (30) hours;

* Refusal to comply with a RI Works Employment Plan or other program requirement -- compliance with the activity, assignment or an alternate assignment by the agency representative. In order to demonstrate that her/his

failure to comply has ceased, an individual must participate in the previously assigned activity or an alternate assignment by the agency representative for two(2) consecutive weeks (and continue to participate thereafter). If the individual successfully participates during that probationary time period, the sanction will be considered to have ended as of the day s/he began to participate. If no such activity is available within thirty(30) days, the sanction will end on the day s/he agrees to participate.

If the family's benefit has been reduced in accordance with paragraph one of Section 1412.30 for less than three (3) months, whether or not consecutive, due to the parent's failure to enter into or comply with an individual employment plan or failure to comply with other program requirements, 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, or other program requirements.

If the family's benefit has been terminated in accordance with paragraph three of 1412.30 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 (1) enter into an individual employment plan and demonstrate compliance with the terms thereof, or (2) demonstrate 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, or other program requirements .

1412.45 WORK CLOSURE

EFF: 10/2008

The agency representative is notified automatically via D206 in her/his Daily Report when a case has been closed. The agency representative determines from INRHODES the reason for the case closure.

If the client is active in a component activity, INRHODES automatically sends a Component Closure Notice (see Section 1412.20.15) and, if applicable, the agency representative sends a Child Care Discontinuance Notice.

When the RI Works cash assistance case is closed and the parent(s) is employed, the agency representative evaluates the potential need and eligibility for the Child Care Assistance Program (CCAP) (See Section 0850.02.02). The agency representative contacts the individual, if possible, regarding the need for child care assistance, whether as continuing services or as a new request.

If the client requests continuing child care assistance, the agency representative updates the current (i.e., less than 6 months old) child care application in accordance with Section 0850.02.03 before the active case is referred by the Supervisor to the Child Care Assistance Unit (CCAU) to prevent any interruption of service. For cases transferred to the CCAU office, a file containing copies of the latest application and all other required documentation are forwarded as soon as possible to the appropriate Child Care Assistance office.

If a participant did not receive but now requests child care assistance due to employment, the worker sends an entire child care application packet for the participant to complete and file with the CCAU.

If the participant's case is closed due to reasons other than employment, the worker evaluates, if possible, whether need for and/or eligibility exists for CCAP by contacting the client. If the client requests continuing child care assistance and there is no current application in the case record, the RI Works case worker mails a new application document to the client for completion.

After the INRHODES case is updated, the active case is transferred as specified above.

If the client did not receive child care as a supportive service but now requests child care assistance, the RI Works case worker sends an entire child care application packet for the participant to complete and file with the CCAU. Discontinuance notices for cases closed on cash assistance due to excess income also notify the recipient about the availability of subsidized child care and how to apply for the program.

1414 SPECIAL PROGRAM REQUIREMENTS

1414.05 MINOR PARENT AND PREGNANT MINOR REQUIREMENTS

EFF: 10/2008

PL 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and RIGL 40-5.2-10 (k), the Family Independence Act, The Rhode Island Works Program Act, require that a pregnant minor or a minor parent with a dependent child(ren) in her/his care to reside in the household of a parent, legal guardian, or adult relative with certain exceptions. In those situations, the minor must reside in an adult-supervised supported living arrangement to the extent such arrangement is available and appropriate.

1414.05.05 Goal

EFF: 10/2008

The goal of this policy is to provide supervision and parenting skills to parents below the age of eighteen (18), while assisting, encouraging, requiring them to complete their high school education,

and to provide strong support to help the minor parent meet the goals of her/his Employment Plan.

1414.05.10 Eligibility Criterion

EFF: 10/2008

o A family consisting of a parent who:

* is under the age of eighteen (18) (minor parent); and
* has never been married; and
* has a child; or

A family consisting 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 a parent, legal guardian, or other adult relative.

