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 PROGRAM
Sections 1400 through 1436

In accordance with the Administrative Procedures Act, the Department is proposing rule-making to amended the Rhode Island Works (RIW) DHS rule, Section 1400 thorough Section 1436, to be consistent with section 4004(c) of the P.L. 112-96, which amends section 402(a)(1)(A) of the Social Security Act (42 U.S.C. 602(a)(1)(A)), states are required to implement policies and procedures to prevent access to assistance through electronic fund transactions at casinos, liquor stores, and establishments providing adult-oriented entertainment.

This amended rule further includes revisions to clarify section 1414.10, Domestic Violence Waiver Process.

In the development of these rules, 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.

These proposed rules are 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). **A public hearing will be held to consider the proposed rule adoption on Wednesday, March 12, 2014 at 11:00 AM at the Louis Pasteur Building, 57 Howard Avenue, Cranston, RI 02920 in the West Wing Conference room.** Persons wishing to testify may do so by signing up at the Hearing or by submitting written testimony by Thursday, March 20, 2014 to Kimberly Merolla-Brito, Office of Policy Development, RI Department of Human Services, Louis Pasteur Building, 57 Howard Avenue Fl # 1, Cranston, RI 02920.

The Hearing will begin at 11:00 AM and will conclude when the last speaker finishes testimony or at 1:00 PM, whichever occurs first. The seating capacity of the West Wing Conference Room will be enforced and therefore the number of persons participating in the Hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

The Louis Pasteur Building is accessible to the handicapped. Individuals with hearing impairments may request an interpreter's presence by calling 711 or Relay RI 1-800-745-6575 (Voice) and 1-800-745-555 (TDD). Requests for this service must be made at least 72 hours in advance of the Hearing date.

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.

Rhode Island

Department of Human Services

RHODE ISLAND WORKS PROGRAM

(RIW)

Sections 1400 through 1436

April, 2014~~March 26, 2012~~

Rhode Island Department of Human Services
Rhode Island Works Program (RIW)
Rules and Regulations

1400 PURPOSE AND ADMINISTRATION 1
1400.05 LEGAL PROVISIONS 1
1400.10 PURPOSE 1
1400.15 SCOPE OF THE PROGRAM FOR FAMILIES 2
1400.20 DEFINITIONS 2

1402 THE APPLICATION PROCESS 9
1402.05 SCREENING 9
1402.05.05 Screening Interview 9
1402.05.10 Data Entry Requirements During Screening 13
1402.10 COMPLETION OF APPLICATION FOR ASSISTANCE 13
1402.15 INTAKE INTERVIEW 14
1402.15.05 Forms Needed at Intake Interview 16
1402.15.10 Review of the Statement of Need (DHS-2) 16
1402.20 COMPLETING INITIAL ELIGIBILITY DETERMINATION 16
1402.30 DECISION ON APPLICATION 17
1402.30.05 Notification of Eligibility 18
1402.35 REFERRAL TO DCYF 18

1404 THE ASSISTANCE UNIT 19
1404.05 PERSONS INCLUDED IN THE ASSISTANCE UNIT 19
1404.05.05 Income and Resources 19
1404.10 PERSONS EXCLUDED FROM THE ASSISTANCE UNIT 20
1404.15 OPTIONAL INCLUSION IN THE ASSISTANCE UNIT 22
1404.20 INELIGIBILITY OF INCOMPLETE ASSISTANCE UNIT 22
1404.25 PARENT IN HOME WHO IS NOT PROVIDING CARE 22
1404.30 CASE EXAMPLES OF THE ASSISTANCE UNIT 23

1406 NON-FINANCIAL REQUIREMENTS 25
1406.05 NON-FINANCIAL ELIGIBILITY FACTORS 25
1406.10 ELIGIBILITY FACTOR OF AGE 25
1406.10.05 Verification of Age 25
1406.10.10 School Training of Children 18-19 26
1406.10.15 Verification of Attendance 26
1406.15 ELIGIBILITY FACTOR OF RELATIONSHIP 27
1406.15.05 Verification of Relationship 27
1406.15.10 Unwed Father as Applicant 28
1406.15.10.05 Relative of an Unwed Father as Applicant 29
1406.15.15 Verification by Means of an Affidavit 29
1406.20 ESTABLISHMENT OF HOME 30
1406.20.05 Temporary Absence from Home 31
1406.20.10 Separation as Bar to Eligibility 32
1406.25 RE-ESTABLISHMENT OF HOME 32

1406.25.05 Temporary Arrangement in Emergencies 32
1406.30 CITIZENSHIP AND QUALIFIED NON-CITIZEN STATUS 33
1406.35 RESIDENCY 34
1406.40 SPECIAL CIRCUMSTANCES RELATED TO ELIGIBILITY 34
1406.40.05 Parent with Child Receiving SSI 34
1406.40.10 Eligibility of a Pregnant Woman 35
1406.40.15 Minor Parents 35
1406.40.20 Domestic Violence Situations 36
1406.40.20.05 Definition of Domestic Violence 36
1406.45 ENUMERATION 36
1406.45.05 Inability to Furnish SSN 36
1406.50 TIME LIMITS 37
1406.50.03 Counting Cash Assistance from Other States 38
1406.50.05 Exceptions to Time Limits 39
1406.50.10 Criteria for Hardship Extension to Time Limits 39
1406.50.10.05 Hardship Extensions and Procedures 40

1408 COOPERATION REQUIREMENTS 43
1408.05 ASSIGNMENT OF SUPPORT RIGHTS WITH THE OFFICE OF CHILD SUPPORT 43
1408.05.05 Referral to the Office of Child Support 43
1408.05.10 Cooperation in Obtaining Support 43
1408.05.15 Good Cause for Refusing to Cooperate with OCSS 44
1408.05.15.05 When Cooperation Not in Best Interest 45
1408.05.15.10 Corroborative Evidence for Good Cause 45
1408.05.15.15 Emotional and Physical Harm Defined 46
1408.05.15.20 Good Cause Decision 47
1408.05.15.25 Review of Good Cause Finding 47
1408.05.17 Consequences of Non-cooperation with OCSS 48
1408.05.20 Communication between RIW and OCSS Staff 48
1408.10 THIRD-PARTY LIABILITY 49
1408.10.05 Third-Party Payments 49
1408.10.10 Responsibility of Third-Party Liability Unit 49
1408.15 RI WORKS PROGRAM REQUIREMENTS 50
1408.20 SAVE REQUIREMENTS 50
1408.25 PURSUIT OF POTENTIAL RESOURCES 50
1408.30 CHANGE REPORTING REQUIREMENTS 51

1410 WORK PROGRAM PROCEDURES 52
1410.05 ASSESSMENT 52
1410.05.05 Assessment Requirements 52
1410.05.10 Assessment Recording 53
1410.10 FINANCIAL PLAN 54
1410.15 EMPLOYMENT PLAN AS CONDITION OF ELIGIBILITY 54

1412 WORK POLICY AND PROCEDURES 58
1412.05 PARTICIPATION REQUIREMENTS 58
1412.05.05 One Parent Family 58

1412.05.10 Temporary Exemption for Single Parents 59
1412.05.15 Two-Parent Family Requirements 60
1412.05.15.05 Teen Two-Parent Family Requirements 61
1412.05.20 Exemptions for Two-Parent Families 62
1412.10 WORK ACTIVITIES 62
1412.15 SUPPORTIVE SERVICES 63
1412.15.05 Transportation 63
1412.15.10 Child Care Services 63
1412.15.15 Exclusion from Income 64
1412.20 PROGRESS AND ATTENDANCE REQUIREMENTS 64
1412.20.05 Definition of Successful Participation 64
1412.20.10 Attendance Requirements 65
1412.20.15 Activity Closure 65
1412.25 FAILURE TO COMPLY WITH WORK REQUIREMENTS 65
1412.25.05 Good Cause for Failure to Comply 66
1412.30 PENALTIES FOR WORK REQUIREMENT NON-COMPLIANCE 68
1412.35 FAIR HEARING REQUESTS 69
1412.40 ENDING WORK PENALTIES 69
1412.45 WORK CLOSURE 71

1414 SPECIAL PROGRAM REQUIREMENTS 72
1414.05 MINOR PARENT AND PREGNANT MINOR REQUIREMENTS 72
1414.05.05 Goal 72
1414.05.10 Eligibility Criterion 72
1414.05.15 Exceptions 72
1414.05.20 Adult-Supervised Living Arrangement 73
1414.05.20.05 Routine Adult Supervision 73
1414.05.25 Approvable Living Arrangements 74
1414.10 DOMESTIC VIOLENCE WAIVER PROCESS 75

1416 WORK ACTIVITIES *77*
1416.05 COMPONENT/PROGRAM ACTIVITIES 77
1416.10 JOB SEARCH AND INTENSIVE EMPLOYMENT SERVICES 77
1416.15 EMPLOYMENT 78
1416.20 ON-THE-JOB TRAINING 78
1416.20.10 Work Supplementation (WSUP) 78
1416.25 JOB READINESS 79
1416.30 WORK EXPERIENCE 81
1416.30.05 Work Study as a Variation of Work Experience 82
1416.35 SUBSIDIZED EMPLOYMENT 82
1416.40 COMMUNITY SERVICE 83
1416.45 VOCATIONAL EDUCATION TRAINING 83
1416.50 CHILD CARE FOR INDIVIDUAL PARTICATION IN COMMUNITY SERVICES 83
1416.55 JOB SKILLS TRAINING RELATED TO EMPLOYMENT 84
1416.60 EDUCATION DIRECTLY RELATED TO EMPLOYMENT 84
1416.65 EDUCATION ATTENDANCE FOR PARENT UNDER AGE 20 84
1416.70 ADULT ED FOR INTENSIVE WORK READINESS 85

1422 RESOURCES *86*
1422.05 NONEXEMPT RESOURCES 86
1422.05.05 Trusts 86
1422.10 EXCLUDED RESOURCES 87
1422.10.05 Real Property that is the Home 87
1422.10.10 Real Property other than the Home 88
1422.10.15 Other Income-Producing Property 89
1422.10.15.05 Factors Determining Exclusion 89
1422.10.15.10 Examples of Determining Exclusion 89
1422.10.20 Income-Producing and Other Vehicles 90
1422.10.25 Exclusion of Household Furnishings 90
1422.10.30 Exclusion of Burial Plot 90
1422.10.35 Exclusion of Funeral Agreement 90
1422.10.40 Resources Excluded by Law 91
1422.15 DETERMINATION OF RESOURCES 91
1422.15.05 Real Property 92
1422.15.10 Personal Property 92
1422.15.10.05 Liquid Resources 92
1422.15.10.10 Medical Insurance 92
1422.15.10.15 Valuation of Vehicles 93
1422.15.10.20 Nonessential Items 93
1422.15.10.25 Resources of Ineligible Household Members 94
1422.20 TRANSFER OF RESOURCES 94
1422.20.05 Resources Transferred in Application Month 94
1422.25 ASSETS ACQUIRED AFTER RECEIPT OF RI WORKS 94
1422.30 RECOVERY OF RESOURCES AFTER DEATH 94

1424 INCOME 95
1424.05 DEFINITION OF INCOME 95
1424.05.05 Child's Income 95
1424.05.10 Documentation 95
1424.10 DETERMINING ELIGIBILITY 96
1424.15 EXCLUDED INCOME 96
1424.15.05 Exclusion of First $50 of Child Support 97
1424.20 EARNED INCOME 98
1424.20.05 Earned Income from Wages 98
1424.20.10 Earned Income from Self-Employment 98
1424.20.10.05 Child Care Service Providers 99
1424.20.10.10 Income from Roomer or Boarder 99
1424.20.10.15 Rental Income 99
1424.25 INCOME DISREGARDS 100
1424.30 OTHER SOURCES OF INCOME 101
1424.30.05 Federal and State Insurance-ESB & TDI 101
1424.30.10 RSDI Income 101
1424.30.10.05 Identifying Potential Beneficiaries 102
1424.30.15 Veterans Administration Benefits 103
1424.30.20 Worker's Compensation 103

1424.30.25 Insurance Settlement ... 103
1424.30.30 Money or Goods from Other Agencies ... 104
1424.30.35 Non-Legally Liable Relative Contribution ... 104
1424.30.40 Income-In-Kind ... 104
1424.30.45 Interest and/or Dividends ... 104
1424.30.50 Income from Legally Liable Relatives ... 105
1424.30.55 Income of Joint RI WORKS/SSI Household ... 105
1424.30.60 Income of Americorps and Americorps/Vista ... 105
1424.35 TREATMENT OF LUMP SUM INCOME ... 106
1424.35.05 Reduction of Lump Sum Income/Resource ... 106
1424.40 CHILD SUPPORT INCOME ... 107
1424.40.05 Direct Support ... 107
1424.40.10 Support Paid through Family Court ... 108
1424.40.15 Payment of Child Support Pass Through ... 109
1424.40.20 Distribution of Child Support of SSI Child ... 110
1424.45 STUDENT'S INCOME ... 110
1424.50 DEEMED INCOME ... 111
1424.50.05 Income of Parent(s) of Minor Parent ... 111
1424.50.10 Income of Non-Citizen Sponsor ... 111
1424.50.15 Ineligible Parent of Children ... 112
1424.50.15.05 Income of Statutorily Barred Parent ... 112
1424.50.15.10 Income of Disqualified Parent ... 113
1424.50.20 Income of the Spouse of an L.P. Caretaker ... 113
1424.55 SUPPORT OF DEPENDENT CHILDREN ... 114
1424.55.05 Responsibility for Unwed Minor Parent ... 114
1424.55.05.05 Minor Parent Living in Parental Home ... 115
1424.55.05.10 Deeming of Grandparent's Income ... 115
1424.60 INCOME OF NON-CITIZENS WHOSE SPONSORS ARE LIABLE ... 116
1424.60.05 Non-Citizens Exempted from Sponsor Liability ... 117
1424.60.10 Sponsor Definition and Responsibility ... 117
1424.60.10.05 Considerations Relating to Sponsoring Agency ... 118
1424.60.15 Responsibility of Non-Citizen ... 118
1424.60.15.05 Calculation of Income Deemed to Non-Citizen ... 119
1424.60.15.10 Calculation of Resources Deemed to Non-Citizen ... 119
1424.60.20 Prorating Income and Resources of Sponsor ... 120
1424.60.25 Overpayments ... 120

1426 STANDARDS OF ASSISTANCE ... 121
1426.05 RI WORKS STANDARDS OF ASSISTANCE ... 121
1426.05.05 Adjustment to Standard-Subsidized Housing ... 121
1291426.05.15 Determination of Assistance Plan Size ... 122
1426.05.20 Children in Custody of DCYF ... 123
1426.05.20.05 Children in Placement with Relatives ... 123
1426.05.20.10 Suspected Child Abuse or Neglect ... 123
1426.10 MINIMUM MONTHLY PAYMENT ... 123
1426.11 POST-CLOSURE EMPLOYMENT INCENTIVE BONUS ... 124
1426.13 CLOTHING ALLOWANCE ... 125

1426.15 UNDELIVERED/LOST/STOLEN OCSS CARDS/PAYMENTS 125
1426.20 PAYMENT OF BURIAL EXPENSES 125
1426.25 EMERGENCY ASSISTANCE 125
1426.25.05 Catastrophic Assistance 125
1426.25.05.05 Criteria for Catastrophic Assistance 126
1426.25.05.10 Agency Responsibilities 127
1426.25.05.15 Denial of Catastrophic Assistance 128
1426.25.10 Moving Expenses 128
1426.25.10.05 Verification Criteria for Payment of Move 129
1426.25.10.10 Authorization of Moves: Procedures 129
1426.25.10.15 Denial of Moving Payments 130
1426.30 PROTECTIVE PAYMENTS 130
1426.30.05 Minor Parents and Pregnant Minors 131
1426.30.15 Authorizing a Protective Payee 131

1427 ELECTRONIC BENEFIT TRANSFER 132
1427.05 PAYMENT OF EBT CASH ASSISTANCE 132
1427.05.05 Accessing EBT Cash Benefits 132
1427.05.10 Replacement of EBT Cash Benefits 132
1427.05.20 Restrictions on Use of EBT Cash Benefits 133
1427.05.30 Penalties for Using EBT at Restricted Locations 133
1427.05.40 Fair Hearing Request 134
1427.10 Electronic Benefit Transfer (EBT) Cards ..... 134~~3~~
1427.10.05 Lost, Stolen, or Damaged EBT Cards ..... 134~~3~~
1427.10.10 EBT Cards for Authorized Payees ..... 135~~4~~
1427.15 PERSONAL IDENTIFICATION NUMBER (PIN) ..... 135~~4~~
1427.20 STALE EBT CASH ACCOUNTS ..... 136~~5~~

1428 BUDGET METHODOLOGY ..... 137~~6~~
1428.05 PROSPECTIVE BUDGETING ..... 137~~6~~
1428.05.05 Prospective Budgeting Method ..... 137~~6~~
1428.05.10 Authorizing Assistance ..... 137~~6~~
1428.10 CHANGE REPORTERS ..... 137~~6~~
1428.10.05 Action on Changes ..... 138~~7~~
1428.10.10 Increases and Decreases in TANF Benefit ..... 139~~8~~
1428.10.15 Failure to Report Changes ..... 139~~8~~
1428.15 Notice of Adverse Action ..... 139~~8~~

1429 UNDERPAYMENTS ..... 140~~39~~
1429.05 CORRECTION OF UNDERPAYMENTS ..... 140~~39~~

1430 OVERPAYMENTS ..... 141~~0~~
1430.05 RECOVERY OF OVERPAYMENTS ..... 141~~0~~
1430.10 TYPES OF ERROR CASES ..... 141~~0~~
1430.15 ESTABLISHING CLAIMS AGAINST HOUSEHOLDS ..... 142~~1~~
1430.15.05 Determining Initial Month of Over-Issuance ..... 143~~2~~
1430.15.10 Calculation of the Claim Referral ..... 143~~2~~
1430.15.15 Reasonable Effort to Pursue Recovery ..... 144~~3~~
1430.15.20 Individual/Assistance Unit Responsibility ..... 145~~4~~

1430.20 OVERPAYMENTS TO NON-CITIZENS 1454
1430.20.05 Good Cause 1465
1430.20.10 Sponsor and Non-Citizen Liability for Repayment 1465
1430.25 RECOVERY'S EFFECT ON ELIGIBILITY 1465
1430.25.05 Methods of Recovery 1476
1430.30 REFERRAL OF OVERPAYMENTS TO CCR/FRAUD UNIT 1476
1430.30.05 Repayment Agreement 1487
1430.30.10 Delinquent Claims 1498
1430.30.15 Households That Fail to Respond 1498
1430.30.20 Outstanding Claims Balances 15049
1430.35 CLAIMS REFERRED FOR PROSECUTION 15049
1430.40 SETOFF OF STATE PERSONAL INCOME TAX REFUND 15049
1430.40.05 Criteria for Referral for Setoff 1510
1430.40.10 Setoff Procedures and Notification of Debtor 1510
1430.40.15 Transfer of Funds by Division of Taxation 1521
1430.50 ADMINISTRATIVE HEARINGS 1521
1430.55 COMPROMISING CLAIMS 1532
1430.55.05 Terminating and Writing-Off Claims 1532
1430.55.10 Methods of Collecting Claims 1532
1430.60 REDUCTION IN BENEFIT ALLOTMENT 1543
1430.60.05 Benefits from EBT Accounts 1543
1430.65 OVER-PAYMENT OF A CLAIM 1543
1430.70 ACCOUNTING PROCEDURES 1543
1430.75 INTERSTATE CLAIMS COLLECTION 1554

1432 REDETERMINATIONS AND CHANGES 1565
1432.05 PURPOSE OF REDETERMINATIONS 1565
1432.10 PROCESS OF REDETERMINATION 1565
1432.15 REDETERMINATION APPOINTMENT 1565
1432.15.05 Redetermination Appointment Not Kept 1576
1432.17 INTERIM REPORTING 1576
1432.17.10 Interim Report Verification Requirements 1598
1432.20 COMPLETION OF REDETERMINATION 16059
1432.25 CHANGES IN CIRCUMSTANCES 16059
1432.25.05 Addition of Member to Assistance Unit 16059
1432.25.10 Discontinuance 1610
1432.25.15 Eligibility for Medical Assistance Only 1610

1434 NOTICE REQUIREMENTS 1621
1434.05 NOTICE OF ADVERSE ACTION 1621
1434.05.05 When Timely Notice Not Required 1621
1434.05.10 Acknowledgment of Client Understanding 1632
1434.10 REQUIRED ACTION 1632

1436 CASE RECORD 1654
1436.05 RI WORKS PROGRAM CASE RECORDS 1654
1436.05.05 Intake Worker Receives Application Forms 1654
1436.10 PURPOSE OF RECORD KEEPING 1654

1436.15 USE OF CASE RECORDS 1654
1436.20 ORGANIZATION OF THE PAPER FILE 1665

1400 PURPOSE AND ADMINISTRATION

1400.05 LEGAL PROVISIONS

REV:10/2008

The Rhode Island Works Program (RIGL 40-5.2 et seq.) establishes the legal basis for a welfare to work program to assist needy families to prepare for, accept and retain employment with necessary supports, as quickly as possible, and is the law through which the Federal assistance program, Temporary Assistance for Needy Families, is available to families in Rhode Island who meet program eligibility criteria. The Department of Human Services is charged with the responsibility of setting forth the eligibility requirements established in law. All provisions of RIGL 40-5.2 et seq. shall be effective and apply to all applicants and recipients on or after July 1, 2008, except those described in Section 1406.50, Time Limits.

Cash assistance issued under the program is not transferable or assignable at law or in equity, and no benefits paid or payable shall be subject to execution levy, attachment, garnishment or other legal process, or to the operation of any bankruptcy or insolvency law.

1400.10 PURPOSE

REV: 3/2012

The purpose of the Rhode Island Works Program of the Department of Human Services (referred to as "the Agency") is to provide financial and employment assistance to eligible pregnant women and parents with children.

The program is administered in a manner consistent with the objectives of the Agency and respects the rights, privacy, and personal dignity of the individual. All applicants and recipients, without regard to race, color, national origin, English proficiency, age, sex, disability, religious belief, political belief, sexual orientation, gender identity or expression, have a right to apply, to confidentiality, to equitable and courteous treatment, to self determination, to receive the proper form of assistance, to receive, if eligible, an accurate unrestricted income support and to an adjustment conference, and/or to a Fair Hearing.

An application consisting of the Application for Assistance - Part I (DHS-1) and the Statement of Need (DHS-2), completed by the applicant and filed with the Agency, is used to apply for assistance and initiates the application process. An interview with the applicant to review these forms is required. The applicant is also required to document the information so that the Agency can determine the applicant's eligibility or ineligibility. That determination encompasses all factors of eligibility, as set forth in the law and policy of the Agency, and includes a full exploration and computation of resources which can be made available to each person or family.

1400.15 SCOPE OF THE PROGRAM FOR FAMILIES

REV:10/2008

The purpose of the Rhode Island Works Program is to assist working families with children who have insufficient income to meet their needs for food, shelter, clothing, child care, and medical care and to provide families with parents who are unemployed with both financial assistance and employment assistance, so the adult member(s) of the family can enter or re-enter the workplace, with necessary supports, as quickly as possible. This shall include developing and implementing child support payment and enforcement, casework that includes employment planning and employment services, cash assistance, food assistance, child care subsidies and medical assistance for eligible children and families in need.

1. Cash assistance for eligible families: families in which there is an eligible child (see Section 1406) and whose resources are within program limits (see Section 1422), whose countable income is less than the cash payment amount are eligible for a cash assistance payment.

2. Child Care Assistance Program: (a) all families who are eligible for cash assistance and who require child care in order to meet the work requirements described in Sections 1412 and 1416 will be provided child care and (b) other families within income and resource limits and other requirements of the program detailed in Section 0850 are eligible for subsidized child care for children under age thirteen (13), or for children between thirteen (13) and nineteen (19) years old who have a documented physical or mental disability which makes the child incapable of self-care.

3. Medical Assistance: pregnant women and families with an eligible child or children may be eligible for Medical Assistance if their income and resources are within program limits. See Section 0348.

4. Supplemental Nutrition Assistance Program (SNAP): families within program income and resource limits are eligible for food assistance. The SNAP Program is a federal program of the U.S. Department of Agriculture and is administered in Rhode Island by the Department of Human Services. A household that has been determined eligible for SNAP receives benefits which augment the food purchasing power of the family. See the DHS Supplemental Nutrition Assistance Program Manual, Sections 1000 et seq.