A relative for purposes of this section is defined in the listing in Section 1406.15 of this Manual. Such assistance will be provided to the parent, legal guardian, or adult relative on behalf of such individual unless otherwise determined by the agency representative.

1414.05.15 Exceptions

EFF: 10/2008

The above requirement shall not apply if such minor parent or pregnant minor:

1. Has no parent, legal guardian, or other adult relative who is living or whose whereabouts are unknown; or

2. Whose physical or emotional health or safety (or of her/his child) is determined by the Department of Children, Youth and Families to be jeopardized if s/he was required to live in the same residence as her/his parent, legal guardian, or other adult relative. Refusal of a parent, legal guardian, or other adult relative to allow the minor parent and her/his child, or a pregnant minor, to live in her/his home shall constitute a rebuttable presumption that the minor parent's health or safety would be so jeopardized; or

3. Has lived apart from her/his own parent or legal guardian for a period of at least one (1) year before either the birth of any such minor parent's child or beginning of the pregnant minor's pregnancy; or

4. Has good cause as outlined in Section 1414.05.20; AND

5. Resides in an approved adult-supervised supportive living arrangement to the extent available. An adult-supervised supportive living arrangement is defined in Section 1414.05.25.

1414.05.20 Adult-Supervised Living Arrangement

~~EFF: 10/2008~~REV: 04/2010

An adult-supervised supportive living arrangement is defined as an arrangement with an available adult who provides supervision on a routine basis as approved by a DHS agency representative. This arrangement will be found approvable or not approvable after a home study conducted by the ~~Adolescent Self-Sufficiency Collaborative~~Youth Success Program (~~ASSC~~YS), which is provided to DHS staff and is filed in the minor parent's service record. Should the minor parent move after assessment is completed by the ~~ASSC~~YS, another referral for another home study must be made.

"Available adult" must not be the biological parent of the minor parent's child.

Such arrangement must require the minor parent:

* To enroll and make satisfactory progress in a program leading to a high school diploma or a general education development certificate; and

* To participate in an adolescent parenting program as established in RIGL 40-19; and

* To undergo routine adult supervision as defined in 1414.05.20.05.

1414.05.20.05 Routine Adult Supervision

~~EFF: 10/2008~~REV: 04/2010

Routine adult supervision is defined as monitoring through home visitation and reporting on the ongoing situation in which the minor parent and her/his child are living to ensure that the family of the minor parent has:

* Adequate and nutritional food;

* Shelter that is safe, clean, and provides adequate comfort and privacy;

* Preventive and primary health care for both the parent and the child; and

* A safe home environment and positive relationships between and among household members.

Such adult supervision can be provided by the adolescent pregnancy and parenting program currently known as the ~~Adolescent Self-Sufficiency Collaborative (ASSC)~~Youth Success Program (YS) or by another alternative program approved by the State Coordinator of the ~~ASSC~~YS.

Supervision shall occur through frequent home visits scheduled according to mutually agreed-upon rules.

The purpose of adult supervision is to evaluate and meet the developmental and support needs of the family. Routine adult supervision should provide support and guidance in the areas of education, vocational training, and parenting skills in order to meet the goals of the parent's employment plan. Such supervision also provides guidance and information on life skills needed for self-sufficiency, including but not limited to infant care, grocery shopping, food preparation, money management, and decision-making skills.

If the adult supervisor becomes aware that the living arrangement puts the physical or mental health of the minor parent and/or her child in jeopardy, s/he must immediately report the situation to the Department for Children, Youth and Families (DCYF) as described in Section 0118. The ~~ASSC~~ YS in cooperation with DCYF will assist the minor parent in locating and moving to an appropriate adult-supervised living arrangement or in making the current arrangement safe and healthy.

If the ~~ASSC~~ YS representative learns that the physical or mental health of the minor parent and/or her child is in jeopardy due to domestic violence, after the mandatory report to DCYF, s/he may opt to conduct the Family Violence Option Assessment alone, refer the parent to the domestic violence advocate for that assessment, or collaborate with the domestic violence advocate in the assessment process as needed, following the procedures outlined in Section 1414.10.

If the pregnant minor or minor parent and her child leave the current adult-supervised living arrangement and further adult supervision becomes impossible, the adult supervisor must make an immediate referral to DCYF as well as notifying DHS.

If the pregnant minor/minor parent fails or refuses to cooperate with the adult supervisor and makes regular adult supervision impossible, the adult supervisor must report the non-cooperation to DHS.

1414.05.25 Approvable Living Arrangements

EFF: 10/2008

Examples of allowable adult-supervised supported living include, but are not limited to:

a. Maternity homes;

b. DCYF-certified foster homes; and

c. Independent Living with full-time adult supervision; and

d. Other DCYF-certified arrangements.

1414.10 DOMESTIC VIOLENCE WAIVER PROCESS

~~EFF: 10/2008~~REV: 04/2010

If an applicant/recipient discloses a domestic violence situation at to DHS staff (as defined in Section 1406.40.20.05), the agency

representative refers the applicant/recipient to the domestic violence advocate who is on-call. The domestic violence advocate conducts the Family Violence Option Assessment as soon as is practicable..

If the applicant/recipient involved is a minor parent/pregnant minor, an immediate report at the time of disclosure must be made to DCYF as specified in Section 0118 as well as referral made to the domestic violence advocate for assessment. If such disclosure is made by a minor parent/pregnant minor to the ~~ASSC~~ YS worker, s/he may elect to conduct the Family Violence Option Assessment alone, refer the parent to the domestic violence advocate for assessment, or collaborate with the domestic violence advocate in the assessment process as necessary.

If the applicant/recipient refuses referral to the domestic violence advocate, eligibility for FIPRI Works is not affected. However, if the individual requests domestic violence waivers, they cannot be granted unless the Family Violence Option Assessment is completed by the domestic violence advocate (or ~~ASSC~~ YS representative, as appropriate) with those waivers recommended and approved.

From the Family Violence Option Assessment, the domestic violence advocate determines any findings on waivers: whether the individual should be waived from the residency requirements, and/or child support cooperation requirements, and/or FIPRI Works work requirements and forwards the Findings on the Recommended Waivers portion of the Assessment (Form WVR-2) regarding what waivers, if any, the applicant/recipient should be granted to the appropriate FIP RI Works eligibility supervisor if it involves residency and/or child support cooperation, as well as a copy to the appropriate FIPRI Works service supervisor if it involves FIP RI Works work requirements.

The appropriate supervisor reviews all such recommendations and makes the final determination of any such waiver(s). The Chief Supervisor and/or Regional Manager are available for consultation in these situations as needed. The agency representative then effects the waiver(s) as appropriate and notifies the applicant/recipient.

In the case of an adolescent parent/pregnant adolescent, if ~~an~~a ~~ASSC~~ YS worker did not conduct or collaborate in the Family Violence Option Assessment, a copy of the final Findings document is forwarded to the appropriate ~~ASSC~~YS.

For adolescent parents/pregnant adolescents, after the Family Violence Option Assessment, the ~~ASSC~~ YS case manager must ensure that safety planning, crisis counseling, appropriate referrals, and follow-up services are provided. The ~~ASSC~~ YS representative may choose to do this her- or himself or collaborate with the domestic violence advocate, as necessary.

For all other individuals who disclose domestic violence, the domestic violence advocate is responsible for safety planning, resource information, and follow-up for the applicant/recipient.