1400.20 DEFINITIONS

REV: 3/2012

As used in this policy, the following terms having the meanings set forth herein, unless the context in which such terms are used clearly indicates to the contrary:

Adult Education - services or instruction below the postsecondary education level for individuals who are not enrolled or required to be enrolled in secondary school under State law, and who; lack sufficient mastery of basic educational skills to enable individuals to function effectively in society; or do not have a secondary school diploma or its equivalent level of education; or are unable to speak, read, or write the English language.

Applicant - a person who has filed a written application for assistance for herself/himself and her/his dependent child(ren). An applicant may be a parent or non-parent caretaker relative.

Assistance - cash and any other benefits provided pursuant to this chapter.

Assistance Unit - the assistance filing unit consisting of the group of persons, including the dependent child(ren), living together in a single household who must be included in the application for assistance and in the assistance payment if eligibility is established. An assistance unit may be the same as a family.

Benefits - assistance received pursuant to this chapter.

Community Service Programs - structured programs and activities in which cash assistance recipients perform work for the direct benefit of the community under the auspices of public or nonprofit organizations. Community service programs are designed to improve the employability of recipients not otherwise able to obtain paid employment.

Department - the Department of Human Services.

Dependent Child - an individual, other than an individual with respect to whom foster care maintenance payments are made, who is (A) under the age of eighteen (18), or (B) under the age of nineteen (19) and a full-time student in a secondary school (or in the equivalent level of vocational or educational training), if before he or she attains age nineteen (19), he or she may reasonably be expected to complete the program of such secondary school (or such training).

Director - the Director of the Department of Human Services.

Earned Income - income in cash or the equivalent received by a person through the receipt of wages, salary, commissions, or profit from activities in which the person is self-employed or as an employee and before any deductions for taxes.

Earned Income Tax Credit - the credit against federal personal income tax liability under § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32, or any successor section, the advanced payment of the earned income tax credit to an employee under § 3507 of the code, 26 U.S.C. § 3507, or any successor section and any refund received as a result of the earned income tax credit, as well as any refundable state earned income tax credit.

Education Directly Related to Employment - education, in the case of a participant who has not received a high school diploma or a certificate of high school equivalency, related to a specific occupation, job, or job offer.

Eligible Businesses Under Subsidized Employment - any for-profit, non-profit or public sector entity of any size wherein employee(s) pay state income tax, and wherein an employer may not create a subsidized job slot when an individual (employee) is on layoff from the same or a substantially equivalent job, and that an employer may not create a subsidized job slot when an employer has terminated an individual from employment or caused an involuntary reduction in its workforce in order to fill the vacancy with a subsidized worker.

Family - (A) a pregnant woman from and including the seventh month of her pregnancy; or (B) a child and the following eligible persons living in the same household as the child: (1) each biological, adoptive or stepparent of the child, or in the absence of a parent, any adult relative who is responsible, in fact, for the care of such child, and (2) the child's minor siblings (whether of the whole or half blood); provided, however, that the term "family" shall not include any person receiving benefits under title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq. A family may be the same as the assistance Unit.

Foster Care - 24-hour substitute care for a child placed away from his/her parent(s) or guardian(s) and for whom the State child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes.

Gross Earnings - income in cash (self-employed) or the equivalent received by a person through the receipt of wages, salary, commissions, or profit from activities in which the person is self-employed or as an employee and before any deductions for taxes. (See Earned Income)

Homelessness - an Individual and/or family who meets one (1) of the four (4) categories below is considered homeless, as described in Public Law 111-22 Helping Families Save Their Homes Act of 2009, Division B., Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH).

1. Lack a fixed, regular and adequate nighttime residence. This includes an individual or family who:
   a. Resides in a shelter or place not meant for human habitation, or
   b. Living in a halfway house or similar institution which provides temporary residence for individuals who would otherwise be institutionalized, or
   c. Living in a hotel/motel or in the residence of another individual for not more than ninety days.
2. Will imminently lose their primary nighttime residence as evidenced through the following:

a. Subject to a court order to vacate,
b. Lack the resources to continue staying in a hotel or a motel, or
c. Are no longer being allowed to stay by the owner or renter of housing with whom the individual or family is staying.
d. In each of these cases, the individual or family may be considered homeless up to fourteen (14) days before they are to be displaced from their current housing.

3. Are an unaccompanied youth or homeless families with children and youth who are defined as homeless under other Federal statutes who do not otherwise qualify as homeless under the definition, provided that they meet the following three conditions:
   a. Have experienced a long term period without living independently in permanent housing (living for the ninety-one (91) or more days immediately prior to applying for homeless assistance without a lease or ownership interest in the occupied property in the youth's or head of household's name),
   b. Have experienced persistent instability as measured by frequent moves over such period (three (3) or more moves over the ninety (90) day period immediately prior to applying for homeless assistance),
   c. Is expected to continue in such status for an extended period of time due to a variety of factors, including multiple barriers to employment. Multiple barriers to employment includes:
      i. Lack of a high school degree or General Education Development (GED),
      ii. Illiteracy,
      iii. Low English proficiency,
      iv. History of incarceration, or
      v. History of unstable employment.
4. Are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life threatening conditions that relate to violence against the individual or a family member that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence, and who has no other residence and lacks the resources or support networks to obtain other permanent housing. The victimized member of the household is not required to be the owner or renter of the unit.

Individual Employment Plan (RIW-11) - a written, individualized plan for employment developed jointly and signed by the applicant and Agency staff that specifies the steps the participant shall take toward long-term economic independence. A participant must comply with the terms of the individual employment plan as a condition of eligibility in accordance with Section 40-5.2-10(e) of the RI General Laws.

Job Search and Job Readiness - the mandatory act of seeking or obtaining employment by the participant, or the preparation to seek or obtain employment.

1. In accord with federal requirements, job search activities must be supervised
   and reported to the Department of Human Services in accordance with TANF work verification requirements. DHS contract and State staff are responsible to adhere to this federal requirement.
2. Except in the context of rehabilitation employment plans, job search and job readiness activities are limited to four (4) consecutive weeks and six (6) weeks total within a twelve (12) month period; twelve (12) weeks within a twelve (12) month period if the unemployment rate of the State is fifty (50) percent greater than US total unemployment rate or the State meets the definition of a needy state under the contingency fund provisions of Federal law.
3. Preparation to seek employment, or job readiness, may include, but may not be limited to, the participant obtaining life skills training, homelessness services, domestic violence services, special services for families provided by Department of Children, Youth and Families, substance abuse treatment, mental health treatment, or rehabilitation activities as appropriate for those who are otherwise employable. Such services, treatment or therapy must be determined to be necessary and certified by a qualified medical or mental health professional.

Job Skills Training Directly Related to Employment - training or education for job skills required by an employer to provide an individual with the ability to obtain employment or to advance or adapt to the changing demands of the workplace. Job skills training directly related to employment must be supervised on an ongoing basis.

Legal Permanent Resident - those applicants/recipients who were lawfully admitted for permanent residence (LPR) in the United States (holders of green cards). This category also includes "Amerasian immigrants" as defined under Section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988

Low-Income Families - members of low-income families with child(ren) below the age of 18, or youth between the ages of 18-20 who are members of low-income families or a pregnant woman in her third trimester, or a non-custodial parent of a child for whom the custodial parent is receiving public support, wherein family income is below 225% of poverty.

Minor Parent - may mean a parent under the age of 18, or under the age of 20. All unmarried parents with children, or women who are at least six (6) months pregnant, who are under 18, are minor parents, especially for the purposes of determining if a living arrangement is appropriate. All such pregnant women and parents must be referred to the Youth Home Visiting Program.

1. For the purposes of employment planning, any married or unmarried parent under the age of twenty (20) who has not obtained a high school diploma or GED certificate is a minor parent, for whom the first employment plan goal must be completion of high school or of a course of study leading to

obtaining a general equivalency diploma. This planning also includes a mandatory referral to the Youth Home Visiting Program.

2. If a pregnant woman or parent has completed high school or a GED program before or while age 18, for work purposes that participant is an adult for employment planning and should be referred for activities just as any other RI works (adult) participant. A referral to the Youth Home Visiting Program is done to provide support, but compliance with the program is voluntary.
3. A minor parent may be an applicant or recipient with his or her dependent child(ren) in his/her own case or a member of an assistance unit with his or her dependent child(ren) in a case established by the minor parent's parent. Further discussion of household composition, eligibility and work requirements is given in Sections 1404.05, 1406.40.15, 1410.05.05, 1414.05, etc.

Net Income - the total gross income of the assistance unit less allowable disregards and deductions as described in RIGL 40-5.2-10(g) and code Section 1424.

On-the-Job-Training - training in the public or private sector that is given to a paid employee while he or she is engaged in productive work and that provides knowledge and skills essential to the full and adequate performance of the job. On-the-job training must be supervised by an employer, work site sponsor, or other designee of the Department of Human Services on an ongoing basis.

Participant - a person who has been found eligible for assistance in accordance with RIGL 40-5.2 and who must comply with all requirements of this RI Works Program, and has entered into an individual employment plan. A participant may be a parent or non-parent caretaker relative included in the cash assistance payment.

Recipient - a person who has been found eligible and receives cash assistance in accordance with this regulation.

Relative - a parent, stepparent, grandparent, great grandparent, great-great grandparent, aunt, great aunt, great-great aunt, uncle, great-uncle, great-great uncle, sister, brother, stepbrother, stepsister, half-brother, half-sister, first cousin, first cousin once removed, niece, great niece, great-great niece, nephew, great nephew, or great-great nephew.

Resident - a person who maintains residence by his or her continuous physical presence in the state.

Self-Employment Income - the total profit from a business enterprise, farming, etc., resulting from a comparison of the gross receipts with the business expenses, i.e., expenses directly related to producing the goods or services and without which the goods or services could not be produced. However, items such as depreciation, personal business and entertainment expenses, and personal transportation are not considered business

expenses for the purposes of determining eligibility for cash assistance in accordance with this chapter.

State – the State of Rhode Island and Providence Plantations.

Subsidized Employment – employment in the private or public sectors for which the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing a recipient. It includes work in which all or a portion of the wages paid to the recipient are provided to the employer either as a reimbursement for the extra costs of training or as an incentive to hire the recipient, including, but not limited to, grant diversion.

Subsidized Housing – housing for a family whose rent is restricted to a percentage of its income.

TANF Emergency Contingency Fund (TANF ECF) – benefits and services authorized by the American Recovery and Reinvestment Act, and available through September 2010, to RI Works participants and low-income families.

Unsubsidized Employment – full or part-time employment in the public or private sector that is not subsidized by TANF or any other public program.

Vocational Educational Training – organized educational programs, not to exceed twelve (12) months with respect to any participant, that are directly related to the preparation of participants for employment in current or emerging occupations requiring training other than a baccalaureate or advanced degree. Vocational educational training must be supervised.

Work Experience – a paid or unpaid work activity that provides a participant with an opportunity to acquire the general skills, training, knowledge, and work habits necessary to obtain employment. The purpose of work experience is to improve the employability of those who cannot find unsubsidized employment. An employer, work site sponsor, and/or other appropriate designee of the Department must supervise this activity.

Work Supplementation – also known as "Grant Diversion" means the use of all or a portion of a participant's cash assistance grant and food assistance grant as a wage supplement to an employer. 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. The cash case may close without affecting the validity of the employer agreement.

Work Activities – the specific work requirements which must be defined in the individual employment plan (DHS RIW-11) and must be complied with by the participant as a condition of eligibility for the receipt of cash assistance for single and two-parent families outlined in RIGL 40-5.2-12, and discussed in Section 1416.

1402 THE APPLICATION PROCESS

1402.05 SCREENING

REV:10/2008

Anyone may request information about the agency's assistance programs either by telephone, by mail, or in person. Authorized agency staff must furnish information to the inquiring person in accordance with the instructions in Sections 1402.05.05 through 1402.05.15. A request for information may be followed by an application for cash or another form of assistance.

All application packets offered to the public must include officially approved documents including application forms, informational fact sheets, program requirements and participant rights and responsibilities.

When a person expresses interest in programs that can be applied for entirely through the mail, such as Child Care Assistance and Rite Care, a complete mail-in application packet will be provided either directly or will be mailed immediately upon request.

When a person expresses a desire to apply for assistance from programs requiring a face-to-face interview, a face-to-face screening interview is conducted at the earliest possible time.

The purpose of the formal application procedure ensures an individual's right to apply without delay for assistance.

It affords the person an opportunity to state her/his needs and to learn what the agency can do to help meet them. It also affords the agency an opportunity to apprise the person of her/his responsibilities in relation to the agency, both as an applicant and, if eligibility is established, as a recipient.

An applicant may be assisted in the application process, including completion of the DHS-2, by one or more individuals of his/her choice and, when accompanied by such individual(s), may be represented by him/her/them. However, the agency requires a face-to-face interview with the applicant during the application process.

1402.05.05 Screening Interview

REV: 3/2012

When a request for information about assistance is received in the district office and the inquiring person expresses a desire to apply for assistance, a face-to-face screening interview is arranged.

The screening interview is one of the ways that an applicant can begin the application process for Supplemental Nutrition Assistance Program (SNAP), RI Works Cash Assistance (RIW), General Public Assistance (GPA) and other programs, as appropriate. This interview is offered to applicants as a service to assist them in their choice of programs and services for which they may be eligible.

The screening interview begins the processing of the application. The screening caseworker elicits the presenting issue(s) and the non-citizen facts of the applicant's situation which prompted the applicant to seek the agency's assistance.

The screening caseworker determines whether any crisis exists and works with the applicant to resolve it by utilizing suitable DHS and community resources.

During this initial contact, the Domestic Violence Notice (DHS WVR-1) is presented to each applicant. Every applicant 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 applicant or her or his children at risk due to domestic violence. The DHS WVR-1 should be signed by the applicant acknowledging that s/he understands the contents of the notice. After signing the notice form, a copy is given to the applicant.

If there is disclosure of neglect, risk, or abuse to children, immediate referral must be made to DCYF as specified in Section 0118. The procedures following an applicant's claiming of the Family Violence Option or disclosure of abuse are outlined in Section 1414.10.

During this initial screening process, the DHS-1, Application for Assistance-Part I, is completed to obtain the necessary identifying information. After the DHS-1 is completed, it is dated and signed by the applicant. The DHS-1 is date-stamped to establish the official date of receipt.

If the applicant wishes to apply for SNAP, the DHS-1 is screened for SNAP expedited service. If the information offered on the DHS-1 indicates the applicant may be eligible for expedited service, the DHS-2 Statement of Need must be completed in full. If eligibility exists, expedited service must be afforded according to the processing standards located in Supplemental Nutrition Assistance Program Manual Section 1016.10.

A client applying for cash assistance should also be given the Child Care Assistance (CCAP-1) application form at screening, as work activities will generally be required promptly; child care assistance eligibility should be determined simultaneously with determining cash assistance eligibility, both as expediently as possible. The CCAP application should be completed during the initial screening process and the application date should be entered into the system during the interview, in conjunction with requesting in the system that a pending letter be issued that day. The client should be provided with community resources such as the contact information for the child care referral service contractor who will help identify providers. If the parent, after good faith efforts, is unable to find child care, the parent must discuss with their social caseworker the barriers to securing such care. DHS can assist clients at intake to ensure child care is in place prior to the client's entering work activities which is a requirement of the RI Works Program.

If the applicant is unfamiliar with the DHS-1 and DHS-2, or with the CCAP-1, or is likely to require guidance in their completion, the

screening caseworker shows the applicant how to complete them and indicates what documentation must be furnished. At the same time, the applicant is advised that, if eligibility is found to exist, financial assistance may begin from the date the prepared and signed DHS-1 is date-stamped in the DHS district office.

When an applicant expresses a desire to apply for the RI Works cash assistance program the screening case worker must inform the applicant that the goal of the RI Works program is to help the parent(s) find employment so that they will not need to rely on cash assistance, as well as to ensure the well-being of the children and family stability, and:

- RI Works is time-limited and that assistance units can receive cash assistance under RI Works for up to twenty four (24) months in any sixty (60) months with a lifetime total of forty eight (48) months. Children may receive cash assistance only while their parents receive cash assistance, unless the parent(s) receive(s) SSI or the child is in a loco parentis caretaker household and the non-parent caretaker is not in the payment. Children in SSI or loco parentis households may receive cash assistance until age eighteen (18) or until age nineteen (19) under certain circumstances as described in Section 1406.10; and,
- As a part of the application process and a condition of RI Works eligibility the applicant must meet with a RI Works eligibility technician to determine financial eligibility and complete other requirements which may include further assessment, an employment plan, or an amended employment plan.

If the applicant decides to apply for the RI Works Program, the applicant is given either a prompt intake appointment or, if indicated, an emergency intake appointment.

Prompt Appointment

All applicants must be scheduled for a prompt appointment, and such appointment interviews must be conducted within five (5) working days of the screening interview. For example, if an applicant is screened on a Monday, the intake interview must be scheduled as soon as possible but no later than the following Monday.

Emergency Appointments

If an applicant indicates that s/he (1) has no available income or resources, and (2) during the current calendar month of application has not had and/or will not have income or resources in excess of the monthly RI Works Standard of Assistance for the appropriate family size, the intake appointment must be scheduled within one (1) working day of the screening interview.

If the applicant is unable to keep an appointment the following day, the intake appointment is scheduled for the earliest available time acceptable to the applicant.

For the purposes of determining an "emergency appointment", the screening case worker considers the family's income and resources including all of the applicant's income and resources and the income and resources of those persons for whom s/he is applying which would be

counted in determining eligibility for cash assistance. Deemed income must also be included. Income and resources do not include the income and resources of non-legally-liable relatives and friends. Income which is anticipated in the month of application is counted only if it is reasonably expected to be received, for example, the next regular paycheck or receipt of a government benefit. If it is doubtful that income will be received in the month of application, it should not be considered for the purpose of scheduling an intake appointment.

An applicant who has been scheduled for a prompt intake appointment may have a change in circumstances which makes her/him eligible for an emergency intake appointment; s/he may request to be rescheduled as an emergency intake. The screening caseworker reschedules the appointment for the next business day.

Initial Assessment and Planning

The screening caseworker will conduct an initial preliminary assessment, taking into account the physical capacity, skills, education, work experience, health, safety, family responsibilities and place of residence of the individual; and the child care and supportive services required by the applicant to avail himself or herself of employment opportunities and/or work readiness programs. Unless exempt, and on the basis of such assessment or a further assessment, the Department in consultation with the applicant shall develop an individual employment plan (RIW-11) for the family. The individual employment plan shall identify employment objectives, work activity(ies) and supportive services to be provided by the Department, taking into consideration factors identified from the assessment as detailed in Section 1410.

Unless exempt, the participant shall attend and participate in one of the employment plan activities described in 1412.05.05 (single parent family) or 1412.05.15 (two-parent family) that is appropriate to the parent's skills, education, work experience, physical and mental capacity and which helps the parent move quickly toward employment leading to economic self-sufficiency and long-term attachment to the workforce. A parent may be temporarily or permanently exempt from this requirement as detailed in Section 1412.05.10 for single-parent families, and 1412.05.20 for two-parent families and 1412.05.15.05 for teen two-parent families.

An applicant/recipient temporarily exempted from the work requirements may choose to forego the exemption and engage in an employment plan activity on a voluntary basis. A parent who voluntarily participates in employment plan activities is not sanctioned if s/he stops participating.

If the applicant indicates a medical reason for not being able to participate in work readiness activities or work, the screening caseworker gives the applicant a Medical Evaluation for Employment Form C1(b), to be completed by a medical professional. The applicant is instructed to return the C1(b) to the assigned Department caseworker within thirty (30) days, when it is completed by his/her medical professional. The assigned caseworker may then refer the participant to the Office of Rehabilitation Services for further assessment and assistance with applying for SSI, based upon the information provided in the C1(b) and/or to another work participation activity. The

assigned caseworker and the applicant will revise the employment plan (RIW-11), as necessary, to reflect the rehabilitation plan and/or work-related activities that will be undertaken by the applicant.

1402.05.10 Data Entry Requirements During Screening

REV:10/2008

Using the DHS-1, the screening caseworker inquires through the Person Search (PERS) function of INRHODES to find whether household members are known to INRHODES. If any member is known to INRHODES her/his program status and person information is displayed. If the individual is not known to INRHODES, or is closed, the Application (APPL) must be entered in INRHODES.

As part of the entry of the Application (APPL), the screening caseworker will enter the application date for the Child Care Assistance Program (CCAP) and will issue the pending letter at the same time, to allow the applicant to begin seeking appropriate child care as a support for the mandatory RI Works program requirements.

1402.10 COMPLETION OF APPLICATION FOR ASSISTANCE

REV:11/2008

The Statement of Need (DHS-2) is the basic document used in the application process through which eligibility or ineligibility for assistance is determined. The DHS-1 and the DHS-2, along with appropriate supplementary forms constitute the complete application for assistance. Families eligible for the RI Works Program may also be eligible for Medical Assistance without filing a separate application. The application also serves as the SNAP application.

The DHS-2 must be completed and signed under penalty of perjury by the parent or both parents or the caretaker relative (acting in loco parentis) responsible for the support and care of the child(ren) under eighteen (18), or between eighteen (18) and nineteen (19) if enrolled full-time in and expected to complete secondary school prior to the nineteenth birthday. At the close of the interview and upon completion of the DHS-2, the form must be dated and signed by the applicant(s) and the signature(s) witnessed by the agency representative.

A new screening and new DHS-2 must be completed and signed if any reapplication for assistance is made in a case that has been closed. Further, a new DHS-2 including all pertinent information for a second parent who joins the household, must be completed, reviewed with the Eligibility Technician, and signed by both parents. In an active case when a newborn is added to the assistance unit, a new DHS-2 need not be completed. However, the record must reflect through a CLOG entry and documentation of the birth date, application for Social Security number, and absent parent information (if applicable), for inclusion of the new member in the request for assistance.

In the case of a one parent household that requests that a second parent be added to the case, both parents must have an assessment appointment at the earliest possible date to assure that each parent has a completed and signed Employment Plan (RIW-11) and that one parent

in the two-parent household is meeting the work requirements of a two-parent household.

An applicant who has requested the Child Care Assistance Program as a supportive service in order to comply with RI Works program requirements must also be given a Child Care Assistance Program application (CCAP-1), to be completed and returned at the time of the Intake Interview.

1402.15 INTAKE INTERVIEW

REV: 03/2012

The Intake interview is scheduled by appointment. The DHS-2 is reviewed with the applicant, and the eligibility and need factors are verified through the appropriate documents supplied by the applicant. If the applicant cannot obtain the documents, DHS staff will assist in obtaining the document or information. The applicant(s) is required to read, or have read to him/her, the statements in the Rights and Responsibilities page and the Declaration of Applicant/Recipient pages of the DHS-2, and sign the form in the signature block. In addition, the DHS-2 Supplement RIW-20, Cash Assistance Received in Other States must be completed and signed. The agency representative must witness the signature of the applicant(s).

The applicant is advised that if s/he received family cash assistance in another state that those months of receipt will be counted as part of the RI Works cash assistance time limits in Rhode Island.

The applicant is advised that pursuant to Rhode Island General Laws, Section 40-6-9, and without signing any document other than the DHS-2 Statement of Need, he or she has assigned any and all rights that he or she may have for and on behalf of himself or herself and for and on behalf of a child or children to the Department of Human Services against any parent failing to provide for support and maintenance of any minor child(ren) for whom assistance is paid by DHS. Additionally, DHS through the Office of Child Support Services is authorized to act to institute suit to establish paternity and/or to collect support for said child(ren) who receives or received assistance from DHS. As a condition of eligibility for RIW, an applicant must cooperate, as described in Section 1408.05.10 Cooperation in Obtaining Support, with the DHS-OCSS to establish, modify and enforce a child support order(s) for each eligible child for which assistance is requested; unless good cause for refusing to do so has been determined to exist, see Section 1408.05.15.

The eligibility technician reviews the AP-35, the Notice of Requirement to Cooperate and the Right to Claim Good Cause for Refusal to Cooperate in Child Support Enforcement, with each applicant with children whose parent(s) is not in the home and obtains the applicant's signature. The Information on the Family Violence Option sheet (Form WVR- 1a) is reviewed with the applicant. If the applicant relates that s/he wishes to claim the option or discloses abuse, the procedures the eligibility technician must follow are outlined in Section 1414.10.