The domestic violence advocate must review the suitability of any or all waivers at the end of the specified waiver period(s), or earlier if the recipient's circumstances change. The maximum time period for the granting of a waiver is six (6) months renewable only with the Regional

Manager's consultation and approval. After notification from DHS that the waiver period is about to expire, the Domestic Violence advocate (for teen parents, and/or ~~ASSC~~ YS representative) completes a Family Violence Option Re-Assessment (Form WVR-2a) of the individual's circumstances and notifies the appropriate FIP RI Works supervisor(s) of the recommendation for extension or discontinuance of any waiver(s) and/or change(s) in status through a new Findings document. The agency representative then follows up on the recommendation(s) as appropriate and notifies the recipient.

1414.15 Section Reserved for Future Use

1416 WORK ACTIVITIES

1416.05 COMPONENT/PROGRAM ACTIVITIES

EFF: 10/2008

The goal of the Rhode Island Works Program is to facilitate the entry or re-entry of the adult members of the family into employment as quickly as possible with necessary supports such as financial assistance, child care, and medical coverage.

The parent(s) or caretaker relative(s) will be referred to one or more of twelve TANF-approved activities to promote economic independence through employment and the development of employment skills. These TANF-approved activities are categorized as “core” and “non-core.”

“Core” activities include

1. unsubsidized employment,
2. subsidized private sector employment,
3. subsidized public sector employment,
4. work experience,
5. on the job training,
6. job search and job readiness,
7. community service programs,
8. vocational educational training not to exceed twelve (12) months,
9. providing child care services to another participant parent who is participating in an approved community service program, and
10. adult education in an intensive work readiness program not to exceed six (6) months.

“Non-core” activities include

1. job skills training directly related to employment,
2. education directly related to employment, and
3. satisfactory attendance at a secondary school or in a course of study leading to a certificate of general equivalence if the participant is a teen parent under the age of twenty (20) who is without a high school diploma or General Equivalence Diploma (GED).

1416.10 INTENSIVE EMPLOYMENT SERVICES

EFF: 10/2008

Intensive employment services are delivered in partnership with the Department of Labor and Training, primarily at their netWORKri One Stop Center locations but at additional sites, as needed. Consisting primarily of job search, intensive employment services are also distinguished by educational and vocational assessment and testing, guidance on employer expectations, resume writing, development of interviewing skills, job retention and career counseling, job development and related activities. Individuals in intensive employment services are required to devote their full efforts for their required and scheduled hours in identifying and pursuing employment opportunities that generally match their skills, abilities, interests and/or aptitudes. Intensive employment services are limited to four (4) consecutive weeks, and not more than six (6) total weeks per year,

except they may be extended to twelve (12) weeks if Rhode Island has an unemployment rate 50% greater than the U.S. rate or if the state meets the definition of a “needy state” under the contingency fund provisions of federal law. Job Search may also be extended for up to four (4) weeks on an individual basis as approved by the Regional Manager. Individuals are required to accept employment offers for which they are qualified and which provide greater income to the family than public assistance, as determined by the intensive employment services team. Part-time employment is also approvable as part of an employment plan in combination with at least one other approvable activity.

1416.15 EMPLOYMENT

EFF: 10/2008

The employment plans of employed applicants or recipients may contain, along with the employment component, another approvable activity, as well as child care services, as necessary. The same procedures are followed as for any other employment plan. An applicant parent is referred for intensive employment services for educational and vocational assessment and career counseling to determine if additional hours are appropriate in the same job or occupation, in an occupation for which the parent has transferable skills, or if another short-term activity, in addition to the employment, would enable the family to increase its income sufficiently to end cash assistance. Parents are advised of the advanced earned income credit and any other credits and supplemental services available to maximize the family’s income.

1416.20 ON-THE-JOB TRAINING

EFF: 10/2008

On-the-job training (OJT) is considered unsubsidized employment with explicit occupational skills training incorporated. Individuals who participate have usually had some positive work experience and/or other marketable characteristics, but they do not possess job skills specific to the occupation. The individual is paid by the employer as any other new employee would be. Reimbursements are made to employers to support the extra costs incurred in providing the training and additional supervision to the participant. A contract is developed with the employer and reimbursements are generally at the rate of 50% of the trainee’s wage. The expectation is that the individual is retained in the position after training unless the periodic evaluation of the employee’s performance reveals that the expected rate of skill acquisition, productivity, quality, or codes of conduct are not being met, despite appropriate supports and interventions. On-the-job training is also available to participants through the local Workforce Investment Boards or the Office of Rehabilitation Services.

1416.20.10 WORK SUPPLEMENTATION (WSUP)

EFF: 10/2008

A variation of OJT is Work Supplementation. The Work Supplementation program is considered subsidized employment. This program is administered by the Department of Human Services even when WSUP

contracts are negotiated and completed by employees of the Department of Labor and Training or subcontractors.

In a contract with the employer, the duties, any training to be provided, wage, and duration of the subsidized position is outlined, similar to an OJT contract. A recipient receives his/her wages from the employer, however, the subsidy to the employer derives from the diversion of part of or all of the individual's cash assistance grant into a wage pool. Employers are reimbursed for part of the costs of wages they pay to the recipient. Upon completion of the subsidized employment, it is anticipated that the parent will be retained by the employer as an unsubsidized worker, unless periodic evaluation of the employee's performance reveals that the expected rate of skill acquisition, productivity, quality, or codes of conduct are not being met, despite appropriate supports and interventions.

A participant in WSUP must agree to receive the wages from the subsidized job, and a residual grant, if appropriate, in lieu of the regular cash assistance grant. Participants remain categorically eligible for Medical Assistance, and child care services may also be authorized. Any child support received directly from an absent parent must continue to be sent to the Department, Office of Child Support Services, while the recipient is participating in WSUP. The wages received from the subsidized job are considered earned income and earned income disregards are applied. If a participant becomes ineligible for cash assistance for any reason other than earnings from the subsidized job, the case is closed, but s/he may continue in the subsidized job for the duration of the placement.

1416.25 JOB READINESS

EFF: 10/2008

There are three distinct types of Job Readiness activities. Regardless of the type, the services are available through a number of state and community service agencies to which applicants and participants may be referred.

Job Readiness within the Context of Another Work Activity

The most frequently occurring type of job readiness is that which is incidental to and provided in the context of another employment-related service, such as job search. This type of job readiness is focused on helping a participant learn about the work world, practice for it, and become ready to secure and retain employment. Many job search and vocational education providers incorporate some degree of job readiness instruction in their classrooms or workshops. In such contexts, job readiness is not a stand-alone activity or listed on the parent's employment plan.

In certain instances, job readiness as defined above may be an independent activity on an employment plan. It is designed for persons who have no recent work history, or who have a poor work history, no clearly defined vocational goals, or who have limited experience with employer expectations regarding appropriate work habits. When job readiness is a stand-alone activity, it is limited to four (4) consecutive weeks or six (6) weeks total per year.

Job Readiness as Housing Search

Individuals who are identified as homeless, or about to become homeless, as defined below, may include housing search as an approvable activity in their employment plans. Such individuals may be identified at screening, or may present themselves as homeless at assessment or any other time.

A homeless individual is defined as an individual who lacks a fixed and regular nighttime residence or an individual whose primary nighttime residence is:

* A supervised shelter designed to provide temporary accommodations, for example, an emergency shelter or shelter for victims of domestic violence;

* A halfway house or similar institution which provides temporary residence for individuals who would otherwise be institutionalized;

* A temporary accommodation, e.g., a hotel/motel, or in the residence of another individual for not more than ninety (90) days; or

* A place not designed for, or ordinarily used, as a regular sleeping accommodation, such as a bus station, a lobby, or a similar place.

The individual must provide, with the assistance of the Housing Services social caseworker as necessary, appropriate documentation of homelessness.