At the time of application, an applicant shall make a good faith effort regarding the non-custodial parent(s) of each child for whom assistance

is requested by providing all the information s/he can reasonably obtain, or attest to the lack of information, under penalty of perjury specific to:

1. Each non-custodial parent's full name and social security number; or
2. Each non-custodial parent's full name and at least two (2) of the following items:
   a. The non-custodial parent's date of birth;
   b. The non-custodial parent's address;
   c. The non-custodial parent's telephone number;
   d. The name and address of non-custodial parent's employer(s);
   e. The name and address of at least one of the parents of the non-custodial parent; and
   f. The manufacturer, model and license plate number (including state of issue) of the non-custodial parent.
3. Providing husband's full name if the child birth certificate provides husbands name as unknown, and parent is married at the time of birth.

The applicant is further advised that s/he must present the agency with personal identification, such as a driver's license, Social Security Number, birth certificate, or other form of identification, as detailed in Section 0304.05.10.05.

Items on the DHS-2 are indicated as verified by the agency representative entering in red ink a verification mark "V" beside the item in the verification area of the DHS-2. The documentary source for each factor of eligibility and need is noted in the verification area.

If any potential resource exists, or further verification is needed, the applicant is advised of the necessary steps s/he or the staff member must take to obtain the information. S/He is advised that the agency uses, but is not limited to, on an ongoing basis, public records, and other State agency files, such as State wage records, Employment Security Benefits (ESB) records, TDI records, State Income Tax records, Social Security Administration records, IRS records, and bank clearances to document the applicant's information.

However, the applicant is advised that s/he is responsible also to inform the agency of any changes in her/his situation such as change of address, income, resources, family composition, or other factors that affect her/his eligibility and/or payment level, such as a new job, within ten (10) days, or as otherwise directed.

If the application for cash assistance is necessary by reason of accident, injury, or illness for which a third party may be liable, such applicant is informed that s/he has assigned any or all rights for amounts recoverable from a third party equal to the amount of financial and medical assistance provided as a result of accident, injury, or illness (see Section 1408.20).

All applicants are informed of the requirement of assignment and of their further responsibility to report a pending settlement which may occur during the receipt of assistance.

If such assignment is appropriate, the applicant is advised that eligibility to receive medical services shall continue to exist,

although payment of medical bills shall be suspended by the Department and is not the responsibility of such applicant pending the settlement.

If outstanding verification exists and collateral sources of information must be used to obtain such documentation, the applicant is informed of why the information is necessary and how it will be used by the agency. If the applicant is unwilling to obtain further verification, or have the agency obtain it, the applicant may choose to have the application rejected.

If the applicant decides s/he does not want assistance and does not complete the DHS-2, the applicant is requested to sign the area on the DHS-1 confirming her/his withdrawal of the application.

1402.15.05 Forms Needed at Intake Interview

REV:10/2008

The forms and materials that may be needed at the Intake Interview are:

DHS-2	Statement of Need - should be completed Prior to the interview if possible with the exception of the signature on the last page
RIW-20	Supplement to DHS-2 (Counting time in Other Sates)
RIW-21	Request for Information on Months on Cash Assistance
AP-35	Notice Concerning Good Cause for Refusal to Cooperate - the applicant must sign the form when a child's parent(s) is absent. The original is filed in the case record and a copy given to the applicant.
WVR-1	Domestic Violence Notice

1402.15.10 Review of the Statement of Need (DHS-2)

REV:10/2008

The agency representative reviews the DHS-2 and supplements for completeness, helping the applicant, as needed, to rectify any omissions.

Additions or changes are made in red ink by the agency representative, and the date and initials of both the applicant and the agency representative are entered on the page to denote authorization of the change.

Eligibility for cash assistance is based on both financial and non-financial criteria. In determining eligibility, the DHS-2 is reviewed and evaluated as described in Section 1402.20. In addition the applicant must be assessed for education and employment history and must complete an individual employment plan before eligibility can be established.

1402.20 COMPLETING INITIAL ELIGIBILITY DETERMINATION

REV:10/2008

All items on the DHS-2 which were not verified at intake must be verified in the following contact through a source document in accordance with policies relating to resources (Section 1422) and income (Section 1424).

The eligibility technician gives the applicant the opportunity to clear up any inconsistencies or to provide any additional information needed to clarify or complete the information on the DHS-2 by whichever is the most appropriate method: telephone, mail, or an office or field interview. If the applicant is unable, either alone or with the help of the eligibility technician, to clear up any inconsistencies or to provide any additional information needed, the eligibility technician advises the applicant that it will be necessary to use collateral sources of information. If other sources must be used to obtain such documentation, the applicant is informed of why the information is necessary and how it will be used by the agency and plans with the applicant how this is to be done.

Under certain circumstances, the eligibility technician must refer the case to the Front End-Detection (FRED) Unit for investigation before the determination of eligibility can be made. See Section 0112.10.05 for policy and procedures.

During the intake interview, the applicant's rights and responsibilities, as outlined in the DHS-2 are reviewed with her/him.

When the eligibility technician receives the Findings portion of Form WVR-2 from the Domestic Violence Advocate, s/he acts on the recommendation(s) in accordance with Section 1414.10, as appropriate.

Prior to authorizing eligibility for cash benefits the eligibility technician must also verify that the applicant, unless exempt, has entered into an individual Employment Plan (RIW-11).

The applicant's failure to enter into and comply with an employment plan, without good cause, at any point during the thirty (30) day period during which the applicant establishes eligibility for cash, will result in an immediate denial of the application for cash assistance.

The determination of eligibility and authorization of payment are completed as soon as possible.

1402.30 DECISION ON APPLICATION

REV:10/2008

Applications are acted upon promptly. A decision on eligibility and payment or ineligibility must be made within thirty (30) days from the filing date. This standard is not used as a waiting period before granting assistance nor as a basis for denial of an application.

The applicant must be informed of the reason for any delay in a decision and her/his right to a hearing if the delay exceeds thirty (30) days.

1402.30.05 Notification of Eligibility

REV: 3/2012

When the applicant is found to be ineligible, or makes the decision after signing the application that s/he does not want assistance, the applicant is notified of the denial and the reasons for denial through INRHODES. This notice informs the applicant at the same time of her/his right to appeal the decision, and the method by which the applicant can request a hearing.

When the applicant is found to be eligible for RI Works cash assistance, the acceptance date is the date that all factors of eligibility are met. However, it may be as early as the date the application was filed, if the applicant was eligible then, but cannot be prior to the date of application. If a monthly deficit exists for the month in which the application was filed, the initial payment is pro-rated according to the number of days of eligibility from the date of application (see Section 1426.10).

INRHODES issues a notice notifying the applicant of her/his eligibility.

If the family's monthly deficit is less than ten dollars ($10) per month, the case is considered eligible for the RI Works program but no payment is issued (see Section 1426.10). Applicants must be informed that every month in which a cash payment is made or supportive services are accessed counts as a month towards the applicants' time limits.

The agency representative enters all actions taken in the Case Log (CLOG).

1402.35 REFERRAL TO DCYF

REV:10/2008

Whenever there is reason to believe that the home in which the relative or child(ren) applying for or receiving assistance from the RI Works program reside is unsuitable because of neglect or abuse, referral procedures must be followed as outlined in the DHS Manual General Provisions Section 0118.

1404 THE ASSISTANCE UNIT

1404.05 PERSONS INCLUDED IN THE ASSISTANCE UNIT

REV:10/2008

The assistance unit consists of the group of persons living together in a single household who are included in the application for assistance and in the assistance payment if eligibility is established.

An application on behalf of a dependent child must include as applicants certain relatives living in the same household as the dependent child. If otherwise eligible, the individuals specified below must be included in the assistance filing unit.

"Otherwise eligible" means that an individual meets the non-financial requirements for cash assistance such as age, residence, citizenship, enumeration, etc., and is not ineligible, for example, due to receipt of SSI or the imposition of a sanction. When applied to the assistance unit, "otherwise eligible" indicates that the unit is eligible by virtue of meeting all requirements for cash assistance.

Parents
Any biological or adoptive parent living in the same household as the dependent child must be included in the assistance unit. In two-parent cases, both parents must be included in the unit if otherwise eligible. If the biological or adoptive parent is married, her/his spouse must also be included in the assistance unit.

Siblings
Blood-related or adoptive brothers and sisters living in the same household as the dependent child must also be included in the assistance unit if they meet the age and deprivation requirements.

Brothers or sisters of half blood must also be included. A half brother or sister is a sibling related through one parent only.

The children of a stepparent must also be included in the unit.

Minor Parents
A minor parent may be in the assistance unit which may also include all natural, step, or adoptive parents of the minor parent and all minor blood-related, step or adoptive brothers and sisters.

Custody
If the parents are not residing together, a child shall be considered residing with the parent who has legal custody and physical possession of the child the majority of the time, as outlined in a court order. If legally established that the child resides with the parents in their separate households, equal time, the parent who applies for cash assistance for that child, first in time, shall be the eligible parent.

1404.05.05 Income and Resources

REV:10/2008

All of the income and resources of individuals required to be included in the assistance filing unit and of those whom the parent has opted to include must be considered in determining eligibility and the amount of the assistance payment. A child with RSDI benefits, for example, may not be excluded from the assistance unit merely by virtue of receipt of those benefits.

Moreover, if s/he is a member of the unit, the benefits must be counted in the eligibility determination.

1404.10 PERSONS EXCLUDED FROM THE ASSISTANCE UNIT

REV: 03/2012

Parents and siblings must be included in the assistance unit unless they are otherwise ineligible for cash assistance.

Individuals excluded from the assistance unit include the following categories.

SSI Recipients
SSI recipients are excluded from the assistance unit. The income and resources of an SSI recipient, including the SSI itself, are not counted as the income and resources of a cash assistance unit.

Non-citizens Not Meeting Non-citizenage Requirements
An applicant or participant must be a United States citizen, or must meet the non-citizenage requirements established in Section 402 (b) of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). United States citizen is defined, and non-citizenage requirements are described in detail, in Section 1406.30.

Non-citizens considered ineligible solely because they do not meet non-citizenage requirements are excluded. The income and resources of ineligible non-citizen family members must be counted in determining the assistance unit's eligibility and payment amount. The work expense and dependent care disregards are applied to earned income and an amount is allocated to meet the non-citizen's own needs by subtracting the cash assistance standard for a plan size excluding the non-citizen from the standard for a plan size including the non-citizen.

If the ineligible non-citizen who is a parent has dependents also ineligible solely because they do not meet non-citizenage requirements, an amount is allocated to meet their needs, as well, by using the methodology specified above. The net income is then applied to the needs of the cash assistance unit. See Section 1424.60 for further discussion.

Non-citizens Ineligible Due to Sponsorship
Non-citizens ineligible solely because of sponsorship by an agency or organization or because of the application of sponsor-to-non-citizen deeming provisions are excluded. Non-citizens who are sponsored by an individual are subject to income deeming. See Section 1424.60.20.

Parents
Parents and other assistance unit members ineligible either because they are statutorily barred or disqualified as a result of the

imposition of a sanction for failure to cooperate, e.g., with the child support enforcement program, are excluded from receipt of income.

The income and resources of statutorily barred parents are counted in determining the assistance unit's eligibility and payment amount. Their income and resources are counted as outlined in Section 1424.50.15.05.

The income and resources of a disqualified individual, parent, or child, shall be counted in determining the assistance unit's eligibility and payment amount. None of the earned income disregards is applied, and no amount is allocated to meet the ineligible individual's own needs. See Section 1424.50.15.10 for further discussion.

Both statutorily barred and disqualified individuals who are eligible to work are required to cooperate with RI Works program work requirements. Parents who receive SSI and undocumented non-citizen parents are not required to enter into an employment plan, except that parents who are undocumented and apply for extensions to cash assistance on the basis of hardship, are required to have employment plans that address the conditions that led to the hardship request as well as to contact the International Institute to determine whether there is a pathway to legal status.

Parents and Siblings With Lump Sum Income

Parents and other assistance unit members previously eligible but currently ineligible for cash assistance due to receipt of lump sum income are excluded. Some members of the same household, not affected by the receipt of such income, may be eligible for cash assistance. (See Section 1424.35 for further discussion.) The income of those members of the household ineligible due to receipt of lump sum income, insofar as the income is already allocated to meet the needs of the ineligible members, is not counted in determining the assistance unit's eligibility and payment amount.

However, additional income of a parent or other assistance unit member received during the period of ineligibility and not factored into the determination of that period, is counted in determining the eligibility and payment amount of a newborn or other additional member of the household for whom cash assistance is requested and for whom the parent has a support obligation.

Further, the resources of a parent, even though excluded from the assistance unit, are always considered available to a dependent child in the same household; thus, non- excluded resources of the parent in excess of one thousand dollars ($1,000) render the child ineligible for cash assistance.

When an excluded individual becomes eligible to receive cash assistance, e.g., a sanction is cured, s/he must be included in the assistance unit. For ending penalties for failure to comply with his or her employment plan, the individual must meet the requirements outlined in Section 1412.45. For child support enforcement sanction cures, the individual should be included in the payment beginning on the date of compliance with the child support agency.

1404.15 OPTIONAL INCLUSION IN THE ASSISTANCE UNIT

REV:10/2008

The parent(s) of an adopted child(ren) for whom the parent receives adoption subsidy payments has the option to include or exclude such child(ren) from the assistance filing unit upon application for benefits. If the parent(s) includes the child(ren) in the assistance unit, any and all income and/or resources (including any adoption subsidy payments) of the adoptive child must be used to calculate eligibility for, as well as, the amount of, assistance to which the household may be entitled. Exclusion of the adopted child (and the income/resources of the adopted child) does not disqualify the parent from eligibility.

1404.20 INELIGIBILITY OF INCOMPLETE ASSISTANCE UNIT

REV:10/2008

Failure to include an individual required to be in the assistance unit or to provide information (e.g., failure of an ineligible non-citizen to provide income information) necessary for determining eligibility and amount of cash assistance results in ineligibility for the entire assistance unit. In either situation, the agency has insufficient information to determine the eligibility of the unit. The Department may assist the participant in obtaining information if necessary.

Any payment made to an ineligible assistance unit constitutes an overpayment and must be recovered. See Section 1430 for further discussion of overpayments.

1404.25 PARENT IN HOME WHO IS NOT PROVIDING CARE

REV:10/2008

When the natural or adoptive parent is in the home, the Department presumes that the parent is functioning as the caretaker relative, i.e., the parent is providing day-to-day care and control of her/his minor dependent child.

However, this presumption may be rebutted by another adult living in the home.

DHS has the responsibility to make the final determination as to which adult is actually functioning as the caretaker relative.

If DHS determines that a parent is unable to provide day-to-day care of the child and that another relative is providing such care, the assistance unit consists of the dependent child, the adult parent (if otherwise eligible), and the relative of proper degree of relationship (see Section 1406.15) who is providing the day-to-day care of the child. The non-parent caretaker relative is not required to be the legal guardian of the dependent child.

An otherwise eligible parent must continue to be included in the assistance unit even though s/he is not functioning as the caretaker.

If otherwise eligible, the needs of all three (3) persons in this situation would be included in the cash assistance payment.

The following guidelines are offered to assist DHS eligibility staff in making the factual determination of whether or not the parent is providing for the day-to-day care of the child. Such determinations involve two steps:

1. An applicant's statement that s/he is actually caring for the child despite the presence of a parent in the home; and
2. Documentation to support the contention that the natural/adoptive parent is incapable of providing care. When there is no evidence to document the claim of parental inability to provide care, the case is referred to a RI Works Program case worker for evaluation. Acceptable forms of documentation are:
    a. Evidence of physical or mental inability on the part of the parent to care for the child as supported by receipt of RSDI, SSI, Veterans Administration benefits due to total disability, Workers Compensation, or Medical Assistance, etc.; or
    b. Evidence from another agency (e.g., DCYF, DBHDDH, DOC, Corrections, licensed mental health agency, licensed substance abuse treatment facility) or evidence from a treating physician or mental health professional, that the parent is not able to function as the caretaker; or
    c. Evidence that the non-parent caretaker is providing day-to-day care such as school records or day care records which list the caretaker as the contact person; medical or dental records which indicate that the caretaker has scheduled appointments for the child; or the presence in the home of a homemaker or home health aide to care for the parent at any time during the last six months; or
    d. Payment to the caretaker relative of the child's other income such as child support, RSDI, SSI, etc.; or
    e. Appointment of the caretaker relative as guardian, custodian, or conservator by a court of appropriate jurisdiction; or
    f. Any other evidence provided by the applicant verifying that s/he is providing day-to-day care and control of the dependent child.

1404.30 CASE EXAMPLES OF THE ASSISTANCE UNIT

REV:10/2008

This section provides examples of standard assistance filing units.

EXAMPLE 1

A family unit consists of a 10 year old child, Dennis, for whom cash assistance is requested, his mother, 20 year old brother, fully employed stepfather, 5 year old half- brother, and 12 year old stepsister. The assistance unit must consist of Dennis, his mother, his stepfather, half-brother, and stepsister.

Explanation:

Dennis's brother is excluded by age. The remaining household members must be included in the assistance unit along with their income and resources.

EXAMPLE 2

Miss H and Mr. L, who are not married, and their 3 year old son live together. Mr. L 's paternity has been adjudicated. He loses his job and applies for cash assistance for the whole family. The assistance unit is comprised of all three (3) persons.

Explanation:
The child resides with both parents, and therefore both parents must be included in the assistance unit. Assuming that they meet all the requirements for cash assistance, i.e., that they are "otherwise eligible," all three (3) members of the household are included in the assistance unit.

EXAMPLE 3
Mrs. T applies for cash assistance only for herself and two (2) children by a previous marriage. She has one child by her present husband; he has two (2) by a previous marriage and receives child support for them. All live together in the same household. Mr. T is unemployed, receives ESB, and would prefer to exclude himself, his two children, and his child by Mrs. T from the assistance unit. However, all the individuals identified above must be included.

Explanation:
The blood relationship of Mrs. T's children and Mr. T's children to their child in common require the inclusion of all members of the conjoint families in the assistance unit. Mr. T's ESB and child support must be considered as income.

EXAMPLE 4
An active assistance unit consists of a child and his paternal grandmother, who is the cash assistance payee and included in the payment. The child's mother, daughter-in-law of the payee, who is a person with a disability and unable to care for her child, moves in with them.

She must be included in the assistance unit, if otherwise eligible, and her income and resources must be taken into account.

Explanation:
Although the grandmother may continue as payee and remain in the payment as the person exercising care and control of the child, the child's mother must be included in the unit as long as she remains a member of the household. The grandmother has the option of excluding herself from the unit.

Note: When a caretaker relative seeks to be included in the assistance unit as loco parentis despite the presence in the home of the child(ren)'s parent(s), the Department has the responsibility of determining which person is functioning as the caretaker relative (see Sec. 1404.25).

1406 NON-FINANCIAL REQUIREMENTS

1406.05 NON-FINANCIAL ELIGIBILITY FACTORS

REV: 03/2012

In addition to meeting eligibility factors pertaining to need, a RI Works Program applicant/recipient must satisfy the following non-financial eligibility factors:

- Age;
- Relationship;
- Establishment or re-establishment of the home;
- Citizenship or qualified non-citizen status;
- Residency;
- Special circumstances;
- Enumeration; and
- Time limits.

Section 1406.10 through 1406.50 present the requirements for each non-financial eligibility factor. Information on the DHS-2 provides the basis for the establishment of these factors. Agency representatives assess the data on the DHS-2 and supplies to the applicant/recipient any supplementary forms that are needed.

The date and source of verification of each item must be entered as verified on the DHS-2.

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

1406.10 ELIGIBILITY FACTOR OF AGE

REV: 03/2012

To be eligible for cash assistance, a parent (or other caretaker relative) must have a needy child:

- Under the age of eighteen (18); or,
- Between eighteen (18) and nineteen (19) who meet the criteria established in Section 1406.10.10.

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. Cash assistance may be made eligible for the entire month in which the child's 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

REV: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
- Military Service Papers
- Hospital Birth Records
- Adoption Records
- Passport
- RSDI Award Letter if birth date of child is included
- Voter Registration Card
- Family Bible
- Affidavit of Third Party, refer to Section 1406.15.15.
    * State or Federal Census Record
    * Life Insurance Policy
    * School Records
    * Physician's Records
    * 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 Training of Children 18-19

REV: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

REV: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

REV: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

REV: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

REV: 03/2012

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 the Department of Human Services, Office of Child Support Service (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 the Office of Child Support Service, Office of Legal Counsel.
The Office of Legal Counsel is responsible to 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 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 forwards a copy of the signed affidavit to the local assistance office. 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 is made to OCSS, by the completion of an absent parent panel and approval of eligibility. The OCSS 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 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

REV: 03/2012

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 as detailed in Section 1406.15.05 through 1406.15.15).

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 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

REV: 03/2012

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. 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 good faith effort with attempts to obtain appropriate records.

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

REV: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

REV: 03/2012

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.
- The temporary removal of a child from the household through the child welfare system. Children receiving residential services (refer to the definition of foster care) through the Department of Children, Youth and Families who are active with the Reunification Support Program can be absent from the home for up to one hundred-eighty (180) days (longer for purposes of TANF maintenance of effort) so long as they maintain reunification as their permanency planning goal and comply with the participation requirements established in 1412.05.05 and/or 1412.05.15 for one or two parent family requirements regarding work activities.
- 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.

Maximum 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 through supervisory approval. During allowable temporary absences the family retains cash assistance at the level received before the absence of one or multiple children.

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

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 as detailed in Section 1408.30).

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

REV: 03/2012

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, when appropriate, as defined in family reunification plan with DCYF.

1406.25 RE-ESTABLISHMENT OF HOME

REV: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 another relative or through Foster Care.

1406.25.05 Temporary Arrangement in Emergencies

REV: 03/2012

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 child welfare services and DHS works in collaboration with sister state agencies and community partners to ensure child safety and economic and family stability, as appropriate.

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 for a relative to care for the child, or during the period of transition of obtaining voluntary placement or legal commitment through the Department of Children, Youth and Families.

.

1406.30 CITIZENSHIP AND QUALIFIED NON-CITIZEN STATUS

REV:04/2010

To be eligible for cash assistance, an otherwise eligible applicant must be either a United States citizen or meet the non-citizenage 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);
- 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 un-remarried 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; or
- 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; or
- Certain American Indians born outside the U.S.

A person who is not a United States citizen and does not meet the non-citizenage requirements established in PRWORA, as amended, is not eligible for cash assistance. Those applicants 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

REV: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

REV: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

REV: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

REV: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 (3) 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 a Hospital or other acceptable provider; and,
- If 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 as a 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

REV: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

REV: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

REV: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

REV: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. A Social Security number must be obtained upon the birth of a child.

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

REV:10/2008

If the applicant or recipient is unable to furnish a Social Security number because one has not been issued, or is lost or 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

REV: 9/2010

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 with a maximum lifetime limit of forty-eight (48) months of cash receipt, since 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, 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 have received 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 took effect, closing all those cases that have received twenty-four (24) consecutive months of cash issuance between 7/1/2008 and 6/30/2010.

Exemptions to the Time Limits and Notices

RIGL 40-5.2-10, states that the Department of Human Services may extend an assistance unit's or family's cash assistance beyond the 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 in a fiscal year; provided, however, that to the extent permitted by federal law, any waiver granted under RIGL 50-5.2-35, for domestic violence, shall not be counted in determining the twenty percent (20%) maximum.

Notice of Time Limits

When a parent or caretaker relative reaches his/her time limits, notice is issued informing the individual of the action being taken in accordance with Section 1434.05. The notice contains 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. Recipients will start to receive notice of time limits when they have six (6) months of cash assistance remaining and each month thereafter until the twenty-four (24) or forty-eight (48) month limits have expired. 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

REV: 03/2012

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.

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 determines if the family received cash assistance from other states/territories in the U.S. after May 1, 1997. The DHS form RIW-20, Cash Assistance Received in Other States, is used to obtain this information from each applicant or assistance unit. The RIW-20 is part of the application process and must be completed by the applicant or assistance unit in order for initial eligibility to be determined or for continuing eligibility if it had not been previously signed. The completed and signed form is retained in the case record.

DHS form RIW-21, Months on Cash Assistance Request, is completed if any cash assistance is reported as received on the RIW-20 or if the

Department becomes aware of cash assistance received by the family from other sources. The original RIW-21 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. When the response form is returned, verification of the number of months of cash assistance received by the family is entered in the case record and the number of months of cash assistance that counts toward the time limits for the assistance unit is 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 an adult was 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 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

REV: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 Time Limit

REV: 9/2010

Any individual approaching either time limit, or who has met or exceeded the 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.