During the development, or amendment, of the Employment Plan, the individual is informed that s/he may be allowed up to ninety (90) days for the housing search activity. In a two-parent family, one parent must comply with a 35 hour per week approved Employment Plan, and the second parent must sign an Employment Plan and conduct the housing search, unless one parent receives SSI. (See Two Parent Family Requirements, Sections 1412.05.25. and 1412.05.25.05)

When the parent is conducting a self-directed housing search, s/he provides the social caseworker or housing worker with a log of her or his housing contacts during face-to-face meetings that occur on at least a biweekly basis. An acceptable number is a reasonable, and agreed-upon number of such contacts per week which is specified in the written Employment Plan. The log shall include the date of the contact, the apartment address, contact name, telephone number, and result of the contact.

The written Employment Plan details the activities to be undertaken by the individual and any supportive services provided by DHS. The housing search log and attendance reports from providers of other services/activities are used to monitor satisfactory progress of the housing search.

When a parent and her/his family are not in a homeless shelter with a structured program, the individual must still meet Employment Plan activity participation requirements (as outlined in Sections 1412.05.05 and 1412.05.10, or 1412.05.25).
When a parent(s) and her or his family are in a homeless shelter with a structured program and formal set of services, s/he will be required to participate fully with the shelter's program services in order to have a job readiness activity approved.

Some shelters may enter into formal agreements with DHS to provide an array of job readiness services for DHS clients. An intensive supervised housing search is an essential component of these programs. Individuals in these circumstances must meet RI Works Employment Plan activity participation requirements (as outlined in Sections 1412.05.05 and 1412.05.10, or 1412.05.25) and are monitored by the shelter. Such individuals must meet the required hours of approved Plan activities, including housing search as well as GED, ESL, Parenting Skills, Job Search, and OJT, as appropriate. Individuals are referred to the shelter utilizing the RIW-102 form, and the shelter communicates the individual's progress with the social caseworker or housing worker via the RIW-103 on a biweekly basis.

Job Readiness within a Rehabilitation Employment Plan

The third type of job readiness includes rehabilitation-oriented activities such as substance abuse, physical or mental health treatments, therapies, or other services designed to lessen or remove barriers to employment. In most instances, a referral to the Office of Rehabilitation Services (ORS) for job readiness services is sufficient to create the RI Works employment plan. In some instances, private practices or other agencies may be approved for the job readiness service if they agree to DHS requirements for supervision and biweekly reporting.

Rehabilitation-oriented interventions shall be based upon recommendations of qualified personnel such as those authorized to complete C1-b forms (Doctor of Medicine (M.D.), Psychiatrist (M.D.), Psychologist (PhD), Doctor of Osteopathy (D.O.), Licensed Clinical Social Worker (LICSW), Physician’s Assistant (PA), or Certified Registered Nurse Practitioner (RNP), or Vocational Rehabilitation Counselors employed by the DHS Office of Rehabilitation Services or who are nationally certified rehabilitation counselors. In the context of rehabilitation employment plans, job readiness is not time-limited, but the parent must be making steady progress in his/her plan, as determined by a qualified vocational rehabilitation counselor or other qualified professional who has agreed to provide close oversight and to provide written documentation monthly to the department of the parent’s progress toward physical and/or mental health and vocational readiness.

1416.30 WORK EXPERIENCE

EFF: 10/2008

Federal guidance notes that Work Experience (WEXP) “means a work activity, performed in return for welfare, that provides an individual with an opportunity to acquire the general skills, training, knowledge,

and work habits necessary to obtain employment. The purpose of WEXP is to improve the employability of those who cannot find unsubsidized employment. This activity must be supervised by an employer, work site sponsor, or other responsible party daily."

While a participant is engaged in WEXP, he/she continues to receive cash benefits and supportive services. Participants in WEXP may work in either for-profit or not-for-profit sites, but they are not paid by those entities. Still, it must be assumed they meet the broad definition of an "employee" under the Fair Labor Standards Act, and therefore, an individual cannot participate for more hours in a month than are derived by adding the family's monthly cash benefits to the monthly Food Stamp benefits and then dividing the sum by the State's minimum wage. Under the federal Temporary Assistance for Needy Families (TANF) program, assistance and benefits substitute for wages but they are not considered wages for purposes of Social Security, taxation, or the Earned Income Tax Credit (EITC).

Whenever a recipient is engaged in unpaid WEXP, a site agreement must be developed and completed with the employer or host agency. As with an OJT or Work Supplementation contract, the individual's duties, the training and supervision to be provided, and the duration of the WEXP is outlined.

Candidates for unpaid WEXP are those for whom an active job search has not resulted in competitive employment or those who have no prior work experience or who may have an employment barrier, such as very low literacy or no English language proficiency. A WEXP of three (3) to six (6) months may provide a sufficient foundation for the individual to succeed in the competitive labor market. Job search may be undertaken in the last months of a successful WEXP as an incidental or supplemental activity for the individual, especially if the job search is facilitated by an intermediary contracted provider. If job search is a central activity, the employment plan must be revised to reflect the planned hours in each activity.

1416.30.05 WORK STUDY AS A VARIATION OF WORK EXPERIENCE

EFF: 10/2008

The Federal Work-Study Program provides funds that are earned through part-time employment to assist students in financing the costs of post-secondary education. Federal Work-Study (FWS) allocations are made to eligible institutions for the purpose of providing part-time employment to needy undergraduate and graduate students who attend participating institutions. Hourly wages must not be less than the federal minimum wage.

A recipient may be engaged in work study, as a variation of a WEXP program. This program is administered under Higher Education Act Title IV funding, almost exclusively, and any income earned under this program is not countable for the RI Works cash assistance program, the Medical Assistance program, or the Child Care Assistance program, but <u>is</u> countable for the Food Stamps program.

As a variation of WEXP, the participant may be allowed to undertake work study associated with Vocational Educational Training/post-secondary, as described in policy section 1416.45. The RI Works caseworker would enter both a WEXP activity on the EASC screen, with an activity code of WST (for work study) and enter a JINC panel, coding the income countable for FS, but not for RIW cash assistance (as per section 1424.45), MA, or for CCAP. As this activity will not be tracked in the EARR, continued employment in the FWS program is verification of the student's success in participation, and pay stubs or statements of earnings, verifying hours and wages, suffice to document attendance.

1416.35 WORK SUPPLEMENTATION

EFF: 10/2008

The Work Supplementation Program (WSUP) is designed to assist certain RI Works recipients to locate and retain gainful employment by providing subsidized employment in the labor market. This program is administered by the Department of Human Services.

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.

1416.40 COMMUNITY SERVICE

EFF: 10/2008

Federal guidance describes Community Service programs as "structured programs in which recipients perform work for the direct benefit of the community under the auspices of public or nonprofit organizations." Community service programs are limited to "projects that serve a useful community purpose" and "must be designed to improve the employability of recipients not otherwise able to obtain employment."

Community service differs from unpaid work experience only in regard to the kind of work that is done, the possible location, and the benefit that must accrue to the community. It does not differ with regard to the benefits that should accrue to the individual, the Fair Labor Standards Act rules, the necessity for a site agreement, or the assessment of potential candidates for community service. Community service programs and placements must be overseen by an intermediary, usually a state-contracted service provider.

1416.45 VOCATIONAL EDUCATION TRAINING

EFF: 10/2008

Vocational education training means any training that directly prepares an individual for an occupation. Vocational education training is approvable and countable for up to twelve (12) months during the forty-eight (48) months of an individual's lifetime limit of cash assistance in Rhode Island. It is approvable if a parent is unable to secure employment after good faith efforts are made during intensive employment services. It may also be approved if, during intensive

employment services, the team assesses a parent as being more likely to succeed in competitive employment if first provided a short-term intensive intervention. In such instances, the training may or may not be combined with another approvable activity but it would have to be concluded in a six (6) month period or less and be deemed to be highly likely to result in full-time employment at or above 150% of Rhode Island's minimum wage.