A parent who is either undocumented or who does not meet the non-citizenage requirements required for eligibility for cash assistance under federal PRWORA, who has received benefits for his/her citizen child(ren), may request a hardship extension for the child(ren) at either time limit.
A client who has closed due to reaching both the forty-eight (48) month lifetime time limit and the three (3) 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 the parent(s) or caretaker relative 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 has submitted an application for or is active and in compliance with 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 1406.20; 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 non-citizenage status, as approved by a DHS supervisor.

The parent or caretaker relative will be offered assistance to remove or ameliorate barriers preventing her/him from obtaining and maintaining employment and reducing dependence on income supports.

1406.50.10.05 Hardship Extensions and Procedures

REV: 03/2012

DHS provides initial hardship extensions for six (6) months. Additional three (3) month hardships are available. Parents and/or relative caretakers who receive a hardship extension have the option to request early termination of benefits through contacting their Social Worker. Hardship extensions are approved by a Supervisor, Chief, or Regional Manager, as applicable, in said increments.

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 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.

Any hardship extension that is granted requires an amended Employment Plan (RIW-11) be signed containing steps to be taken as appropriate in order to remove/ameliorate the condition that warranted the extension.

If a requesting parent cannot have an Employment Plan (RIW-11) entered into InRhodes due to a reason for exclusion (e.g., non-citizenage not meeting PRWORA requirements), a written plan (RIW-11) 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. In addition, because an undocumented non-citizen parent cannot legally work, the parent is referred, as appropriate, to the International Institute to determine whether or not there is a pathway to legal status as a work activity.

Good cause for non-compliance with an activity in the Employment Plan (RIW-11) during a hardship extension is allowed consistent with provisions established in Section 1412.25.05: Good Cause for Failure to Comply. If good cause is found, the parent is allowed to continue or renew the request for hardship and must demonstrate compliance with the plan consistent with provisions established in Section 1412.40: Ending Work Penalties.

The following lists the documentation required to support the criteria listed in 1406.50.10:

1. Significant physical or mental incapacity
   a. The following must occur for approval of an initial hardship request:
      i. A significant physical or mental incapacity must be documented on a current DHS C1-b.
      ii. The individual must apply for or have a pending application for SSI or SSDI.
      iii. The individual must have submitted an application for or be active and in compliance with his/her employment plan with the Office of Rehabilitation Services (ORS) Vocational Rehabilitation.
   b. Subsequent incremental extensions require the following:
      i. An updated DHS C1-b form.
      ii. Documentation of the active status or documentation of the appeal of a denial of the SSI/SSDI application.
      iii. Documentation of ongoing compliance in the individual's rehabilitation employment plan as reported by ORS, or documentation that the individual was found eligible for vocational rehabilitation services but was placed on a wait list for services under the order of selection.
2. Care for a significantly disabled family member who resides in the home and requires full time care:
   a. The following must occur for approval of an initial hardship request:
      i. Documentation through a descriptive statement from a Doctor of Medicine (M.D.), Psychiatrist (M.D.), Psychologist (PhD), or Doctor Of Osteopathy (D.O.) that said level of care is required.
      ii. 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.
   b. Subsequent incremental extensions require the following:
      i. An updated medical statement
      ii. An updated plan for transfer of care to transition from cash assistance.
3. Homeless
   a. The following must occur for approval of an initial hardship request:
      i. Documentation of homelessness either from a shelter or evidence as described in Section 1426.25.10 - 1426.25.10.05.
      ii. The family must be referred to the housing social caseworker or be active and in compliance with his/her employment plan addressing barriers to securing stability with housing. Work activities for homelessness include keeping a detailed account of the search and the outcome of all inquiries to demonstrate good faith efforts with securing housing.
   b. Requests for subsequent incremental extensions must be accompanied by the submission of a letter of support for the extension from a housing search specialist.
4. Domestic Violence
   a. The following must occur for approval of an initial hardship

request:

i. Documentation by a Family Violence Advocate.

ii. An employment plan is developed 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.

b. Requests for subsequent incremental extensions must be accompanied by the submission of a written letter supporting the extension from a community partner and/or family violence advocate who is involved with the individual.

4. Inability to work because of a critical other condition or circumstance, other than citizenship or non-citizenage status, is documented as deemed appropriate by the supervisor who approves the extension.

1408 COOPERATION REQUIREMENTS

1408.05 ASSIGNMENT OF SUPPORT RIGHTS WITH THE OFFICE OF CHILD SUPPORT

REV: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 0704 for further discussion on child support processing for active RI Works families.

1408.05.05 Referral to the Office of Child Support

REV: 03/2012

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.

In the case of a minor head of household who is not living with her parents, a referral to the Office of Child Support Services is required for both the teen parent and any other child(ren) in the household.

1408.05.10 Cooperation in Obtaining Support

REV: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, at the request of DHS or DHS-OCSS, the applicant or recipient must:
- Appear, as necessary, to provide verbal, written, 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

REV: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

REV: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 maintain custody of 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 for Good Cause

REV: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 indicating that the individual is being assisted by the agency to resolve the issue of whether to maintain custody of the child or release him/her 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 provided, 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

REV: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

REV: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

REV: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 Non-cooperation with OCSS

REV:10/2008

The failure of a parent or caretaker relative to cooperate with DHS-OCSS in establishing paternity or in establishing, modifying, or enforcing a support order with respect to a child and failure to 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 disregards. 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 the failure to cooperate, 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 Communication between RIW and OSCC STAFF

REV: 03/2012

The RIW and the Child Support Services staff will notify each other of information pertaining to the RIW/OCSS custodial parent, the non custodial parent, and the child support/RI Works case. Information will be exchanged via INRHODES. Contact will occur between the agents when:

1. The custodial parent fails to cooperate with the Office of Child Support Services;
2. The custodial parent claims good cause;
3. The custodial parent is found to be living at an address that is different from the address at which s/he receives assistance;
4. Paternity is established;
5. Employment changes; and/or
6. The non-custodial parent is found to be living with the applicant/recipient.

1408.10 THIRD-PARTY LIABILITY

REV: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

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 (Settlement) panel; this information is automatically referred to the TPL Unit.

1408.10.10 Responsibility of Third-Party Liability Unit

REV: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

REV: 03/2012

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. In the case of a hardship extension, failure to comply with the employment plan without good cause results in the case closure-- the three (3) month sanction period does not apply.

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

REV:10/2008

The Systematic Non-citizen Verification for Entitlements (SAVE) Program is the Immigration and Naturalization Service operated system for the verification of immigration status of non-citizens applying for benefits from certain federally funded entitlement programs. Applicants 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

REV: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

REV: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 TANF 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 (6th) month of each certification period.

1410 WORK PROGRAM PROCEDURES

1410.05 ASSESSMENT

REV: 03/2012

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 to ensure an understanding of its contents. 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, 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. Assessment information is entered into the InRhodes ASMT function. This collection of data is appraised to identify the individual's strengths in relation to the individual's readiness for employment.

1410.05.05 Assessment Requirements

REV:10/2008

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, or 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, the following information will also be collected:
- current health problems
- names of educational facilities attended by the participant(s)
- 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, pregnant minors, and for adolescent parents who do not have their high school diploma or its equivalent and who are not attending school, such as 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 Youth Home Visiting Program.

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 and the Department's responsibilities, and the consequences if the individual fails to comply with program requirements.

1410.05.10 Assessment Recording

REV: 03/2012

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. Individuals must undergo academic and vocational testing for employment planning and for specific activities (e.g., Adult education, Skills Training and Post-secondary Education).

After the test results have been returned, data is entered into InRhodes by the DHS caseworker. Test results are discussed with the applicant and evaluated in light of her/his previous education, training, and employment history. The evaluation should 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 Case Log (CLOG) in the SPEC function of INRHODES.

1410.10 FINANCIAL PLAN

REV:10/2008

The financial plan shall identify all available sources of income and all benefits and services available to the family from the state, local or federal government, as well as 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 assistance, 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

REV: 03/2012

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 (RIW-11) is jointly developed by the applicant and the RI Works Screening social caseworker. The Employment Plan must ultimately take into consideration the physical capacity, skills, education, including educational competency test results, work experience, health, safety and family responsibilities, place of residence of the individual, local employment opportunities, child care and supportive services required by and available to the applicant to participate in 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.

In developing the Employment Plan, the parent(s) shall be informed of their options, including attending education and/or training as needed to improve their employability. Parents must make decisions about the nature of the activities that they will engage in based on assessment and their awareness of the twenty four (24) and forty eight (48) month time limit constraints of receipt of RI Works. Parents should understand that child care assistance for time spent in education/training is only available to parents receiving cash assistance.

If during screening, the participant reports that s/he has a medical impairment(s), the social worker should utilize a release of information DHS-25M (for medical) or DHS-25 (non-medical) to obtain existing information important for employment planning, and give the participant a C1(b) to be completed by his/her medical professional. The applicant is instructed to return the C1(b) form within thirty (30) days to the DHS caseworker or DHS local office. Information provided on the C1(b) Form is reviewed to determine if there are any medical limitations to participation in employment activities. Limitations are considered in selecting the goals and activities that may be modified in the Employment Plan (RIW-11).

- If the C1-B indicates that the parent has a temporary condition of thirty (30) days or less, the employment plan activities may be set to begin after that date.
- If the C1-B indicates that the parent has a temporary disability that prevents work for more than thirty (30) days

but less then six (6) months, the employment plan is written to support rehabilitation in the shortest practicable time and the recipient's activity is compliance with treatment, monitored by the social caseworker.

- If the C1-B indicates that the parent has a significant impairment expected to last longer than six (6) months, then referral to the Office of Rehabilitation Services (ORS) is indicated. Parent is expected to apply for Supplemental Security Income (SSI) if the impairment is significant and expected to last more then twelve (12) months.

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 in any plan activity. Refer to Section 1402.05.05 for further information on this requirement. If the parent encounters difficulty in arranging child care or transportation after good faith effort, the parent must discuss the situation with the social caseworker.

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

Discrepancies in case information discovered during interviews and contacts, depending on the nature of the discrepancy, must either be resolved by the social worker, or forwarded to appropriate eligibility staff via the Information Transfer (D206) selection in the TOOL function of INRHODES.

Any modification of the Employment Plan (RIW-11) 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, the scheduled days and hours of attendance, and authorization of supportive services. At the 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.

In order for an employment activity to be approved, the total scheduled hours of the component(s) must match the 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 the attendance requirements to the parent 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

REV: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 (RIW-11) and participate, unless temporarily exempt (1412.05.10), in DHS-approved work-related activities.

1412.05.05 One Parent Family

REV: 03/2012

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 1416), as appropriate, in order to help the parent obtain stable full-time paid employment. 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 Supplemental Nutrition Assistance Program 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 no more than four (4) consecutive weeks and six (6) weeks within a twelve month period; or twelve (12) weeks within a twelve (12) month period if unemployment rate is at least 50% greater than US total unemployment rate or the state is declared a “needy state”;
- 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 at thirty (30) hours per week, regardless of the age of the youngest child, 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 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.

1412.05.10 Temporary Exemption for Single Parents

REV: 03/2012

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 or is determined likely to be eligible for SSI or SSDI benefits by a DHS approved provider or DHS designated staff;

- 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

REV: 03/2012

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. 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 no more than for (4) consecutive weeks and six (6) weeks within a twelve (12) month period; or twelve weeks within a twelve (12) month period if unemployment rate is at least 50% greater than US total unemployment rate or the state is declared 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 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 Supplemental Nutrition Assistance Program 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 a person with a disability or caring for a child with a severe disability 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

REV: 03/2012

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, reassessment for Employment Plan is indicated, 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

REV: 03/2012

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 they are likely to be eligible for SSI or SSDI benefits by a DHS approved provider or DHS designated staff; 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 family member with a disability.
- a minor parent who meets the criteria set in Section 1412.05.15.05, without a high school diploma or the equivalent, who is not married, may claim an exemption of up to twelve (12) weeks from the date of birth of the child.

1412.10 WORK ACTIVITIES

REV: 03/2012

The following comprise the activities which may be recorded in the component listing of an individual's Employment Plan (RIW-11) 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;
- 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 information such as entered employment.

1412.15 SUPPORTIVE SERVICES

REV: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

REV: 03/2012

RIW recipients receive monthly bus passes providing unlimited access to public transportation, in conjunction with the hours of operation of RIPTA bus services, for adults and children. In addition, 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

REV: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

REV: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 Supplemental Nutrition Assistance programs.

1412.20 PROGRESS AND ATTENDANCE REQUIREMENTS

REV: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

REV: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, and 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

REV: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

REV: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 (with the exception of 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

REV: 03/2012

The cash assistance to which an otherwise eligible family/assistance unit is entitled under this chapter, shall be reduced for each month, whether or not consecutive, the first three (3) times any participant, without good cause, quit or refused employment or failed to:

- Enter into or follow an individual employment plan;
- Attend a required appointment; or
- 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:

- Enters into an individual employment plan or rehabilitation plan and demonstrates compliance with the terms thereof; or
- 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:

- Enter into an individual employment or rehabilitation plan as applicable, and demonstrate compliance with the terms thereof, or
- 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 IV-A 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

REV: 03/2012

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 a participant's 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. When a participant refuses without good cause to seek or 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 State 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.);
- Temporary illness of the participant;
- Temporary 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 NON-COMPLIANCE

REV: 03/2012

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 otherwise failed 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.

HARDSHIP
In the case of a hardship extension, failure to comply with the employment plan without good cause results in a notice of case closure.

1412.35 FAIR HEARING REQUESTS

REV: 03/2012

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 individual may request that benefits be continued pending the outcome of the hearing if the request is made within ten (10) days of the mailing of the notice.

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

Individuals in hardship extension who receive notice that their case will be closed for failure to comply with the employment plan without good cause may request a fair hearing within thirty (30) days of the mailing of the notice. The individual may request that benefits be continued pending the outcome of the hearing if the request is made within ten (10) days of the mailing of the notice.

1412.40 ENDING WORK PENALTIES

REV: 03/2012

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 two (2) weeks earlier. If no such activity is available within thirty (30) days, the sanction will end on the day s/he agrees to participate.
- Under no circumstances, including hardship extensions, shall an individual be granted more than two (2) consecutive episodes of non-compliance with the employment plan without good cause which are followed by the reinstatement of cash assistance.

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

REV: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 six (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

REV: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

REV: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

REV:10/2008

A relative for purposes of this section is defined in Section 1406.15 of this Regulation. 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.

The following shall be eligible for cash assistance only if such family resides in the home of a parent, legal guardian, or other adult relative.

1. A family consisting of a parent who:
    a. is under the age of eighteen (18) (minor parent); and
    b. has never been married; and
    c. has a child; or
2. A family consisting of a woman under the age of eighteen (18) who is at least six (6) months pregnant

1414.05.15 Exceptions

REV: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 1414.05.20.

1414.05.20 Adult-Supervised Living Arrangement

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 Youth Home Visiting Program, 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 Youth Home Visiting Program, 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

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 or by another alternative program approved by the State Coordinator of the Youth Home Visiting Program.

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 Youth Home Visiting Program 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 Youth Home Visiting Program 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

REV:10/2008

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

- Maternity homes;
- DCYF-certified foster homes; and
- Independent Living with full-time adult supervision; and
- Other DCYF-certified arrangements.

1414.10 DOMESTIC VIOLENCE WAIVER PROCESS

REV: 04/2010

If an applicant/recipient discloses a domestic violence situation 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. If such disclosure is made by a minor parent/pregnant minor to the Youth Home Visiting Program 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 RI 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 Youth Home Visiting Program 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 RI Works work requirements and forwards the Findings on the Recommended Waivers portion of the Assessment (Form WVR-2) regarding which waivers, if any, the applicant/recipient should be granted to the appropriate RI Works eligibility supervisor if it involves residency and/or child support cooperation, as well as a copy to the appropriate RI Works service supervisor if it involves 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 processes the waiver(s) as appropriate and notifies the applicant/recipient.

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

For adolescent parents/pregnant adolescents, after the Family Violence Option Assessment, the Youth Home Visiting Program case manager must ensure that safety planning, crisis counseling, appropriate referrals, and follow-up services are provided. The Youth Home Visiting Program 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 Youth Home Visiting Program representative) completes a Family Violence Option Re-Assessment (Form WVR-2a) of the individual's circumstances and notifies the appropriate 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.

1416 WORK ACTIVITIES

1416.05 COMPONENT/PROGRAM ACTIVITIES

REV: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

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

Non-core activities include

- job skills training directly related to employment,
- education directly related to employment, and
- 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 JOB SEARCH AND INTENSIVE EMPLOYMENT SERVICES

REV: 03/2012

Job search services consist of job search guidance, workshops, job leads and monitoring conducted by contract or State staff. 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 may include 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 job search or 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. Job search and intensive employment services are limited to four (4) consecutive weeks. Individuals are required to accept employment offers for which they are qualified and which provide greater income to the family than public assistance. Part-time employment is also approvable as part of an employment plan in combination with at least one other approvable activity.

1416.15 EMPLOYMENT

REV: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

REV: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)

REV: 09/2010

A variation of OJT is Work Supplementation. Work Supplementation Program (WSUP) is a form of subsidized employment that provides a partial reimbursement of wages to the employer. 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.

Such a supplement shall be limited to a maximum period of six (6) 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.

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

REV: 03/2012

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 in Section 1400.20, 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.

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.

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 DHS staff or 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.

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), 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

REV: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, s/he 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. They are assumed to meet the 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 SNAP 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.

1416.30.05 WORK STUDY AS A VARIATION OF WORK EXPERIENCE

REV: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 is countable for the Supplemental Nutrition Assistance 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 SUBSIDIZED EMPLOYMENT

REV: 09/2010

Subsidized employment, whether funded under the TANF Emergency Contingency Fund or TANF Block grant, is a time-limited reimbursement of 100% of wages paid by the businesses or agencies that hire RI Works

or eligible low-income families. The program may be administered through a collaboration among the Department of Human Services, Labor and Training, Administration and the local Workforce Boards or through the TANF contract process.

1416.40 COMMUNITY SERVICE

REV: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

REV: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 INDIVIDUAL PARTICIPATION IN COMMUNITY SERVICES

REV: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 RELATED TO EMPLOYMENT

REV: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

REV: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 EDUCATION ATTENDANCE FOR PARENT UNDER AGE 20

REV: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 ED FOR INTENSIVE WORK READINESS

REV: 03/2012

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. Individuals with reading test scores below the third grade or below the sixth grade who also have very limited or no prior work experience, and individuals with very limited or no English language skills, in particular are eligible for this type of service. The client may be referred to programs approved by DHS and the Office of Adult Education.

1422 RESOURCES

1422.05 NONEXEMPT RESOURCES

REV:10/2008

No family shall be eligible for cash assistance if the combined value of its available resources (reduced by any obligations or debts with respect to such resources) exceed one thousand dollars ($1,000). Eligibility is denied or terminated if the value of available non-exempt resources exceeds the one thousand dollar ($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 legal ability to make such sum available for support and maintenance. However, in the event of joint ownership of an asset, there is an opportunity to rebut the presumption of ownership of the resource. (Refer to DHS Manual Section 0356.10.20-26.) The Regional Manager is consulted when there is a question of ownership of resources that cannot be otherwise resolved.

The applicant's resources include those of the spouse in the home (with the exception of persons applying in loco parentis and not applying for assistance for his/her own needs). A child's resources include his/her own and those of the eligible or ineligible parent(s) and stepparent with whom s/he is living.

The sponsored non-citizen's resources include the deemed resources of the sponsor and sponsor's spouse (see Section 1424.60). However, in a joint RI Works program/SSI household, the resources which are solely the SSI recipient's are not counted for RI Works purposes.

The information the individual supplies on the DHS-2 both at application and redetermination about his/her current or terminated resources is documented through bank books, property records, and other similar documentary sources.

Potential resources, which the individual will, or may, acquire before the time of the next redetermination are controlled by using SPEC/TIKL to ensure that the agency knows when the resource becomes available or that a case review verifies it is not available.

The source used for verification of the resource and date is recorded in the appropriate area of the DHS-2 and in the Case Log (CLOG).

The agency representative must advise the recipient to inform the agency of any changes in his/her resources that may affect his/her eligibility. Such changes are noted in the Case Log (CLOG).

1422.05.05 Trusts

REV:10/2008

Any funds in a trust, and the income produced by that trust to the extent it is not available to the assistance unit, shall be considered

inaccessible to the assistance unit if all of the conditions listed below are met by the trust arrangement.

* No assistance unit member has the power to revoke the trust arrangement or change the name of the beneficiary.

* The trustee administering the trust is either
  1. a court or an institution, corporation, or organization that is not under the direction or ownership of any assistance unit member; or
  2. an individual appointed by the court who has court imposed limitations placed on his or her use of the funds; or
  3. an individual whose responsibilities are governed by the terms of the irrevocable trust, and who is furthermore not under the direction or control of any assistance unit member(s) in any way.

* Trust investments made on behalf of the trust do not directly involve or assist any business or corporation under the control, direction, or influence of an assistance unit member.

* The Department may request that the trustee execute a statement that s/he/it is not under the direction or control of any member(s) of the assistance unit.

1422.10 EXCLUDED RESOURCES

REV:10/2008

The amount of real and personal property that can be retained by each assistance unit may not be in excess of one thousand ($1,000) dollars equity value excluding the resources detailed in Sections 1422.10.05 through 1422.10.40.

1422.10.05 Real Property that is the Home

REV:10/2008

Real property that is excluded includes:

- the home owned and occupied by a child, parent, relative or other individual. The home exclusion applies to any land that appertains to the home and any other buildings located on such land, for example, a barn or a shed. To appertain to the home, the real property must adjoin the plot on which the home is located and not be separated from it by intervening real property owned by others. The agency representative must complete a STAT/Prop panel for each property.
- property owned by a husband and wife (1) if the deed indicates the property is held by them as tenants by the entirety and (2) if the property is not the home of the assistance unit (as defined above) and (3) if the spouse of the applicant/recipient refuses to sell his/her interest in the property. To ascertain if these conditions are met, the eligibility technician must verify, by examination of the deed, that the parties own the property as tenants by the entirety and determine if the parties are still married because a divorce (but not a legal separation)

automatically dissolves a tenancy by the entirety. If the three conditions specified above appear to be met, the agency representative must refer the case, through the Regional Manager, to the Department's Office of Legal Services for a determination of the property's excludability. The referral should include copies of the deed to the property and any other relevant documents.

1422.10.10 Real Property other than the Home

REV:10/2008

In addition to the exclusion of the home in which the assistance unit is living, and property that is excludable as specified in Section 1422.10.05, real property that is excludable is subject to the following provisions:

- The family must make a good faith effort to sell the property, generally by listing it with a licensed realtor. The realtor must indicate in a signed statement that the asking price is consistent with the property's current Fair Market Value (FMV). If the family chooses to sell the property independently, they must demonstrate a good faith effort, for example, by adequate newspaper advertising of the property for sale. Any method of disposal other than listing with a realtor is subject to review and approval by the Regional Manager before it can be excluded.
  * The status of said property and the family's good faith effort to sell it must be reviewed on a quarterly basis.
- Any aid payable to the family for any such period shall be conditioned upon such disposal within six (6) months of the date of application and any payments of such aid for that period shall be considered overpayments to the extent that they would not have occurred at the beginning of the period for which such payments were made. All overpayments are debts subject to recovery in accordance with Section 1430.10. Any month for which there is no net payment will not count toward the time limits.
- The family must notify the agency upon executing a purchase and sale agreement, a copy of which is submitted to the eligibility technician. Further, within five (5) days of the closing, the family must provide the eligibility technician with a copy of the closing or settlement sheet.
- The amount of assistance to be repaid cannot exceed the net proceeds from the sale. After ascertaining the amount of cash and medical assistance expended and the net proceeds from the sale, the eligibility technician, in consultation with the supervisor and, as needed, the Regional Manager, determines the amount of the overpayment, if any, to be repaid and whether continuing eligibility exists.
- If repayment is necessary, a certified check made payable to the Rhode Island Department of Human Services must be given to the agency representative. The agency representative transmits the check attached to an AP-87.2 receipt form to the Collections, Claims, and Recoveries Unit.
- If the net proceeds from the sale of the property, together with all other resources at the beginning of the disposal period, are within the allowable resource limit, no repayment

is warranted.

1422.10.15 Other Income-Producing Property

REV:10/2008

Income-producing property other than real estate is excluded.

Examples include but are not limited to equipment such as farm tools, carpenter's tools, and vehicles used in the production of goods and services necessary for the family to earn a living.

If the property has been used by the applicant/recipient to generate income and the reasonable expectation exists that it will be used for that purpose in the foreseeable future, the property is not subject to the one thousand dollars ($1,000) resource limitation.