1416.50 CHILD CARE FOR AN INDIVIDUAL PARTICIPATING IN A COMMUNITY SERVICE PROGRAM

EFF: 10/2008

Federal guidance permits caring for the children of another TANF recipient who is engaged in a community service program to be approvable and countable as a core activity for the duration of the community service performed by the other parent. This is the only situation in which the provision of child care to another TANF recipient is considered an approvable core activity. It is expected to happen rarely for a variety of reasons, including the fact that it is an unpaid activity and that as an unpaid activity, it should serve as a training opportunity, constituting one step in the individual's employment plan wherein the goal is paid employment in the child care field. The individual undertaking this activity must also start and continue to be engaged in the procedures to become a licensed childcare provider.

1416.55 JOB SKILLS TRAINING DIRECTLY RELATED TO EMPLOYMENT

EFF: 10/2008

Federal guidance describes job skills training directly related to employment as "training and education for job skills required by an employer to provide an individual with the ability to obtain employment or advance or adapt to the changing demands of the workplace." It can include customized training at the worksite or general training away from the worksite when focused on occupational skill development.

Jobs skills training is approvable and countable if the individual is first and simultaneously engaged for a minimum average of twenty (20) hours per week (regardless of the age of the recipient's youngest child), in some other core activity, principally paid employment, unpaid work experience or community service.

1416.60 EDUCATION DIRECTLY RELATED TO EMPLOYMENT

EFF: 10/2008

Federal guidance describes education directly related to employment as "education related to a specific occupation, job or job offer", but it can include adult basic education (ABE), literacy, general educational development (GED) preparation, or English as a second language (ESL), sometimes referred to as English for speakers of other languages (ESOL), when jobs require any of these credentials or competencies.

Education directly related to employment is approvable and countable if the individual is first and simultaneously engaged for a minimum average of twenty (20) hours per week (regardless of the age of the recipient's youngest child), in some other core activity, principally paid employment, unpaid work experience or community service, or in some circumstances, vocational education.

1416.65 SATISFACTORY ATTENDANCE AT A SECONDARY SCHOOL OR IN A GED PROGRAM IN THE CASE OF A PARENT UNDER THE AGE OF TWENTY

EFF: 10/2008

Federal guidance notes that satisfactory attendance at a secondary school or in a GED program for parents under the age of twenty (20) "means regular attendance, in accordance with the requirements of the secondary school or course of study at a secondary school, or in a course of study leading to a certificate of general equivalence", and additionally means "good or satisfactory progress." The determination of "good or satisfactory progress" includes qualitative and quantitative measures as defined by the institution or program, such as grade point average or educational functioning level (EFL) over the course of a defined period, such as a trimester.

1416.70 ADULT EDUCATION IN THE CONTEXT OF INTENSIVE WORK READINESS

EFF: 10/2008

Unlike "Education directly related to employment", which can be undertaken for an unlimited duration if the parent is first and simultaneously engaged in some other core activity at least twenty (20) hours per week on average, adult education in the context of an intensive work readiness program is limited to six (6) months as a stand-alone, full-time activity. It is a 30-hour program with multiple components combined (literacy, numeracy, job skills, work or work experience or community service) with wrap-around support services. Only individuals with reading test scores below the third grade, or below the sixth grade if the individual also has no or very limited prior work experience, are eligible for this type of service. If it is determined by the One-Stop team that a client has very limited or no English-language skills, the client may be referred to programs for intensive ESL services, which must be ~~in~~ approved by the Office of Adult Education. At the conclusion of the program, or sooner if the individual terminates sooner, the individual must return to intensive employment services for re-assessment.