1422.10.15.05 Factors Determining Exclusion

REV:10/2008

In making the determination that income-producing property is excluded, the agency representative evaluates such factors as:

- the client's present or future capacity to utilize the property to become self-supporting;
- the suitability of the property to serve as one of the means to this goal; and
- the length of time expected to elapse before the property might be put to use in the individual's employment plan.

The Regional Manager is consulted when there is a question of whether such property should be excluded.

1422.10.15.10 Examples of Determining Exclusion

REV:10/2008

This section presents examples of the determination of exclusion of income-producing property.

EXAMPLE ONE: A self-employed electrician owns a panel truck, power tools and assorted other tools of his trade, the total value of which amounts to nine thousand dollars ($9,000). He is unable to work for at least six (6) months, at the end of which time his doctor's prognosis indicates a resumption of his former occupation. The electrician's anticipated return to work, for which his truck and tools are essential, render the potentially income-producing property excludable as a resource.

EXAMPLE TWO: A house painter sustains serious injury in an automobile accident. Although medical prognosis allows for eventual partial recovery and job retraining, she is not expected to function again in her former occupation. Her ladders, scaffolding, and various tools of the painting trade are of no further use to her as a means of producing income. Their

estimated current Fair Market Value (FMV) is five hundred dollars ($500) and counts toward the assistance unit's one thousand dollars ($1,000) limit for non-excluded resources.

EXAMPLE THREE: A seasonally unemployed fisherman owns a boat, fishing nets and other equipment necessary for his occupation. He expects to return to employment on his fishing boat in five (5) months. Since the reasonable expectation exists of a resumption of his usual occupation, the boat and fishing equipment are excluded from consideration as a resource.

1422.10.20 Income-Producing and Other Vehicles

REV:10/2008

The following shall not be counted as resources of the family:

* One vehicle for each adult household member but not to exceed two (2) vehicles per household, and
* The value of vehicles used primarily for income-producing purposes is excluded. Such vehicles include but are not limited to:
    * a taxi, truck, or fishing boat;
    * a vehicle which annually produces income consistent with its fair market value, even if only used on a seasonal basis;
    * a vehicle necessary to transport a family member with a physical disability where the vehicle is specially equipped to meet the specific needs of the person with a disability or if the vehicle is a special type of vehicle that makes it possible to transport the person with a disability; and
    * a vehicle used as a family's home.

1422.10.25 Exclusion of Household Furnishings

REV:10/2008

Household furnishings and appliances, clothing, personal effects, and keepsakes of limited value are excluded.

1422.10.30 Exclusion of Burial Plot

REV:10/2008

One (1) burial plot or space for each member of the assistance unit is excluded. A burial space is any conventional gravesite, crypt, mausoleum, urn, or other repository customarily used for the remains of a deceased person.

1422.10.35 Exclusion of Funeral Agreement

REV:10/2008

A bona fide funeral agreement, not to exceed one thousand dollars ($1,000) of equity value for each member of the assistance unit, is excluded. A bona fide or good faith funeral agreement is a cash

resource reserved authentically and solely to meet the funeral expenses of the beneficiary. It must not constitute a mere shelter for funds that would otherwise count toward the one thousand dollars ($1,000) resource limit.

Evidence that funds in a purported funeral agreement are being tapped for other than their avowed purpose is a contraindication that the agreement is bona fide. Every funeral agreement must be submitted to and, if appropriate, approved by the Regional Manager before it can be excluded as a resource. Further, at each recertification, the eligibility technician must review each excluded funeral agreement. Any new, significant information bearing on the agreement is submitted to the Regional Manager for evaluation and determination of its continued excludability.

1422.10.40 Resources Excluded by Law

REV: 03/2012

Resources excluded by law in determining need and the amount of assistance include:

a. For 12 months from the date of the receipt of the refund:
   i. any portion of the refund of federal income taxes, made to the family by reason of Section 32 of the Internal Revenue Code relating to the earned income tax credit, and any advance payment of such earned income credit made to such family by an employer;
   2. The total amount of a refund received after December 31, 2009, consistent with provisions of Public Law (PL) 111-312: Tax Relief, Unemployment Insurance Reauthorization and Job Creation Act of 2010, regardless of whether the refund is the result of a refundable credit, over-withholding, or both. This provision established in PL 111-312 shall not apply to any amount received after December 31, 2012.
b. The resources of any family member receiving SSI;
c. Funds awarded under PL 98-123 to the Red Lake Bank of Chippewa Indians.
d. Funds awarded under PL 98-124 to the Assiniboine Tribe of the Fort Belknap Indian Community, and the Assiniboine Tribe of the Fort Belknap Indian Reservation.

1422.15 DETERMINATION OF RESOURCES

REV:10/2008

The resource limit per assistance unit is one thousand dollars ($1,000) for all non-excluded resources. Resources which count toward the one thousand dollars ($1,000) resource limit include, but are not limited to, 1) real property; and 2) personal property which includes liquid resources, such as cash, stocks, bank accounts, automobiles and non-essential items.

When the non-excluded resources exceed the resource limit, the applicant is ineligible or assistance is discontinued.

1422.15.05 Real Property

REV:10/2008

Real property is land and includes houses or objects permanently attached to the land. The equity value of any non-excluded real property owned by the assistance unit must be counted toward the one thousand dollar ($1,000) resource limit.

In determining the value of the resource, equity value is defined as the current Fair Market Value (FMV) minus encumbrances. (If the value of the real property, when added to that of the unit's other resources, raises their total value above the one thousand dollars ($1,000) limit, see 1422.10 for conditions under which the property may be excluded.)

The eligibility technician must complete a STAT/Prop panel on each parcel of real property owned by the applicant/recipient.

Evidence of ownership includes any of the following: the deed, current mortgage statement, assessment notice, the recent tax bill, or a report of title search. If not available, the eligibility technician must obtain the information from the Recorder of Deeds, by telephone or other means.

The supervisor must consult the Regional Manager in assessing the value of property if the value is questionable in relation to the one thousand dollar ($1,000) resource limit.

1422.15.10 Personal Property

REV:10/2008

Personal property includes liquid resources, such as cash, stocks, bonds, mutual funds, money market accounts, certificates of deposit (C.D.s), bank and credit union accounts, IRAs, Keough plans, vehicles, and non-essential items.

1422.15.10.05 Liquid Resources

REV:10/2008

Liquid resources are those properties in the form of cash or other financial instruments which are convertible to cash and include bank and credit union savings and checking accounts, stocks, bonds, mutual funds, time deposit shares, money market accounts, promissory notes, mortgages, and similar holdings.

The value of any liquid resources must be counted toward the one thousand dollar ($1,000) resource limit. If liquid resources exceed the one thousand dollar ($1,000) resource limit, alone or in combination with other resources, the applicant is ineligible or assistance is discontinued.

1422.15.10.10 Medical Insurance

REV:10/2008

If a family has any medical insurance, such as Blue Cross/Blue Shield, Major Medical, Harvard/Pilgrim Health Plan of New England, Federal Medicare (Part A, Part B), Delta Dental or any other medical insurance,

this is identified as a resource for medical payment, but is not considered an eligibility factor in the determination of eligibility.

The medical resource must be noted on the DHS-2. The agency representative must complete a STAT/INSU panel for each medical resource.

1422.15.10.15 Valuation of Vehicles

REV:10/2008

Vehicle means a passenger car or other motor vehicle used to provide transportation of persons or goods.

Each vehicle owned by the household is handled as follows.

First, determine if the motor vehicle is excluded under Section 1422.10.20. If the vehicle(s) is excluded, no further action is required. If the vehicle is not excluded, count the vehicle's equity value (which is fair market value less encumbrances) towards the household's resource limit of one thousand dollars ($1,000).

1422.15.10.20 Nonessential Items

REV:10/2008

Usually accepted household items are exempted. However, when there is evidence that the applicant possesses household or personal items of unusual or exceptional value, there should be verification of this resource by establishing the fair market price and equity value for it. Items of unusual value are those not normally used to maintain an adequate standard of comfort and convenience for the household.

The value of recreational boats, art objects, or valuable collections are luxury items of unusual value represent resources that must be added to all other total resources to determine whether the resources are within the one thousand dollar ($1,000) limit. It is the current fair market value of the item rather than the item itself that determines the unusual value.

The statement on the DHS-2 (indicating the applicant does not own items of unusual value) referring to other resources owned by the applicant/recipient will be accepted without further development unless there is evidence to the contrary (e.g., information from other sources, or answers to other questions on the application that cast doubt on the validity of the response).

If the applicant/recipient owns a valuable resource, then the current FMV must be determined. Any reliable and reasonable method may be used to establish and verify the current FMV, e.g., sales slips, insurance, prior appraisals, or contacts with local merchants.

If the total equity value is under the one thousand dollar ($1,000) limit, this amount must be added to all other countable resources to determine whether the total resources are within the one thousand dollar ($1,000) limit. If the value of the assistant unit's items

exceeds the one thousand dollar ($1,000) resource limit, the applicant/recipient is ineligible.

1422.15.10.25 Resources of Ineligible Household Members

REV:10/2008

All the non-excluded resources of a disqualified individual, parent, or child, are counted in determining the assistance unit's eligibility and payment amount.

1422.20 TRANSFER OF RESOURCES

REV:10/2008

Initial eligibility is not affected unless an applicant sold or transferred property in the month of application.

1422.20.05 Resources Transferred in Application Month

REV:10/2008

Receipt of monies from resources disposed of by an applicant in the month of application is treated as a resource. The proceeds are verified and a determination made as to whether the proceeds are within the eligibility limit for that particular resource.

If it exceeds the limit, eligibility does not exist in that month. In any questionable case, the case is referred to the FRED Unit for investigation (Section 1402.25).

Eligibility can be reestablished in a later month when resources are brought within the resource limit.

1422.25 ASSETS ACQUIRED AFTER RECEIPT OF RI WORKS

REV:10/2008

If a recipient inherits real property which is being used, or is to be used by the recipient as a home, there is no bar to continuing eligibility. The equity value of any other real property must be considered, together with all other countable resources, in determining whether the household's resources are within the one thousand dollar ($1,000) resource limit.

1422.30 RECOVERY OF RESOURCES AFTER DEATH

REV:10/2008

Assistance provided to a recipient is not subject by policy to recovery after the death of a recipient. However, in certain situations, the law provides for recovery by the Department.

These situations must be referred to the Regional Manager and forwarded to the Third Party Liability Unit for a decision on action. Refer to Section 1430 for further information.

1424 INCOME

1424.05 DEFINITION OF INCOME

REV:10/2008

In determining need, it is necessary to know the amount and value of both actual and potential income. The income of a family includes all of the money, goods, or services received or actually available to any member of the family. Income is considered available both when actually available or when the applicant/recipient has a legal interest in a liquidated sum and has the legal ability to make such sum available for support and maintenance. It must be under the control of the individual during the period for which need is being determined or can be available, if action is taken by the individual to obtain it.

All income is taken into consideration in determining eligibility and need.

However, there are some types of income which are excluded and others that have modifications of the amount which is applied to the assistance plan.

1424.05.05 Child's Income

REV:10/2008

A child's income includes the income of an ineligible parent(s) and stepparent with whom s/he is living. The applicant's/recipient's income includes that of her/his ineligible spouse in the home. A sponsored non-citizen's income includes the income deemed from the sponsor (and sponsor's spouse).

However, in a joint cash assistance/SSI household, the income of the SSI child or parent is not counted since it is already counted for SSI.

1424.05.10 Documentation

REV: 03/2012

The information the client supplies on the Statement of Need, DHS-2 form, and/or the Interim Report about income must be verified. Sources of verification include business records, wage stubs, income tax returns, award letters, other documents, as well as reports from Social Security, the Veterans' Administration, and other agencies. In some instances, when the individual is unable to obtain the information requested, the DHS agency representative utilizes The Work Number (http://www.theworknumber.com/) or the agency's forms (Wage Report, AP-50; Bank Clearance, AP-91; Clearance with VA, AP-150 and AP-151) to obtain such information. When there appears to be potential eligibility for a benefit for which the individual has not yet filed, such as RSDI, Employment Security Benefits (ESB), TDI, or VA benefits, the individual is required to file for such benefit; the DHS representative assists the individual in applying for other potential sources of income. The individual is advised that s/he must inform the agency of the results.

The agency uses computer matching by social security number on a regular basis with other public agency files (such as State employee payrolls, ESB and TDI records, State income tax files), and information obtained from the Social Security Administration and the Internal Revenue Service through the Income and Eligibility Verification System (IEVS) to document recipient information.

1424.10 DETERMINING ELIGIBILITY

REV:10/2008

In determining both initial and continuing eligibility, the following procedures are followed:

- Exclude any income identified in Section 1424.15.
- Determine the gross earned income of all persons in the assistance unit (except the earnings of a dependent child).
- Apply the earned income disregard to the earned income, if any.
- Determine the unearned income of all persons in the assistance unit.
- Total the earned income after disregards and unearned income; compare with the appropriate assistance standard for the unit.

1424.15 EXCLUDED INCOME

REV: 03/2012

In determining need and the amount of benefits for cash assistance the following types of income are excluded:

- income received by any family member who is receiving Supplemental Security Income (SSI) assistance under Title XVI of the Social Security Act;
- the value of assistance provided by state or federal government or private agencies to meet nutritional needs including: value of USDA donated foods; value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended; the special food service program for children under Title VII; Nutrition program for the Elderly of the Older Americans Act of 1965, as amended; and the value of food assistance benefits;
- the value of certain assistance provided to undergraduate students including: any grant or loan for an undergraduate student for educational purposes made or insured under any loan program administered by the U.S. Commissioner of Education (or the Rhode Island board of governors for higher education or the Rhode Island higher educational assistance authority);
- foster care adoption and guardianship assistance payments are excluded when the adopted child is not included in the RI Works household;
- home energy assistance funded by state or federal government or by a nonprofit organization;
- payments for supportive services or reimbursement of out-of-pocket expenses made to foster grandparents, senior health aides or senior companions, and to persons serving in SCORE and ACE and any other program under Title II and Title III of the Domestic Volunteer Service Act of 1973.
- Payments to volunteers under VISTA (payments to volunteers under Americorps are NOT excluded);

- certain payments to native Americans; payments distributed per capita to, or held in trust for, members of any Indian tribe under PL 92-254, PL 93-134 or PL 94-540; receipts distributed to members of certain Indian tribes which are referred to in Section 5 of PL 94-114 that became effective October 17, 1975.
- any portion of the refund of federal income taxes, made to the family by reason of Section 32 of the Internal Revenue Code relating to the earned income tax credit (EITC) and any advance payment of such earned income credit made to such family by an employer;
- The total amount of a refund received after December 31, 2009, consistent with provisions of Public Law (PL) 111-312: Tax Relief, Unemployment Insurance Reauthorization and Job Creation Act of 2010, regardless of whether the refund is the result of a refundable credit, over-withholding, or both. This provision established in PL 111-312 shall not apply to any amount received after December 31, 2012.
- the value of any state, local, or federal government rent or housing subsidy, provided that this exclusion shall not limit the reduction in benefits provided for in Section 1426.

Assistance from other agencies and organizations is disregarded in determining need and the amount of the payment.

Also, in determining what is income to meet need, the following are also excluded as income:
- The value of home produce of an applicant/recipient utilized by him/her and his/her household for their own consumption.
- Bona fide loans, educational assistance loans and grants, such as scholarships, obtained and used under conditions that preclude their use for current living costs.
- Income equal to expenses attributable to the earnings of the income of a self-employed individual.

1424.15.05 Exclusion of First $50 of Child Support

REV:10/2008

The first fifty dollars ($50) of the child support payment paid in any month by a non-custodial parent of a child, or the actual amount of the child support payment if the payment is less than fifty dollars ($50), shall be paid to the family in which the child resides, and is excluded from the family's income. If more than one non-custodial parent makes a child support payment to children living in the same family, there shall be only one (1) payment not to exceed fifty dollars ($50) paid to the family from the total child support collected.

The exclusion shall be applied in the initial month of eligibility. Support payments received in subsequent months are covered by the assignment as described in Section 1424.40.05.

The exclusion may also be applied to payments for child support owed and collected that are in excess of the RI Works grant and are issued to the family. See Section 1424.40.10 for more information.

1424.20 EARNED INCOME

REV:10/2008

Earned income is income, in cash or in-kind, earned by an individual through the receipt of wages, salary, commissions, or profit from activities in which s/he is engaged as a self-employed individual or as an employee. It is counted as income only when it is received (or would have been received except for the decision of the recipient to postpone receipt) rather than when earned. It includes earnings over a period of time for which settlement is made at one given time. With respect to the degree of activity, income which the individual produces as a result of the performance of service, including managerial responsibilities, is classified as earned income. (Examples are income from a lodger or boarder and rental income.)

1424.20.05 Earned Income from Wages

REV:10/2008

When earned income is from wages, the agency representative must determine the gross amount of wages.

Any legal attachment on wages is considered unavailable and is not counted in the determination of eligibility for and amount of RI Works. Under current law, the first fifty dollars ($50) of any pay is exempt from attachment, and no attachment can be placed on the wages of a current or former cash assistance recipient for one (1) year following the termination of assistance. If an attachment exists, the recipient is referred to Rhode Island Legal Services.

That portion of wages which represents the advance payment of the Earned Income Tax Credit (EITC) is also disregarded as earned income.

1424.20.10 Earned Income from Self-Employment

REV:10/2008

The income considered from self-employment is the difference between the amount of gross receipts and the amount of allowable operating expenses incurred in producing the income.

When a business is carried on at home, no part of the overhead is considered a business expense, except as specified in Section 1424.20.10.05. Those self-employed work expenses directly related to producing the goods or services and without which the goods or services could not be produced shall be excluded.

However, items such as depreciation, personal business and entertainment expenses, personal transportation, purchase of capital equipment, and payments on the principal of loans for capital assets or durable goods are not allowable expenses.

The Regional Manager is available to assist staff in determining income from self-employment. In a memorandum directed to the Regional Manager, the agency representative must identify the type of assistance needed along with the necessary information on the business (for example, last

year's income tax return, current bookkeeping records, and check books).

If, at the end of sixty (60) days, the business is not providing the recipient with enough income to attain economic self-sufficiency, the case must be submitted to the Regional Manager for review of continued eligibility.

1424.20.10.05 Child Care Service Providers

REV:10/2008

Income received by a cash assistance applicant or recipient who provides child care services is considered earned income from self-employment. The income must be verified from information provided by the applicant/recipient.

For purposes of this section, child care services are defined as any care of a child or incapacitated adult for which the provider is remunerated whether by a public or private agency or a private party. The provider need not be a licensed Child Care provider.

Casual baby-sitting, for which the babysitter is paid, qualifies as "child care services."

Expenses of Providing Child Care

The documented expenses incurred in earning such income are deductible. Such expenses include household items, wear and tear on household furnishings, and the increased cost of utilities if the service is provided in the provider's home.

Special equipment needed for the individual in care and furnished by the provider is also deductible regardless of where the service is provided. The average total expense of providing child care is $32.00 per week per child. (If the household can document cost in excess of the applicable average amount, the actual cost can be considered.)

When the expense incurred in providing child care exceeds the amount paid by DHS or other payor to the child care provider, there is no income to be considered in determining eligibility and the amount of cash assistance payment. Conversely, the appropriate earned income disregard is applied toward any net income after expenses.

1424.20.10.10 Income from Roomer or Boarder

REV:10/2008

When an applicant/recipient receives income from a roomer or boarder, the amount considered as income is computed by subtracting the following cost of maintaining such lodger or boarder.

Monthly Cost of Maintenance	
Roomer:	$ 25.00
Boarder:	124.00

However, if the household can document cost in excess of the amount indicated, the actual cost can be considered.

Board payments for a foster child paid by the Department for Children, Youth and Families to a cash assistance parent are excluded as income.

1424.20.10.15 Rental Income

REV:10/2008

Countable rental income or net income from real property is subject to the appropriate earned income disregards.

When the applicant/recipient lives in the rental property, the tenant's share of the following property expenses is deducted from gross rental income to determine the amount of money to be applied as net income of the client:

a. The interest portion of mortgage, taxes, insurance, water, sewer charges, and special monthly assessments for sewer installation; and
b. The cost of the tenant's heat, gas, and electric if provided in the rent by the homeowner.

To determine the net income of a property owner-client living in a two-family dwelling, one-half (1/2) of the expenses in (a) plus the expenses in (b) are deducted from the gross rental; in a three-family dwelling, two-thirds (2/3) of the expenses in (a) plus the expenses in (b) are deducted; in a four-family dwelling, three-fourths (3/4) of the expenses in (a) plus the expenses in (b) are deducted.

When the client does not live in the rental property which is within the one thousand dollar ($1,000) Resource Limit, the income is determined by subtracting from the gross rental income, the expenses of maintaining the property as outlined above.

1424.25 INCOME DISREGARDS

REV:10/2008

For applicants and recipients, net adjusted income equals the total of any unearned income plus any amount remaining from earned income after deducting the earned income disregards and any allowable dependent care disregards. This amount must be less than the appropriate cash assistance standard in order for financial eligibility to exist. The disregards are allowed in the order specified below.

Exclusion of Earnings of a Dependent Child
Disregard all the monthly earned income of each dependent child from the assistance unit's income.

$170 and 1/2 Income Disregard
Disregard one hundred seventy dollars ($170) plus one half (1/2) of the earned income not already disregarded (applied to net income after the disregards described above). This disregard is allowed for each individual who has otherwise been found eligible to receive cash assistance.

Dependent Care Disregard
Disregard the actual amount of the expense paid in a calendar month, within the limitations specified below, for each dependent child or incapacitated adult living in the home and receiving cash assistance.

This disregard may not exceed one hundred seventy-five dollars ($175) per month per child age two (2) and older or an incapacitated adult. For a child under the age of two, this disregard may not exceed two hundred dollars ($200) per month.

Payments actually made for dependent care must be verified.

Consideration of the dependent care expense is only given when the care is provided by a person not living in the child's or incapacitated adult's household. If the care provider lives in the same building as the dependent child or adult requiring care, verification that separate households are maintained is required.

1424.30 OTHER SOURCES OF INCOME

REV:10/2008

Income may come from many sources beyond employment. Unearned income includes other types of income, such as returns from capital investment with respect to which the individual is not himself/herself actively engaged, such as dividends and interest; it also includes benefits such as individual pensions, RSDI, ESB, TDI, or Veterans' Benefits.

The agency representative needs to be aware of and identify other potential sources of income or resources for which the applicant/recipient may qualify.

1424.30.05 Federal and State Insurance-ESB & TDI

REV:10/2008

An applicant or recipient of cash assistance who has worked in the past fifty-two (52) weeks is required to file a claim for either Employment Security Benefits (ESB) if unemployed but able to work or Temporary Disability Insurance (TDI) if unemployed but unable to work. The individual is advised that the eligibility technician of the results. An AP-152 may be used to verify the amount of and/or the receipt of benefits. ESB and TDI files are interfaced on a continuous basis by the agency, and information derived is displayed on UNEA panels and appear on the eligibility worker's daily report for follow-up.

1424.30.10 RSDI Income

REV:10/2008

The total amount of benefits received from Retirement, Survivor's, and Disability Insurance (RSDI) by a member of the assistance unit is considered as income.

When a child receives RSDI, the caretaker relative does not have the option of excluding that child from the cash assistance unit even when such benefits are sufficient to meet the child's needs according to the consolidated standard. Once the child is included in the assistance

unit, the RSDI benefits of the child are considered income to the family.

1424.30.10.05 Identifying Potential Beneficiaries

REV:10/2008

Retirement Benefits can be paid to:

- The insured wage earner or self-employed person who is eligible or can elect to receive actually-reduced benefits at age sixty-two (62). Although the Social Security Act makes this provision elective (receipt of benefits age sixty-two (62)), eligibility for cash assistance is dependent upon acceptance of this source of income at age sixty-two (62).
- The spouse of a retired or disabled worker who:
  - is age sixty-two (62) or over; or
  - has in her/his care a child under age sixteen (16) or over age sixteen (16) and disabled who is entitled to benefits on the worker's Social Security record.
- A spouse is eligible, if the marriage has been in effect for one (1) year and in some instances, less than a year. Spouses of defective ceremonial marriages entered into in good faith are also eligible.
  - The divorced spouse of a retired or disabled worker if age sixty-two (62) or over and married to the worker for at least ten (10) years.
  - The divorced spouse of a fully insured worker who has not yet filed a claim for benefits if both are age sixty-two (62) or over and have been finally divorced for at least two (2) continuous years.
  - The dependent, unmarried child of a retired or disabled worker entitled to benefits, if the child is:
    - Under age eighteen (18); or
    - Age eighteen (18) or over but under a disability which began before age twenty-two (22).
    - This includes children born of natural parents, adopted children, step-children or children born out of wedlock.

Relatives of a deceased insured wage earner or self-employed person who may be eligible to receive monthly benefits include:

  - The surviving spouse, (including a surviving divorced spouse) if the widow(er) is age sixty (60) or over.
  - The surviving spouse with a disability, (including a surviving divorced spouse in some cases) if the widow(er) is age fifty (50) to fifty-nine (59) and becomes disabled not later than seven (7) years after the worker's death, or in case of a widow(er), within seven (7) years after s/he stops getting checks as a widow(er) caring for a worker's children.
  - The surviving spouse, or surviving divorced spouse if caring for an entitled child (under age sixteen (16) or disabled) of the deceased.
  - The dependent, unmarried child of a deceased insured worker if the child is:
    - Under age eighteen (18); or
    - Age eighteen (18) or over but under a disability which

began before age twenty-two (22).
- The dependent parents of a deceased worker at age sixty-two (62) or over.

Disability Benefits
A worker who becomes severely disabled before age sixty-five (65) may qualify for disability checks. The disability must be a severe physical or mental condition which prevents employment and is expected to last (or has lasted) for at least twelve (12) months, or is expected to result in death. Benefits may begin as early as the sixth (6th) full month of disability and continue as long as the disability exists. If a person is severely disabled, benefits can be paid even though the person can do some work.

Dependent's benefits may be paid to certain members of a disabled worker's family as in the case of a retired worker.

1424.30.15 Veterans Administration Benefits

REV:10/2008

All applicants and recipients who have been other than dishonorably discharged from any branch of the armed services should apply for VA benefits and/or services. An individual may be eligible as a veteran who served during wartime or specific periods of qualifying peacetime, who is disabled or non-disabled, or has a disability that is service-connected or not.

Dependents and survivors of the veteran may also be eligible.

Stepchildren, if living with the stepparent, may receive an allowance based on the stepparent's benefits.

Potentially eligible individuals may be referred directly to the Veterans Administration Regional Office, 380 Westminister Street, Providence, RI 02903. The telephone number is 1-800-827-1000.

An AP-150 is used to verify benefits for the veteran and an AP-151 is used to verify benefits for the dependent.

1424.30.20 Worker's Compensation

REV:10/2008

Under the Workers' Compensation Act, benefits are payable if an employee sustains a personal injury arising out of or in the course of employment or develops an occupational disease. The possibility of this resource should be discussed with the injured client and follow-up made if this is a potential source of income. Based on probable third party liability, Workers' Compensation benefits are subject to the assignment and reimbursement provisions described in Sections 1402 and 1408.

1424.30.25 Insurance Settlement

REV:10/2008

Money received from an insurance settlement is considered as lump sum income except when the insurance settlement results from a fire, flood, lightning or severe wind, and if it is used to repair or replace the property lost because of the fire, flood, lightning or severe wind. For treatment of lump sum income, see Sec. 1424.35

1424.30.30 Money or Goods from Other Agencies

REV:10/2008

When another agency provides money or goods to an applicant or recipient on an irregular basis, it is not considered as income to be applied to the assistance plan.

1424.30.35 Non-Legally Liable Relative Contribution

REV:10/2008

Regular and/or substantial contributions by non-legally liable relatives or friends living with or apart from the assistance unit are considered as income in determining need. Gifts and contributions of small value and occurring infrequently for special occasions or as expressions of affection are not related to support and are not considered income provided they do not exceed $30 per recipient in any quarter.

1424.30.40 Income-In-Kind

REV:10/2008

Regular income in kind for shelter expenses made directly to, for example, the landlord or bank by non-legally liable or legally liable relatives or friends on behalf of a client is considered as income. The table below, by plan size, is used to determine the amount of income to be considered, unless the in-kind shelter payment is less than the amount indicated. In that instance, the actual amount of the payment is considered.

This policy does not apply in a situation where a client is living in the home of another, whether or not s/he is paying toward the rent, or where the client is sharing rent with another.

Plan Size	Shelter	Plan Size	Shelter
1.	$ 27.95	6.	$115.02
2.	90.89	7.	115.48
3.	105.20	8.	113.55
4.	109.18	9.	109.44
5.	113.07	10. . . . . (and over)	119.11

When medical care is met in kind, an INSU panel is completed in the STAT.

1424.30.45 Interest and/or Dividends

REV:10/2008

When a recipient who is allowed to retain resources, in accordance with Section 1422.15, receives interest or dividends, the amount received is considered as income.

1424.30.50 Income from Legally Liable Relatives

REV:10/2008

When an absent parent pays support directly to the applicant, recipient or child, this income must be forwarded to the Office of Child Support Services in accordance with the policy and procedures in Sections 1408.15 and 1424.40.

Also see Section 1424.55 for the treatment of the income of a legally liable relative.

For the treatment of the income of a parent of a minor unwed parent, see Section 1424.55.10.

1424.30.55 Income of Joint RI WORKS/SSI Household

REV:10/2008

The income of an SSI recipient (including the SSI benefit) is not considered in determining need and the amount of the cash assistance payment.

When an application for cash assistance is made by a family in which a child, a spouse, or a parent (including a stepparent or a relative acting in loco parentis) is receiving an SSI payment, the SSI person is excluded from the count of eligible members constituting the unit.

The SSI recipient's own income and resources are not considered, but any other income or resource that belongs to the cash assistance applicant member, including any that was "deemed" to the SSI recipient, is considered.

When a cash assistance recipient receives SSI, the agency representative must remove the SSI person from the plan size and remove the SSI recipient's own income (and resources). When a cash assistance member applies for SSI, no change is made in the cash assistance payment until the SSI benefits are granted.

Individuals eligible for both cash assistance and SSI have the right to elect which program they wish to receive. There is no authority to mandate placement in one program or the other.

1424.30.60 Income of Americorps and Americorps/Vista

REV:10/2008

When considered for RI Works cash assistance, Americorps and Americorps/Vista involvement are two separate programs, and the income is treated in different ways.

If the income letter or paystub only reports "Americorps," without referencing Vista in any way, the income is counted for cash assistance.

If the income letter or paystub cites "Americorps/Vista," the income is excluded from consideration for the cash assistance program.

1424.35 TREATMENT OF LUMP SUM INCOME

REV:10/2008

Lump sum income is considered income in the month of receipt, but becomes considered as a resource upon the first moment of the following month. Lump sum may make a case ineligible due to excess income (using the income-counting rules) in the month of receipt. If this is found to be the case, the eligibility technician should consider the case for reinstatement of cash assistance the following month, with the amount received as income then considered as a resource.

Countable resources are determined as of the FIRST MOMENT OF THE MONTH (FOM). The determination is based on the resources the individuals own, their value, and whether or not they are excluded as of the first moment of the month. The FOM rule establishes a point in time at which to value resources; what a person owns in countable resources can change during a month but the change is always effective with the following month's resource determination.

The kinds of changes that can occur are:

- CHANGES IN VALUE OF EXISTING RESOURCES
  The value of an existing resource may increase or decrease. For example, the value of a share of stock may decrease by $30 or increase by $20.
- DISPOSITION OR ACQUISITION OF RESOURCES
  An individual may dispose of an existing resource (e.g., close a savings account and purchase an item) or may acquire a new resource (e.g., an inheritance which is subject to the income-counting rules in the month of receipt).
- CHANGE IN EXCLUSION STATUS OF EXISTING RESOURCES
  An individual may replace an excluded resource with one that is not excluded (e.g., sell an excluded automobile for non-excluded cash) or vice versa (use non-excluded cash to purchase an excluded automobile). Similarly, a time-limited exclusion may expire.

If countable resources exceed the limit as of the first moment of a month, the recipient is not eligible for that month, unless the resources are reduced by expenditure on certain allowable expenses.

1424.35.05 Reduction of Lump Sum Income/Resource

REV:10/2008

An applicant whose countable resources exceed the basic resource limitation may establish eligibility on the basis of resources if:

- S/he incurs (or has incurred) outstanding allowable household maintenance bills or other allowable expenses that equal or exceed his/her excess resources; AND,

- S/he reduces the excess resources to the appropriate resource limit by actually paying the allowable expenses or fees, and submitting verification thereof within thirty days of the date of the rejection or closing notice. Both the expenditure of the resource and submission of verification of the expenditure and the reduced resource must occur within the thirty day time period.

The bills used to establish eligibility cannot be incurred earlier than the first day of the third month prior to the date of an application that is eventually approved.

The agency representative must see the bills that have been actually paid in order to verify that resources have been properly reduced.

An individual who reduces resources and is otherwise eligible will be eligible as of the date the incurred allowable expenses equaled or exceeded the amount of his or her excess assets, subject to verification that the excess resource was actually expended on the allowable expense. In no event shall the first day of eligibility be earlier than the first day of the month of application.

The applicant will be required to verify that:
- S/he incurred the necessary amount of expenses; and,
- His or her excess resources were reduced to the allowable resource limit by expenditure of the excess resource on the allowed expense.

1424.40 CHILD SUPPORT INCOME

REV:10/2008

For purposes of this section, child support is defined as financial support, voluntary or court ordered, paid by an absent parent on behalf of his/her natural or adopted child(ren).

1424.40.05 Direct Support

REV:10/2008

The applicant or recipient is advised that the assistance payment does not reflect any support money as income except in the initial month of eligibility or when an uncooperative sanctioned recipient retains direct support in violation of the assignment.

The amount of support is ultimately established by court order.

When an applicant or recipient informs the eligibility technician at the time of initial determination of eligibility or at any time during the receipt of assistance that child support is being received by the family on behalf of an applicant child, the agency representative must take the actions described below.

Treat Direct Payments as Income
Except for the first fifty dollars ($50) in child support received in the application month from each noncustodial parent of a child, the agency representative must consider the support payments as income for

determining eligibility. If the family is eligible for assistance, any child support (over and above the amount of the excluded support as outlined in Section 1424.15.05) received in the month of application, or until the end of the month in which the payment is authorized, must be budgeted as income.

The purpose of treating direct payments as income in this initial determination period is to provide sufficient time for the referral of the case to the Department of Human Services, Office of Child Support Services, before child support payments are directed there. In subsequent months, direct support payments that are covered by the assignment and paid to the Department of Human Services, Office of Child Support Services, as required, are not considered as income in computing the amount of the assistance payment for which the recipient is eligible (see Section 1424.40.10 concerning the child support pass through).

Inform the Applicant/Recipient
In any case in which there is absence of a parent, the RI Works cash assistance applicant/recipient must be informed that support payments received from an absent parent after cash assistance is authorized must be forwarded directly to:

Rhode Island Family Court
One Dorrance Plaza
C/O Bookkeeping Unit
Providence, RI 02903

Recipients of direct support must also be advised:

- not to send cash through the mail;
- to enter their case I.D. in the lower left-hand corner of the face of the check or money order and, if the absent parent's name is not on it, to add that as well;
- to endorse all checks and money orders by writing the words "Payable to the Department of Human Services, Office of Child Support Services," and then signing their name;
- not to give support payments to DHS employees to be forwarded to Rhode Island Family Court; and
- to notify the Department of Human Services, Office of Child Support Services, in writing when there is a lapse in direct support payments.

It is especially important to convey the above information when an applicant is receiving direct support payments around the time of application. Applicants/recipients must also be informed that failure to forward direct support payments to Rhode Island Family Court may result in the sanction of the uncooperative recipient in accordance with Section 1408.05.17.

1424.40.10 Support Paid through Family Court

REV:10/2008

When support is paid through the Department of Human Services, Office of Child Support Services (DHS-OCSS), or its agents, a check is issued up to the fifty dollar ($50) pass through amount to which the recipient is entitled. Any amount collected during the month which represents payment on the required support obligation for that month, and is in

excess of the pass through, shall be retained by the State to reimburse, in whole or in part, the assistance payment for the month in which the support was collected, for unreimbursed assistance for prior months, if child support arrears exist, or for future support. If the monthly amount owed and collected is greater than the assistance payment for the month, DHS authorizes payment to the family an amount equal to the difference between the assistance payment for the month and the court ordered amount for that month. Any such checks issued to recipients in excess of the pass through payments and cash assistance reimbursements must be counted as child support income for RI Works cash assistance purposes.

The recipient need not report the receipt of OCSS-issued child support to the DHS local office. However, DHS-OCSS notices advise recipients that the amounts received are being recorded in INRHODES.

When the agency representative learns of the payment of excess of grant monies, s/he compares CASE/DISD panel in INRHODES which displays both the pass through and child support income paid.

The agency representative must reconcile any discrepancies by contacting the recipient, checking the INRHODES case through the OCSS (IV-D) Interface and, if necessary, contacting DHS-OCSS for clarification. If the agency representative ascertains that the total OCSS-issued (along with any direct) support to the recipient exceeds the pass through bonus amount, s/he completes a STAT/UNEA panel with the payment amount in excess of the pass through amount and codes it as excess of grant. If the agency representative determines that a check reportedly issued by DHS-OCSS which included child support income was evidently not received by the recipient, then no income from that check is counted.

1424.40.15 Payment of Child Support Pass Through

REV:10/2008

For any month in which a noncustodial parent makes a child support payment in the month when due and the support is collected by DHS-OCSS for a child or children receiving RI Works cash assistance, the first fifty dollars ($50) of the child support payment, or the actual amount of the child support payment if the payment is less than fifty dollars ($50), shall be paid to the family in which the child resides. If more than one noncustodial parent makes a child support payment to children living in the same family, there shall be only one (1) payment of fifty dollars ($50) paid to the family from the child support collected. This payment, known as the "pass through" payment, shall be sent to the family within two (2) business days of the determination of the amount that is due and owing and no later than within two (2) business days of the end of the month in which the support was collected.

The pass through payment is excluded from income in calculating the family's RI Works cash assistance amount in accordance with Section 1424.15.05. However, the fifty dollars ($50) pass through is counted as income in the Supplemental Nutrition Assistance Program.

1424.40.20 Distribution of Child Support of SSI Child

REV:10/2008

When one of the children in a family in receipt of benefits from the RI Works Program receives Supplemental Security Income (SSI), DHS-OCSS shall distribute to the custodial parent all child support collected on behalf of the minor SSI child.

Distribution of support must occur within thirty (30) days of receipt by DHS-OCSS according to the requirements outlined below.

If the SSI child is the only person covered by the child support order, one hundred percent (100%) of the support collected shall be paid to the custodial parent.

If the SSI child is not the only person covered by the child support order, a pro rata portion of the amount collected shall be paid to the custodial parent, unless otherwise specified in the Family Court order. Child support distributed to a custodial parent on behalf of an SSI child is not considered income for purposes of determining cash assistance eligibility or payment level for members of the cash assistance family. However, child support distributed to a custodial parent on behalf of an SSI child is considered unearned income for the Supplemental Nutrition Assistance Program.

The Department of Human Services, Office of Child Support Services, must provide to the custodial parent of an SSI child a semi-annual statement which discloses the amount of child support collected and distributed during the preceding two calendar quarters on behalf of the child. The statement includes notification of the custodial parent's right to a hearing with regard to disputes involving the collection and distribution of child support.

1424.45 STUDENT'S INCOME

REV:10/2008

RSDI benefits received by eighteen (18) to nineteen (19) year old recipients due to their in-school status are countable as income in the determination of need and the amount of cash assistance.

In addition, the Veterans Administration sponsors several different educational assistance programs. One does not have to be a veteran to qualify for assistance under some of the programs. Anyone receiving VA educational assistance receives an award letter indicating the amount to be received and the period of time for which it will be received.

In determining need and amount of assistance, that part of the payment which is intended for the individual dependents who are in the assistance unit is counted as available income. The verified amount from the student's portion that is used for tuition, books, fees, equipment, special clothing needs, and transportation for education-related purposes is not considered as income in the determination of need and amount of the assistance payment.

The total amount of the allowable educational expenses is deducted up to the amount of the individual's benefit. Only the balance, if any, is entered as income.

Federally or Non-Federally Supported Sources
Individuals may receive scholarships, grants and awards from federally supported sources such as the Bureau of Indian Affairs (BIA); state sources; civic, fraternal, and alumni/alumnae organizations; from relatives; or because of verified needs, achievements or a combination of such reasons. That portion of the scholarship, grant or award which is used for tuition, books, fees, equipment or transportation for school purposes is disregarded as income in the determination of need and amount of the assistance payment.

See also Section 1424.15, Excluded Income.

1424.50 DEEMED INCOME

REV:10/2008

In certain instances, income must be deemed to the members of the assistance unit and counted in the determination of eligibility for and the amount of cash assistance. Deemed income means income that is counted as available and received, even if it is not in fact received by the assistance unit.

There are three (3) groups of individuals whose income must be deemed available to the assistance unit. These are:
- Parent(s) of a minor parent or pregnant minor when s/he is living in the same household;
- Sponsors of non-citizens; and
- Parent(s) of a child(ren) who is (are) ineligible to receive cash assistance themselves.

1424.50.05 Income of Parent(s) of Minor Parent

REV:10/2008

The income of the parent(s) of a minor parent or pregnant minor (under age eighteen (18)) who applies for or receives cash assistance is deemed available to the minor parent's assistance unit when:
- The minor parent lives with his/her own parent(s); and
- The parent(s) is (are) not receiving assistance themselves.

The income of such parents, less appropriate disregards, is counted in the determination of eligibility for and the amount of cash assistance for the minor parent and his/her dependent child(ren). The policy and the method for calculating the amount of deemed parental income are found in Section 1424.55.

1424.50.10 Income of Non-Citizen Sponsor

REV:10/2008

The income of the sponsor and sponsor's spouse of an non-citizen applying for or receiving cash assistance is deemed available to the assistance unit unless the non-citizen is exempt from the sponsorship deeming provisions.

A sponsor is anyone who executed an affidavit of support or similar agreement on behalf of a non-citizen as a condition of the non-citizen's entry into the United States. This provision does not apply to non-citizens who were sponsored by private or public organizations. The policy and the method for calculating deemed non-citizen sponsorship income (and resources) is found in Section 1424.60.

1424.50.15 Ineligible Parent of Children

REV:10/2008

In most cases, the parent of a child is required to be included in the assistance unit, refer to Section 1404 for a complete discussion of the Assistance Unit rules. However, in certain instances a parent cannot be included in the cash payment.

This occurs when the parent is either statutorily barred from cash assistance eligibility or disqualified from the cash assistance program.

Examples of a parent statutorily barred from receipt of cash assistance include a parent who is an ineligible non-citizen because of sponsor-to-non-citizen deeming, or because of the receipt of lump sum income.

Examples of a parent disqualified from receipt of cash assistance include a parent sanctioned because of refusal or failure to cooperate with the Office of Child Support Services.

However, all parents, even if not included in the receipt of benefits, are required to cooperate with RI Works work requirements unless exempted specifically from the work requirements.

1424.50.15.05 Income of Statutorily Barred Parent

REV:10/2008

STATUTORILY BARRED PARENT

A ninety dollar ($90) disregard and any applicable dependent care disregard is applied to the earned income of a statutorily barred parent. In addition, an amount is allocated to meet the parent's own needs. This is done by subtracting the cash assistance standard for a plan size excluding the parent from the cash assistance standard for a plan size including the parent.

If the ineligible parent has dependents also ineligible solely because they do not meet program requirements but are not sanctioned individuals, an amount is allocated to meet their needs by using the method specified above. The net income of the ineligible parent is then counted as unearned income to determine eligibility for and the amount of cash assistance.

EXAMPLE: A non-citizen with a tourist visa applies for herself and her two children who are U.S. citizens. She is employed and earns six hundred dollars ($600) per month and incurs $100 in child care costs. Her income is allocated as follows:

1.	Gross Earned Income	$600.00
2.	Work Expense Disregard	-$ 90.00
		$510.00
3.	Child Care Costs	-$100.00
		$410.00
4.	Parent's Needs	-$105.00
5.	Net Countable Income	$305.00
6.	Cash Assistance Standard for the 2 Children	$449.00
7.	Net Income from Parent	-$305.00
8.	Cash Assistance Payment	$144.00

1424.50.15.10 Income of Disqualified Parent

REV:10/2008

When the parent is disqualified from cash assistance and has income of her/his own, this income must be considered available to the assistance unit. In determining the amount of income available to the assistance unit, no amount is allocated to meet the needs of the sanctioned parent. Moreover, no earned income disregards are applied to the earned income of the sanctioned parent.

EXAMPLE: A parent with two children is disqualified from cash assistance because she refused to cooperate with the Department of Human Services, Office of Child Support Services. She is employed and earns $600 per month. Her income is allocated as follows:

1.	Gross Earned Income	$600.00
2.	Work Expense Disregard	-$ 0.00
		$600.00
3.	Parent's Needs	-$ 0.00
4.	Net Countable Income	$600.00
5.	Cash Assistance Standard for the Two Children	$449.00
6.	Net Income	-$600.00
7.	Cash Assistance Payment	$ 0.00

1424.50.20 Income of the Spouse of an Loco Parentis Caretaker

REV:10/2008

The income and resources of the spouse of an Loco Parentis caretaker applying for or receiving cash assistance is deemed available to the assistance unit. The income of a spouse of an L.P. caretaker includes both his/her earned and unearned income. (However, the income of an SSI spouse is not deemed.)

Prior to the spouse's income being applied to the needs of the L.P. caretaker's assistance unit, certain disregards are allowed. These disregards are verified and applied, as appropriate, in the following order:

- Earned Income

From the spouse's monthly gross earned income, disregard the first ninety dollars ($90).

- Net Earned and Unearned Income

An amount is disregarded for the support of the spouse and any other individuals who are living in the home, but whose needs are not taken into account in the determination for cash assistance or SSI and who are claimed or could be claimed by the spouse as dependents for purposes of determining his/her federal personal income tax liability.

The amount disregarded must equal the cash assistance spouse's standard for a plan size of the same composition as the spouse's family group but excluding any person included in the L.P. caretaker's family.

Amounts actually paid by the spouse to individuals not living in the home but who are claimed or could be claimed by him/her as dependents for purposes of determining federal personal income tax liability are disregarded.

Amounts actually paid by the spouse as alimony and/or child support to individuals not living in the household are disregarded.

The spouse's net income, after the appropriate disregards are allowed, is assumed available to meet the needs of the L.P. caretaker's assistance unit.

If this income renders the assistance unit ineligible for cash assistance, the L.P. caretaker has the option to apply for cash assistance for the child(ren) in his/her care only, without requesting for him/herself. In this situation, no income or resource from either adult (the L.P. caretaker or the spouse) would count towards the child's or children's eligibility.

1424.55 SUPPORT OF DEPENDENT CHILDREN

REV:10/2008

DHS requires spouses to contribute to the support of each other and also requires that parents, either singly or jointly, support their children under eighteen (18) years of age (or nineteen (19), if eligible for cash assistance). The parent(s) and stepparent of a dependent child for whom assistance is sought or received must be included in the assistance unit if they live in the same household as the child. The parent(s) and stepparent of a minor unwed parent in need of assistance and living in the same household in most cases need not be included in the assistance unit. However, the income of a parent(s) and stepparent of a minor unwed parent living in the household is subject to the deeming provisions specified in 1424.55.05.05.

1424.55.05 Responsibility for Unwed Minor Parent

REV:10/2008

By federal court order, unwed parents under eighteen (18) years of age are eligible to apply for assistance and to receive cash assistance, if otherwise eligible. Therefore, age by itself is not a barrier to eligibility for cash assistance from the RI Works Program. For additional eligibility requirements for minor parents and pregnant minors, see Section 1414.

In the determination of eligibility of an assistance unit headed by an unwed minor parent or pregnant minor, it is necessary to deem to said minor parent and to her/his dependent child(ren) the available income of her/his parent(s) and/or stepparent living in the same household. If income is deemed from a parent and/or stepparent to an assistance unit headed by a minor, the deeming procedure specified in Section 1424.55.05.05 is followed. Thus, an amount, based upon assistance payment standards, is disregarded to meet the parent's own needs.

Eligibility is denied the assistance unit if the parent(s) living in the home fail(s) to provide sufficient information to establish eligibility for cash assistance.

1424.55.05.05 Minor Parent Living in Parental Home

REV:10/2008

When an unwed minor parent is living in the home of her/his parent(s) and/or stepparent, the income of the parent(s) and/or stepparent must be determined first. This determination is made by following the procedures set forth in Section 1424.55.05.05.

When it is determined by this procedure that the parent(s) and/or stepparent has/have the ability to support, in whole or in part, the minor unwed parent and her/his dependent(s), the parent's (parents') and/or stepparent's net income, after appropriate disregards are allowed, is deemed as unearned income in determining eligibility for and the amount of cash assistance for the minor parent and her/his dependent(s).

1424.55.05.10 Deeming of Grandparent's Income

REV:10/2008

When determining financial eligibility for cash assistance of a minor parent living in the home of her/his parent(s) and/or stepparent, it is necessary to consider the resources and income of the parent(s) and/or stepparent.

The income of a parent(s) and/or stepparent of a minor parent includes both his/her/their earned and unearned income. However, the income of a SSI parent(s) and/or stepparent is not deemed. Prior to the parent(s) and/or stepparent's income being applied to the needs of the minor parent's assistance unit, certain disregards are allowed. These disregards are verified and applied, as appropriate, in the following order:

- **Earned Income**

From the parent(s) and/or stepparent's monthly gross earned income, disregard the first ninety dollars ($90).

- **Net Earned and Unearned Income**

An amount is disregarded for the support of the parent(s) and/or stepparent and any other individuals who are living in the home, but whose needs are not taken into account in the determination for cash assistance or SSI and who are claimed or could be claimed by the

parent(s) and/or stepparent as dependents for purposes of determining his/her/their federal personal income tax liability.
The amount disregarded must equal the cash assistance parent(s) and/or stepparent's standard for a plan size of the same composition as the parent(s) and/or stepparent's family group but excluding any person included in the minor parent's family.

Amounts actually paid by the parent(s) and/or stepparent to individuals not living in the home but who are claimed or could be claimed by him/her/them as dependents for purposes of determining federal personal income tax liability are disregarded.

Amounts actually paid by the parent(s) and/or stepparent as alimony and/or child support to individuals not living in the household are disregarded.

The parent(s) and/or stepparent's net income, after the appropriate disregards are allowed, is assumed available to meet the needs of the minor parent's assistance unit.

EXAMPLE: Deeming the income of a parent(s) and/or stepparent of a minor parent.

A household is composed of a sixteen (16) year old and her child who live with her mother, her three (3) siblings, and her father. He is employed and earns $300 per week. He also pays child support of $50 per week for a child by a previous marriage.

Parent's monthly gross earned income (assuming four (4) paychecks)	$1200
Less deduction for earned income	- 90
	$1110
Less deduction for a plan size of five (5) (cash assistance standard)	$ 714
	$396
Less deduction for paid child support (assuming four (4)payments at $50)	-200
Available income	$196

The $196 is considered unearned income available to meet the needs of the minor mother and her child. The cash assistance amount is calculated as follows:

Cash Assistance Standard for two (2)	$449
Less unearned income deemed from parent	-196
Monthly RI Works Program payment	$253

1424.60 INCOME OF NON-CITIZEN WHOSE SPONSORS ARE LIABLE

REV:10/2008

When determining financial eligibility for cash assistance, it is necessary to consider the resources and income of a sponsor of a

legally admitted non-citizen. Those resources and income of a sponsor which are deemed (taken for granted as available) as the resources and unearned income of a non-citizen are used in making the determination of eligibility for and amount of cash assistance.

Those non-citizens who meet the date of entry criteria and are not exempt as outlined in Section 1424.60.05 must cooperate in obtaining and documenting their sponsor's income and resources in order to determine their sponsor's liability. If such information and documentation are not provided, the agency representative is unable to determine eligibility for cash assistance.

The applicability of sponsorship deeming affects all applications for assistance made by the legal non-citizen.

1424.60.05 Non-Citizens Exempted from Sponsor Liability

REV:10/2008

The policy of sponsorship liability does not apply to non-citizens who are exempted because they are:

- Dependent children of the sponsor or of the sponsor's spouse;
- Admitted as a conditional entrant refugee to the United States as a result of the application, prior to 4/1/80, of the provisions of Section 203(a)(7) of the Immigration and Nationality Act (I&NA);
- Admitted as refugees to the United States as a result of the application, after 3/31/81, of the provisions of Section 207(c) of the I&NA;
- Paroled into the United States as a refugee under Section 212(d)(5) of the I&NA;
- Granted political asylum by the Attorney General under Section 208 of the I&NA;
- Cuban or Haitian entrants, as defined in Section 501(3) of the Refugee Education Assistance Act of 1980 (Public Law 96-422);
- Amerasians admitted to the United States under the provisions of the Amerasian Homecoming Act (PL 100-200).

1424.60.10 Sponsor Definition and Responsibility

REV:10/2008

A sponsor is, for the purpose of applying this policy, any person, agency, or organization that executed an affidavit of support or a similar agreement on behalf of a non-citizen as a condition of the non-citizen's entry into the United States.

The income and resources of a sponsor and the sponsor's spouse, which are deemed as unearned income and resources to the non-citizen, must be considered available to the non-citizen.

The spouse's income and resources must be counted even if the sponsor and spouse have married since the signing of the agreement.

The income and resources of a sponsor who signed a support agreement for a non-citizen are still considered in the determination of the non-

citizen's eligibility for assistance even if the sponsor claims to have given up sponsorship responsibility.

1424.60.10.05 Considerations Relating to Sponsoring Agency

REV:10/2008

The responsibilities of a sponsoring agency or organization are the same as those of an individual sponsor. It is the obligation of the sponsoring agency to support the non-citizen, if necessary to prevent the non-citizen from becoming a public charge.

However, the obligation to support is considered to have ceased if the agency:

- no longer exists, or
- has become unable to meet the non-citizen's needs.

If the non-citizen contends that either condition prevails, s/he must provide evidence to substantiate the claim. When the demise of the sponsoring agency or organization is common knowledge, documentation may not be required. But when such is not the case, the non-citizen must obtain verification from the Office of the Secretary of State or other appropriate government body in the state where the agency was chartered.

If the sponsoring agency or organization continues to exist but maintains it has become unable to meet the non-citizen's needs, the non-citizen must furnish an affidavit to this effect from the sponsoring agency to support the claim.

1424.60.15 Responsibility of Non-citizen

REV:10/2008

An non-citizen must provide information and documentation of her/his sponsor and the sponsor's income and resources. Moreover, the non-citizen is responsible in obtaining the cooperation of the sponsor for the purpose of determining what income and resources can be deemed to the non-citizen. Non-citizens who do not obtain this cooperation or supply this information are not eligible to receive cash assistance.

From the documents supplied, the agency determines if the non-citizen has a sponsor and if that sponsor signed an agreement to support.

If the non-citizen is unable to supply a copy of the Non-citizen Sponsorship Affidavit, or further verification or information is needed from the United States Citizenship and Immigration Services (USCIS), the agency representative may assist the applicant in obtaining such information. USCIS form G-639, Freedom of Information/Privacy Act Request, is used for this purpose.

The instructions for completing the form are on the reverse side of the G-639. In order to expedite the return of the form from USCIS, in Section 2, the name of the agency with an attention to the worker, and the office address and telephone number may be entered.

The form may be mailed to:

Dept. of Homeland Security
10 Fountain Plaza
Buffalo, NY 14202

1424.60.15.05 Calculation of Income Deemed to Non-citizen

REV:10/2008

The monthly income of the sponsor (and of the sponsor's spouse) deemed available to the non-citizen is computed in the following way (It should be noted that income from a sponsor receiving SSI, GPA, or cash assistance from the RI Works Program is not considered available to the non-citizen):

The sponsor's total monthly earned income is reduced by twenty percent (20%)(not to exceed $175 monthly). Earned income is wages, salary, or gross earnings from self-employment minus the full amount of any costs incurred in producing self-employment income in the month.

The sponsor's total monthly unearned income is then added to the net amount of earned income calculated.

EXAMPLE: Procedure for deeming income of a sponsor to an non-citizen:

Sponsor's monthly earned income	-	$800
Less 20% deduction	-	-160
Applicable earned income	-	$640
Sponsor's monthly unearned income (Spouse's TDI)	-	+300
Total applicable income	-	$940
Deemed amount	-	$940

The amount of $940 a month is deemed as unearned income to the non-citizen who is applying for cash assistance.

1424.60.15.10 Calculation of Resources Deemed to Non-citizen

REV:10/2008

The resources of the sponsor (and of the sponsor's spouse, if living together) deemed available to the non-citizen are determined as described below. It should be noted that resources of a sponsor receiving SSI, GPA, or cash assistance from the RI Works Program are not considered available to the non-citizen.

In determining the resources of a sponsor to be deemed to the legal resident, the resource exclusions in Section 1422.10 shall be applied and the value in excess of one thousand five hundred dollars ($1,500) shall be considered available to the legal resident.

EXAMPLE: Procedure for deeming resources of a sponsor to a non-citizen:

A sponsor lives in a self-owned home, owns an automobile whose fair market value is $5,000 and equity value is $2,000, has a bank account of $500, and mutual fund shares with a value of $1,000.

Considered resource value of:

House	-	$0
Automobile	-	400
Bank Account	-	500
Mutual fund value	-	1,000
Total Resources	-	$1,900
Less deduction of	-	-1,500
Deemed Amount	-	$400

A total of $400 is deemed as a resource to the non-citizen applying for or receiving assistance.

1424.60.20 Prorating Income and Resources of Sponsor

REV:10/2008

In a case where a person is the sponsor of two or more non-citizen individuals, the deemed income and resources of the sponsor and of the sponsor's spouse are divided equally among the non-citizens.

In a case where a person is the sponsor of two or more non-citizen families, the deemed income and resources of the sponsor (and of the sponsor's spouse, if living together) are divided equally among the non-citizens applying for or receiving assistance.

For example, if a person sponsors four (4) families and one family requests assistance, the total deemed income and resources are applied to the needs of that family. If three (3) of the families request assistance, then the deemed income and resources are divided by three (3), and one-third is applied to the needs of each family.

Income and resources deemed to a sponsored non-citizen are not considered in determining the needs of other unsponsored members of the non-citizen's household. An exception occurs when the deemed income and resources are actually available to members of the non-citizen's family such as the non-citizen's spouse and/or children.

1424.60.25 Overpayments

REV:10/2008

When overpayments are made to an non-citizen because a sponsor failed to provide correct information, both the sponsor and non-citizen are held responsible. Refer to policy on overpayments in Section 1434 for procedures.

1426 STANDARDS OF ASSISTANCE

1426.05 RI WORKS STANDARDS OF ASSISTANCE

REV:10/2008

To utilize the table below, select the appropriate amount from the cash assistance monthly standard column according to the number of eligible persons in the assistance plan.

Payment to eligible families is made semi-monthly. The conversion of monthly dollar amounts to semi-monthly payment amounts is done automatically by INRHODES.

PLAN SIZE	CASH ASSISTANCE MONTHLY STANDARD	CASH ASSISTANCE SEMI-MONTHLY AMOUNT
1	$ 327.00	$ 163.50
2	449.00	224.50
3	554.00	277.00
4	634.00	317.00
5	714.00	357.00
6	794.00	397.00
7	874.00	437.00
8	954.00	477.00
9	1,034.00	517.00
10	1,114.00	557.00
11	1,194.00	597.00
12	1,274.00	637.00
13	1,354.00	677.00
14	1,434.00	717.00
15	1,514.00	757.00
Add for each person over 15:	$80.00	40.00

1426.05.05 Adjustment to Standard-Subsidized Housing

REV:10/2008

The payment standard is reduced by fifty dollars ($50) for any family residing in subsidized housing. Subsidized housing is defined as housing for a family whose rent is restricted to a percentage of its income.

1426.05.15 Determination of Assistance Plan Size

REV:10/2008

The unit of eligible family members consists of and includes the persons listed below when they are required to be included in the assistance unit (as specified in Section 1404) and are otherwise eligible or when a request for their support is made, they are in need, and are otherwise eligible.

Eligible Child(ren)
An eligible child who meets the eligibility factor of age as defined in Section 1406.10, and who is living with a relative, as defined in Section 1406.15, is included in the assistance unit.

Also included is an eligible child between the ages of eighteen (18) and nineteen (19) years if s/he is a full-time student in a secondary school (or at the equivalent level of vocational or technical training) and reasonably expected to complete the program before or in the month of her of his nineteenth (19th) birthday.

Eligible Relative(s)
The natural or adoptive parent (or needy relative of acceptable relationship) who is providing continuous care or support to the eligible child(ren), including such parent whose eligibility is established by the presence of an SSI child in the home who meets the eligibility requirements, is included. The natural or adoptive custodial parent, (re)married and living with the spouse, must be included in the unit along with her/his spouse.

For an unwed natural father (or one of his relatives) to qualify as an eligible relative, his paternity must have been established under applicable state law (see Section 1406.15).

Pregnant Woman
A needy pregnant woman is included; if the unborn child had been born and was living with her in the month of the payment, she is eligible for cash assistance for a plan size of one (1), but only when she reaches the sixth month of pregnancy (see Table in Section 1406.40.10) and when the pregnancy is verified.

Non-Needy Relative
If the eligible children are residing in the home of a non-needy relative not required to be included in the assistance unit, the cash assistance standard corresponding to the plan size for the number of eligible children (minus any available income) is the basis of the cash assistance grant.

Parent or Child Receives SSI
Whenever the parent (or loco parentis) or a child receives an SSI payment, such a person is excluded from the count of eligible members.

Persons Not Married
When there are two or more dependent children living in the same household with two (2) other persons not married to each other, and each of such persons is a relative who has responsibility for the support or care of one or more of the dependent children, the household may comprise two (2) separate cash assistance cases and payments, provided the two persons do not have a child in common (or the members of the household are not otherwise required to compose a single assistance unit). If the caretakers have a common eligible child, all members of the conjoint family must be consolidated into a single unit receiving one payment.

Whenever there are two (2) cash assistance units in the same household, the standard level of payment applicable to the size of each assistance unit serves as the basis of need upon which separate cash assistance grants are established for each assistance unit.

1426.05.20 Children in Custody of DCYF

REV:10/2008

DCYF is responsible for children committed by the Family Court to its care or who are under that Department's voluntary or legal supervision or guardianship. Financial support is given through the Foster Care program when DCYF places the child with foster parents, a relative, or in a specialized group setting.

1426.05.20.05 Children in Placement with Relatives

REV:10/2008

In situations where DCYF places a child with a relative other than a parent, the relative, if s/he meets the eligibility requirement of relationship, has a choice of applying for cash assistance for support of the child or receiving a Foster Care payment. The relative is advised by the DCYF worker of the amount of payment for which s/he would be eligible for the child and for himself/herself, including Medical Assistance, if eligible, compared to the amount of foster payment and Medical Assistance s/he would receive for the child only. A boarding payment is never made to the parent by DCYF.

1426.05.20.10 Suspected Child Abuse or Neglect

REV:10/2008

If the agency representative has questions concerning the care and/or supervision of any child or has reason to suspect possible child abuse or neglect, referral is made to DCYF in accordance with the procedures described under General Provisions, Section 0118.

1426.10 MINIMUM MONTHLY PAYMENT

REV:10/2008

Pursuant to RIGL 40-5.2-16, no payment of cash assistance shall be made for any month if the amount of such payment would be less than ten dollars ($10).

Monthly Deficit Less Than Ten Dollars ($10)
If the monthly deficit in a cash assistance grant is less than ten dollars ($10) after eligibility is determined and appropriate income applied, no cash payment can be made for that month.

Families denied payment solely because of this limitation are considered recipients of cash assistance for all other purposes.

An adverse notice must be mailed at least ten (10) days prior to the effective date, informing the recipient that no cash payment can be made because the deficit is less than ten dollars ($10) per month but that eligibility for cash assistance continues.

In all other respects, except for a cash payment, this case remains an active case. This also includes those situations where payment is reduced to zero due to rounding, e.g., ninety-nine (99) cents rounded down to zero.

During the initial month, the family may only receive a partial payment of the appropriate standard. The payment amount is reduced in proportion to the number of days from the filing date until the end of the month. For proration purposes, a thirty (30) day standard is used as the number of days in each month.

Monthly Deficit Ten Dollars ($10) or More
If the monthly deficit is ten dollars ($10) or more, the payment is issued regardless of the amount. If the monthly deficit is less than ten dollars ($10) per month, no payment is issued as per regulations set forth above.

Changes in Family Composition or Income
Any changes in family composition, income, or resources must be acted upon by the agency representative within ten (10) days by updating the INRHODES file. All pertinent eligibility and cooperation requirements must continue to be met.

1426.11 POST-CLOSURE EMPLOYMENT INCENTIVE BONUS

REV:10/2008

The family/assistance unit may be eligible for an incentive bonus, (a) if cash assistance closes, (b) the participant is working at least thirty (30) hours per week for a single-parent family or at least thirty five (35) hours per week for a two-parent family at the time of closure, and (c) the participant remains employed at the standards listed in (b). This bonus is not to be issued in excess of a period of twelve (12) months.

Monthly reporting of income will be used to determine ongoing eligibility for this bonus.

It is especially noted that assignment of support rights, as described in 1408.05, will be terminated at closure and not reinstated during the period of receipt of a post-closure employment incentive bonus.

1426.13 CLOTHING ALLOWANCE

REV:10/2008

The clothing allowance is a one-time payment issued separately from the regular payroll for children of cash assistance families. The amount of the clothing allowance shall be determined subject to the amount appropriated for that purpose.

1426.15 UNDELIVERED/LOST/STOLEN OCSS CARDS/PAYMENTS

REV:10/2008

See the Child Support Manual for procedures for replacement of payments issued through DHS, Office of Child Support Services, either via the Kids Card debit card, or via direct deposit.

1426.20 PAYMENT OF BURIAL EXPENSES

REV:10/2008

When a member of a family active on cash assistance dies and the family requests payment to meet funeral and burial expenses, the agency representative determines from information in the case record whether any income or resources of the deceased or of legally liable relatives are available to meet burial expenses.

The agency representative records the pertinent information on an AP-48 referral form and transmits it, attached to a copy of the most recent DHS-2, to the GPA Unit for determination of eligibility for payment to meet burial expenses. If eligibility exists, the GPA caseworker authorizes a payment through GPA funds pursuant to policy in Section 0622.

1426.25 EMERGENCY ASSISTANCE

REV:10/2008

To the extent that the Department has allocated resources for this purpose, DHS may provide assistance to individuals in families who are RI Works recipients to meet certain emergency needs as defined within this section which cannot be met with the cash resources available to the family. The emergency assistance will be limited to the lesser of actual cost or the amount of two hundred dollars ($200), and the expense will only be reimbursable if the Department has pre-approved the expenditure.

1426.25.05 Catastrophic Assistance

REV:10/2008

In the event of a catastrophe caused by fire, flood, lightning, severe wind, or other act of nature, DHS may authorize catastrophic assistance funds not subject to the two hundred dollar ($200) limit specified in Section 1426.25.

Compensable fire damage is further restricted to that caused by flame, smoke, and subsequent secondary water damage where there is damage to the dwelling. Furthermore, the incident must be reported immediately to the fire department. Other specific exclusions under any circumstances are destruction for which a landlord can be held responsible, willful destruction or willful neglect by the recipient or a member of her/his family, damage covered by insurance policies, and isolated mechanical or electrical failures where there is no secondary damage.

These emergency funds may be authorized for clothing for RI Works recipients or repair or replacement of essential household equipment and furnishings in the event of such catastrophe.

Whenever reasonable, repair of soot-, smoke-, and/or water-damaged items or of partially destroyed items of household goods or furnishings must be considered before replacement can be authorized.

1426.25.05.05 Criteria for Catastrophic Assistance

REV:10/2008

Funds for clothing and/or essential household equipment and furnishings, if necessary, are provided in the event of a catastrophe, only if all of the following conditions are met:

- To be considered, the incident must be reported immediately by the recipient to the agency at the district office.
- The incident must be a catastrophe caused by fire, flood, lightning, severe wind, or other act of nature.
- The catastrophe or disaster must have occurred at the address recorded in the case record. However, if it occurred at a different address, the recipient must demonstrate that s/he had moved and was living there prior to notifying the agency. Acceptable evidence of residence may include, for example, a moving bill, rent receipt, or statement from a utility company attesting to the recipient's responsibility for service on the date and at the address in question. When the catastrophe occurred at an address other than the address of record, the facts of the situation along with verification of residence are presented to the Regional Manager for a decision on whether this condition for emergency assistance has been met.
- Coverage is limited to possessions of the recipient or those of other member(s) of the RI Works assistance unit.
- Whenever possible, community resources must first be explored and utilized.
- Whenever reasonable, a partially destroyed item of household goods or furnishings must be repaired rather than replaced. If replacement is required, the purchase of used items must be considered before funds for new items can be authorized.
- Any repairs to the basic structure of a recipient-owned dwelling, such as roof, stairs, septic systems, plumbing, wiring, siding, etc., are specifically not covered regardless of the reason for the repair.
- Thefts of clothing and household furnishings and equipment are specifically not covered.
- If repeated emergencies occur for one case, or the circumstances are questionable, payment may be denied.

1426.25.05.10 Agency Responsibilities

REV:10/2008

The recipient must report the catastrophe immediately. A representative of the Housing Services Unit (HSU) must visit the site as soon as possible to begin to help the recipient and to authorize initial clothing and/or essential household equipment and furnishings, if necessary, as outlined below.

The HSU is responsible for determining at once the need for immediate replacement of clothing which is provided through RI Works funds. If an individual recipient's clothing has been destroyed, funds for immediate replacement of clothing can be authorized up to the maximum of one hundred twenty-three dollars ($123) per person.

The eligibility technician is responsible for authorizing payments for replacement clothing through INRHODES SPEC/Cats.

The HSU caseworker is responsible for verifying and documenting the need for repair or replacement of essential household items.

A home visit to the site must be made within two (2) working days of the recipient's notification of the catastrophe to document the facts related to Section 1426.25.05.05, if repair or replacement of essential household items is requested.

A written report must be prepared by the HSU caseworker for review by the Regional Manager as the final approving authority for authorization of payment for such items. The contents of the report must follow the sequence of conditions or requirements listed in Section 1426.25.05.05. It must contain firsthand information and documentation required to support and verify the recipient's request for repair or replacement.

A police or fire department official and any appropriate collateral source is contacted and a written report requested to accompany the report to the Regional Manager. If a written report cannot be obtained, an oral report will suffice, provided that the official's name, title, telephone number, and all relevant facts are recorded in a memorandum. Unless there is a delay in obtaining a police or fire report, the HSU caseworker must submit her/his report within five (5) working days of the recipient's notification.

The report must also contain a statement signed by the recipient attesting to the circumstances of the catastrophe and the extent of the damage. Also required is a detailed list of damaged or destroyed major items of household equipment and furnishings by room, including an indication as to whether each item is to be obtained from a non-agency community resource, repaired, replaced with a used item, or replaced with a new item. If repair or replacement is indicated, only items contained in "Household Furniture and Furnishings Emergency Replacement List", a copy of which is in the possession of each Regional Manager, can be replaced at agency expense. Items not on the list, such as a television or other entertainment equipment, are not replaced.

The maximum amount of catastrophic assistance which can be authorized for clothing per recipient is one hundred twenty-three dollars ($123).

The HSU caseworker may recommend that the ET authorize up to this amount, as necessary, less any amount previously authorized, if the individual recipient's clothing was destroyed.

The report should also include a brief narrative describing the immediate action taken (such as use of emergency shelter, the extent of any personal injury, whether hospitalization was required, etc.) and any other data needed to allow the Regional Manager to further evaluate the situation and to better assist the recipient.

The Regional Manager reviews the report and discusses it, if necessary, with the HSU caseworker and determines the final amount of the payment.

Throughout the process, the Case Chronology (CLOG) in INRHODES must be annotated by both the HSU representative and the ET, as appropriate with the chronology of contacts and information relating to the catastrophe.

1426.25.05.15 Denial of Catastrophic Assistance

REV:10/2008

If payment for catastrophic expenses are denied, the Housing Unit caseworker codes the CATS panel in SPEC, including the Reason Ineligible field with the appropriate code, and approves the denial adding a detailed reason(s) for the denial in the free form text; INRHODES issues the notice of denial.

1426.25.10 Moving Expenses

REV:10/2008

Emergency assistance for moving expenses is limited to payment of in-state moving expenses for families who are forced to move their place of residence.

Acceptable instances of "forced to move" are situations which threaten the health and well being of families, including but not limited to:

* Fire/Natural disaster;
* Uninhabitable housing;
* Unsafe (substandard) housing;
* Unsafe living conditions which include a situation where one's safety is threatened, e.g., by a neighbor, and it can be documented by something such as a police report;
* Lead hazard problems causing the housing to be unsafe;
* Domestic violence;
* Foreclosure (self-owned home);
* Evictions;
* Situations where the tenant has been asked to vacate;
* Homelessness; or
* Other situations/circumstances not otherwise delineated which: create an immediate threat to the family's safety and well being, or can reasonably be expected to result in eviction within sixty (60) days.

Criteria for documentation of the above situations are listed in Section 1426.25.10.05.

1426.25.10.05 Verification Criteria for Payment of Move

REV:10/2008

RI Works recipients must provide documentation of their need for emergency assistance for moving as follows:

* Fire/natural disaster: a written report from a police or fire department official and/or any appropriate collateral source, such as the Red Cross;
* Uninhabitable housing: a notice from the local code enforcement authority vested with the authority to issue such notice of a finding that the residence is unfit for inhabitation;
* Unsafe (substandard) housing: memorandum from local code enforcement or HSU caseworker detailing such conditions. The memo must be approved by the Housing Unit Supervisor;
* Unsafe living conditions: police report;
* Lead hazard: Inspector's Report from the RI Department of Health;
* Domestic violence: 1) through an assessment by the domestic violence advocate and/or HSU caseworker and one of the following: a No Contact Order, a District Court Restraining Order, a Family Court Restraining Order; an Order of Protection or a Restraining Order from another state related to domestic violence; police report related to domestic violence; court records related to domestic violence; or medical records related to domestic violence; or 2) recommendation from a domestic violence advocate. Referral of the individual to the domestic violence advocate should be made in accordance with Section 1414.10 if the individual has not already been referred.
* Foreclosure: letter of foreclosure from the mortgagor;
* Eviction: notice and demand to vacate property, or court pleading initiating an eviction, or court order of eviction;
* Situations where the tenant has been asked to vacate: letter from landlord demanding termination of tenancy;
* Homelessness: letter from shelter or previously verified by DHS AND bill or receipt from storage site/facility; and
* Other situations/circumstances: the housing worker must document the circumstances and reasons in a memorandum, including any available appropriate supporting documentation to the Chief Casework Supervisor.

1426.25.10.10 Authorization of Moves: Procedures

REV:10/2008

The Department reimburses the recipient for the incurred expense for an approved move up to a maximum of two hundred dollars ($200). It is the responsibility of the recipient to pay a vendor. The Department has no further responsibility to meet the moving expense.

The Department makes no provision to meet the cost of out-of-state moves. This prohibition may be waived by the Regional Manager in unusual or exceptional circumstances.

A payment for a move will be issued only once in a twelve (12) month period unless (a) the need for a move results from a fire or natural

disaster, or (b) a waiver is granted by the Regional Manager for unusual or exceptional circumstances based on a report by the HSU.

When a request for payment of a move is received by the eligibility technician, s/he advises the client to contact the HSU.

Responsibilities of Housing Services Unit

The Housing Services Unit caseworker is responsible for determining the need for and authorization of reimbursement for moves. The recipient must meet the criteria for moves listed in Section 1426.25.10.

The HSU caseworker must:

* Determine that the recipient meets the criteria for emergency assistance for moving expenses as specified in Section 1426.25.10;
* Ascertain that the recipient has located a new place to move and inform the recipient a) that the new location must first pass pre-rental inspection, and b) of her/his responsibilities in the moving process: that s/he must arrange for her/his own move; that s/he is free to choose the methodology, vendor, and/or payment method;
* Arrange for a pre-rental inspection of the new apartment;
* Determine whether the new apartment passes the pre-rental inspection;
* If it passes inspection, document the recipient's cost of moving;
* If the reimbursement of the move is approved, authorize the moving payment through INRHODES by completing a MOVE panel in SPEC, and forward DHS-48A with the new address indicated along with a copy of the rent receipt or lease to the appropriate eligibility supervisor;
* If the reimbursement of the move is denied, follow the denial procedures outlined in Section 1426.25.10.15.
* Annotate throughout the process the Case Chronology (CLOG) in INRHODES the chronology of contacts and information relating to either the approval or denial of the move.

1426.25.10.15 Denial of Moving Payments

REV:10/2008

If a moving payment is denied, the HSU caseworker codes the MOVE panel in SPEC, including the Reason Ineligible field with the appropriate code, and approves the denial adding a detailed reason(s) for the denial in the free form text; INRHODES issues the notice of denial.

1426.30 PROTECTIVE PAYMENTS

REV:10/2008

Protective payments are payments made to an individual on behalf of a parent or caretaker relative to meet the needs of eligible children or families. Protective payments are made in the situations described in Sections 1426.30.05 and 1426.30.10.

1426.30.05 Minor Parents and Pregnant Minors

REV:10/2008

Cash assistance for eligible minor parents and their child(ren) and pregnant minors will be paid to the parent, legal guardian, or other adult relative on behalf of the minor parent, unless otherwise determined by the agency representative. Under the latter circumstance, when the minor resides in an adult-supervised supportive living arrangement, the payment may be made to the minor parent or pregnant minor.

1426.30.15 Authorizing a Protective Payee

REV:10/2008

When it is established that a protective payment must be made, the agency representative refers the case to the appropriate agency representative to review the situation with the recipient and, with her/his consent and participation, if possible, select some appropriate and responsible person (other than the parent) to act as the payee on behalf of the parent and to pay the expenses of the family.

However, in all cases, if after making all reasonable efforts, the agency is unable to locate an appropriate individual to whom protective payments can be made, the agency may continue to make payments on behalf of the remaining members of the assistance unit to the sanctioned caretaker relative.

The protective payee must update and co-sign the current Statement of Need in the case file, and a notation added to the case log (CLOG). Only the pertinent information on the form relating to the eligible person(s) is to be completed.

The agency representative forwards the Statement of Need to appropriate staff in order for the change in payee to be effected.

Notification

A parent or caretaker relative is notified of the change to a protective payee as well as of her/his right to a hearing, if s/he is dissatisfied with the decision. If the recipient requests a hearing on the issue within the ten (10) days, the payment is continued to her/him until the hearing decision.

Authorization/Termination of Payment

In order to authorize an alternate payee, the agency representative utilizes the SPEC/AGNT (Alternate Reporter/Payee) using procedures outlined in Sections 1124.04 through 1124.08 in General Procedures.

Instructions for changing or terminating an alternative or protective payee are found in Section 1124.10 through 1124.12.

1427 ELECTRONIC BENEFIT TRANSFER

1427.05 PAYMENT OF EBT CASH ASSISTANCE

REV:10/2008

Payment of RI Works Program cash benefits through an electronic benefit transfer (EBT) system is authorized by R.I.G.L. 40-5.2-31. Cash benefits are credited to an EBT account in the recipient's name by 5:00 a.m. on the first and sixteenth of the month including weekends and holidays.

Monthly reporting cases are issued benefits once a month within five (5) business days after the Department receives a completed monthly report form. (See Section 1426.20 et seq.)

1427.05.05 Accessing EBT Cash Benefits

REV: 03/2012

Recipients and authorized payees access EBT cash benefits by using a plastic Rhode Island EBT card and their personal identification number (PIN). The RI EBT system provides access to cash benefits at bank, credit union, and retail store automated teller machines (ATMs) which display the NYCE logo. ~~EBT cash benefits are blocked from access at casinos.~~

Some retail establishments also provide access to cash accounts at point-of-sale (POS) terminals which display the QUEST logo.

This service is called a cash back transaction and policies on its availability and limits on the amount of cash dispensed are set by the individual store.

Each month, recipients can make a total of four (4) free cash withdrawals from ATMs. For each additional ATM cash withdrawal in the month, a fee of 85 cents is charged. The fee is automatically deducted from the recipient's cash benefit account.

No fee is charged when cash benefits are accessed at POS terminals.

The amount of RI Works Program cash benefits for which a family is eligible is calculated pursuant to policies set forth in DHS Manual Sections 1400 through 1436. Disputes regarding the amount of cash benefits for which a family is eligible are handled pursuant to policies in DHS Manual Section 0110.

Disputes regarding recipients' EBT cash account balances are handled by the Deluxe Customer Service Help Line at 1-888-979-9939. The help line is open 24 hours a day, 7 days a week.

1427.05.10 Replacement of EBT Cash Benefits

REV:10/2008

EBT cash benefits which are accessed through the use of an RI EBT card and personal identification number (PIN) are not replaced.

It is the responsibility of the recipient or authorized payee to keep the RI EBT card and PIN safe from unauthorized use and to immediately report lost or stolen cards to the Deluxe Customer Service Help Line at 1-888-979-9939. Their customer service representative changes the status of the card from "valid" to "lost" or "stolen" thereby protecting any unused benefits. (See Section 1427.10.05, Lost, Stolen, or Damaged EBT Cards.)

1427.05.20 Restrictions on Use of EBT Cash Benefits

REV:02/2014

Pursuant to Section 4004 of Public Law 112-96, it is prohibited for a TANF recipient to use their TANF cash assistance benefits received under RI Works, Rhode Island General Laws 40-5.2 et seq., in any electronic benefit transfer transaction (EBT) in--

* any liquor store; or
* any casino, gambling casino, or gaming establishment; or
* any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.

DEFINITIONS- For purposes of above--

LIQUOR STORE- The term 'liquor store' means any retail establishment which sells exclusively or primarily intoxicating liquor. Such term does not include a grocery store which sells both intoxicating liquor and groceries including staple foods (within the meaning of section 3(r) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(r))).

CASINO, GAMBLING CASINO, OR GAMING ESTABLISHMENT- The terms 'casino', 'gambling casino', and 'gaming establishment' do not include--
-a grocery store which sells groceries including such staple foods and which also offers, or is located within the same building or complex as, casino, gambling, or gaming activities; or
-any other establishment that offers casino, gambling, or gaming activities incidental to the principal purpose of the business.

ELECTRONIC BENEFIT TRANSFER TRANSACTION- The term 'electronic benefit transfer transaction' means the use of a credit or debit card service, automated teller machine, point-of-sale terminal, or access to an online system for the withdrawal of funds or the processing of a payment for merchandise or a service.

1427.05.30 Penalties for Using EBT at Restricted Locations

REV:02/2014

Any person receiving cash assistance through the RI Works Program who uses an EBT card in violation in section 1427.05.20 shall be subject to the following penalties:
* For the first violation, the household will be sent a warning that a

prohibited transaction occurred;
* For the second violation, the household will be charged a penalty in the amount of the EBT transaction that occurred at the prohibited location;
* For the third and all subsequent violations, the household will be charged a penalty in the amount of the EBT transaction that occurred at the prohibited location AND for the month following the month of infraction, 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 utilized the EBT card in a restricted location. For a family size of two (2), the benefit reduction due to noncompliance with use of EBT at a restricted location shall be computed utilizing a family size of three (3), in which the parent's portion equals one hundred five dollars ($105).

1427.05.40 Fair Hearing Request

REV:02/2014

If an individual believes that the intended action regarding usage of EBT cash at restricted locations is incorrect, s/he may request a hearing before the Executive Office of Human Services Hearing Officer within thirty (30) days of the mailing of the notice of adverse action. The individual may request that benefits be continued pending the outcome of the hearing if the request is made within ten (10) days of the mailing of the notice.

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

1427.10 Electronic Benefit Transfer (EBT) Cards

REV:10/2008

Eligible RI Works Program families access their EBT cash benefits by using a plastic RI EBT card along with a personal identification number (PIN). Recipients who receive both cash benefits and Supplemental Nutrition Assistance benefits receive one (1) RI EBT card to access both benefits. However, the benefits are maintained in separate EBT accounts.

An EBT card is issued to the applicant in the RI Works/SNAP case. In two-parent families, a card is issued to one parent and another card may be issued to the other parent as an authorized payee. (See Section 1427.10.10, EBT Cards for Authorized Payees.)

RI EBT cards are issued in all RI Works district offices and Supplemental Nutrition Assistance Program offices using special card embossing and PIN selection machines. The EBT-10 form, Request for RI EBT Card, is used for card and PIN issuance. No separate identification card is issued.

1427.10.05 Lost, Stolen, or Damaged EBT Cards

REV: 03/2012

Cardholders must report lost, stolen, or damaged RI EBT cards to the Deluxe Customer Service Help Line at 1-888-979-9939. A Customer Service Representative invalidates the card thereby protecting the unused benefit amounts. If someone uses the card before its status has been changed, the benefits can not be replaced.

No fee is charged for the replacement of any lost, stolen, or damaged RI EBT card. Cardholders may request a new card by contacting the local DHS office and completing a DHS EBT-10, EBT Replacement Form. Replacement RI EBT cards are mailed by noon the next business day after the authorization file has been successfully transmitted. Arrival of the card should be within three (3) to five (5) business days.

In certain circumstances, an EBT card may be provided at the local DHS office. The Social Worker or the ET worker is responsible for determining the instances when it is necessary to provide an emergency EBT card at the office.

Emergency circumstances that are beyond a household member's control and necessitate an emergency in-office issuance of an EBT card include, but are not limited to:

- a catastrophe caused by fire, flood, or a severe weather condition;
- lost or stolen mail confirmed by the Postal Service;
- unanticipated household emergency;
- domestic violence situation; or,
- homelessness

Cardholders who request four (4) or more replacement EBT cards within a twelve (12) month period will be referred to the Fraud Unit for investigation of misuse or abuse of the EBT card. Documented violations will result in the following:

- Recovery through recoupment/restitution (See Section 1430 for policy relating to establishing and collecting claims against households); and/or
- Referral for criminal prosecution

1427.10.10 EBT Cards for Authorized Payees

REV:10/2008

An authorized payee is a person given permission by the recipient to act on his/her behalf in withdrawing or debiting RI Works cash benefits from the EBT cash account.

In cases with an authorized payee, the recipient receives an EBT card and the authorized payee is issued a separate EBT card and personal identification number (PIN). A request for an RI EBT card for an authorized payee is made on form EBT-12, Request for Authorized Representative/Authorized Payee, and is signed by both the RI Works recipient and the authorized payee. Form EBT-10, Request for RI EBT Card, is used to issue the card. If the same individual is acting as both an authorized payee for the family's RI Works cash benefits and as an authorized representative for the household's Supplemental Nutrition Assistance benefits, only one(1) EBT card is issued.

Recipients may cancel their authorized payee/authorized representative at any time by calling the Deluxe Customer Service Help Line at 1-888-979-9939. Customer Service immediately cancels the authorized payee's/authorized representative's access to the family's benefits. However, recipients retain uninterrupted access to their benefits.

1427.15 PERSONAL IDENTIFICATION NUMBER (PIN)

REV:10/2008

In order to use an RI EBT card, the cardholder must also use a secret four(4) digit number known as a personal identification number or PIN. The cardholder selects a PIN in the local office via special PIN encoding machines. For replacement RI EBT cards, the recipient may use the same PIN or select a new number.

Authorized payees must have their own RI EBT card and their own PIN. (See Section 1427.10.10, EBT Cards for Authorized Payees.)

When using an RI EBT card, the cardholder is allowed four (4) attempts to enter the correct PIN. On the fifth try, the cardholder is locked out of the EBT system until the next day.

However, the card is not confiscated by the ATM.

Cardholders must call the Deluxe Customer Service Help Line at 1-888-979-9939 for assistance.

1427.20 STALE EBT CASH ACCOUNTS

REV:10/2008

Cash benefits which have not been accessed for a period of ninety (90) days or more will be purged from the EBT account. Access to the account includes withdrawal activity as well as balance inquiries made at a point of sale device. Telephone inquiries do not constitute access to the account.

Written notification of an intended action to purge cash benefits from a family's EBT account must be provided at least ten (10) days prior to the date of the action.

1428 BUDGET METHODOLOGY

1428.05 PROSPECTIVE BUDGETING

REV: 03/2012

In the process of determining eligibility for and the amount of RI Works cash assistance, prospective budgeting is used.

Eligibility is established based on the knowledge and reasonable expectation of what income and circumstances will exist in the month for which a payment is authorized. The agency representative must determine all factors of eligibility prospectively for all payment months.

Two separate actions must always take place in determining eligibility:

1. a current determination of all factors of eligibility is made.
2. if the case is found eligible, the amount of the grant for the payment month is calculated using the prospective method.

1428.05.05 Prospective Budgeting Method

EFF: 10/2008

The prospective budgeting method is used to determine the income which will exist during the period of eligibility for cash assistance under the RI Works Program. This means that weekly income for these cases is converted to a monthly amount using the 4.3333 weeks per month conversion method.

The projected estimate of income is valid for the following periods:

1. between the initial determination of eligibility and redetermination;
2. between redeterminations;
3. following a change in income or circumstances which is:
   a. reported by the recipient; or
   b. discovered by the Department.

1428.05.10 Authorizing Assistance

EFF: 10/2008

Benefits are issued on the first (1st) and the sixteenth (16th) of each month. The agency representative updates appropriate STAT and/or APPL panels in INRHODES and approves new versions of eligibility in order to effect changes for the next effective date.

1428.10 CHANGE REPORTERS

REV: 03/2012

A. All circumstances and income received or anticipated to be received are used to determine eligibility for and to calculate the amount of the TANF benefit. Data from the application, the DHS-1

and DHS-2, (and other documents) are entered into INRHODES. Following initial approval, the payment for each month thereafter is calculated based on the projected circumstances until a change is reported or discovered.

B. Each assistance unit is advised that it is considered a change reporter and must adhere to the change reporting requirements set in Section 1408.30

C. Change Report Form (FS/RIW-200)
The assistance unit should be in possession of a Change Report Form at all times. The agency provides a Change Report Form (FS/RIW-200) to each assistance unit as follows:
1. at the certification interview;
2. at the redetermination interview, if the assistance unit needs a new form.
3. a new form is mailed to the assistance unit whenever a Change Report Form is received in the mail.

   Although assistance units are encouraged to complete and return the Change Report Form when a change is being reported, changes reported over the telephone or in person by the assistance unit are acted on in the same manner as those reported on the Change Report Form.

   When a change occurs, appropriate panels in INRHODES are updated by the agency representative, eligibility approved, and notices issued as appropriate.

1428.10.05 Action on Changes

REV:03/2012
.

A. The agency is required to take prompt action (with in ten (10) days of the reported change) on all changes to determine whether the change affects the family's eligibility or benefit amount:
1. appropriate panels in INRHODES are updated;
2. eligibility is approved;
3. notices are automatically issued through INRHODES based on the reported change;

B. Even if there is no change in the payment, the agency representative documents the reported change in the case record, specifically the case chronology (CLOG) or the case narrative (CNAR) in INRHODES, as appropriate. The agency representative mails another RI Works/FS Change Report Form to the client. If the reported change affects the family's eligibility or benefit amount, the family is notified of the adjustment. The agency representative also advises the client of any additional verification requirements that are needed.

C. If the change results in an increase to benefits but the agency representative fails to take action within ten (10) days of the date of the reported change, the benefits lost due to the failure of the agency to act timely are restored and provided to the household.

1428.10.10 Increases and Decreases in TANF Benefit

EFF: 03/2012

A. Increases to the TANF Benefit
   1. Changes which result in an increase in a family's benefits due to, for example, the addition of a new family member or a decrease in the family's income, the agency makes the changes effective no later than the first payment issued ten (10) days after the date the change is reported. However, in no event must these changes take effect any later than the second payroll following the date the change is reported.
   2. If the change is reported too late for the agency representative to adjust the following benefit issuance, s/he must issue a supplementary payment to the family.
   3. No supplementary benefits shall be authorized when a client fails to report in a timely manner any change which increases benefits.

B. Decreases to the TANF Benefit
   1. If the household's benefit level decreases or the family becomes ineligible as a result of a change, the agency must issue a notice of adverse action (See Section 1434.05) within ten (10) days of the date the change was reported. When a notice of adverse action is used, the decrease in the payment must be made no later than the next payroll following the date in which the notice of adverse action period has expired, provided a hearing and continuation of benefits have not been requested.

1428.10.15 Failure to Report Changes

EFF: 03/2012

If the agency representative discovers that the family failed to report a change as required and, as a result, received benefits to which it was not entitled, the agency representative determines the overpayment and refers the case to the CCRU in accordance with Section 1430.

1428.15 Notice of Adverse Action

EFF: 03/2012

Prior to any action to reduce or discontinue a household’s RIW benefits within the certification period, the agency representative must provide the household timely and adequate advance notice before the adverse action is taken. The timely and adequate advance notice is defined in Section 1434, Notice Requirements, as at least ten (10) days prior to the date of the adverse action.

1429 Underpayments

1429.05 Correction of Underpayments

REV:03/2012

A. An underpayment is defined as:
   1. a cash payment issued to or for an assistance unit for a payment month in an amount less than the amount for which the assistance unit was eligible; or
   2. the failure to issue a payment for a payment month to an assistance unit eligible for such payment.

B. Correction of Underpayment
   1. The appropriate agency representative corrects the underpayment as soon as possible, but not later than thirty (30) days after discovery of the underpayment, to a current recipient or one who would be a current recipient had the error causing the underpayment not occurred.
   2. Underpayments discovered after case closure are addressed as follows:
      a. Past RIW recipient currently active in another DHS program will receive underpayment through their current assigned DHS worker.
      b. Past recipient's closed to DHS will receive a letter by DHS addressed to the head of household known to DHS at the time the underpayment occurred requesting response to process the underpayment.
   3. A retroactive corrective payment is not considered income, nor is it considered a resource in the month received or in the following month.
   4. Correction of underpayment errors to current recipients is required regardless of when the underpayment occurred. There is no time limit for correcting an underpayment.
   5. In cases involving an underpayment and an overpayment in the same month, the agency representative must factor in both in determining what the correct payment should have been. If an underpayment still exists, it is promptly corrected.

C. Method of Payment
   1. An underpayment is corrected by first entering the correct information in the appropriate months in STAT to reflect the actual income, resources, or household circumstances during the period of the underpayment.
   2. The agency representative then approves the deficit payment through INRHODES.
   3. The agency representative must also notate the circumstances regarding the underpayment in the case log (CLOG).

1430 Overpayments

1430.05 Recovery of Overpayments

REV:03/2012

A. An overpayment is defined as a cash benefit issued to or for an assistance unit for a payment month in an amount exceeding the amount for which that unit was eligible.
   1. An overpayment may result from either an agency or a client error.
   2. To determine the net overpayment amount, the gross overpayment must be reduced by the amount of any child support collected and retained by the Department of Human Services, Office of Child Support Services (DHS-OCSS), over and above the payment the recipient should have received (see Section 1424).

B. DHS must initiate collection action against the household on all client or agency error claim referrals unless the claim is collected through offset, or one of the following conditions applies:
   1. The amount of the claim referral is less than thirty-five dollars ($35), and the claim cannot be recovered by reducing the household's allotment. This threshold does NOT apply for overpayments discovered through the Quality Control System.
   2. The agency has documentation which shows that the household cannot be located.

C. In cases involving an underpayment which has not yet been restored and an overpayment in the same month;
   1. The agency representative must factor in both in determining what the correct payment should have been;
   2. The amount of the underissuance must be used to offset the claim;
   3. If an overpayment still exists, the referral is made to the Collections, Claims and Recoveries/Fraud Unit (CCRU) to institute collection for the remaining balance;
   4. When there is any restoration of lost benefits which is used to offset an established claim, the balance of the claim is reduced by the amount of the offset through InRhodes.
   5. CCRU will initiate underissuance payments identified while researching a claim for overpayment. CCRU will notify the appropriate staff to approve the deficit payment through InRhodes.

D. Recovery of overpayments from current or former recipients is required regardless of when the overpayment occurred.

E. All actions pertaining to the collection of outstanding claims in the TANF Program are handled by the Collections, Claims and Recoveries/Fraud (CCR/Fraud) Unit of the Department of Human Services, located at the Providence Regional Family Center (refer to www.DHS.ri.gov for contact information).

1430.10 Types of Error Cases

REV: 03/2012

A. Agency Error
An agency error is any overpayment caused by the agency's action or failure to take action. Overpayments caused by agency error are considered non-fraud. Instances of agency error which may result in a claim include, but are not limited to, the following:
1. The agency failed to take prompt action on a change reported by the household;
2. The agency incorrectly computed the household's income or deductions, or otherwise assigned an incorrect allotment resulting in an incorrect benefit; or
3. The agency continued to provide a household benefits after its certification period had expired without benefit of a reapplication determination.

B. Client Error
Overpayments caused by, but not limited to, the following household errors are considered non-fraud (inadvertent):
1. A payment was issued pending a fair hearing decision adverse to the recipient;
2. A payment was issued solely due to ten (10) day notice requirements even though the recipient was ineligible for the assistance; or
3. An overpayment resulting from a misunderstanding or unintended error on the part of the household.

1430.15 Establishing Claims Against Households

REV: 03/2012

A. Instances of errors which may result in a collection include, but are not limited to, the following:
1. The household unintentionally failed to provide the agency with correct or complete information;
2. The household unintentionally failed to report to the agency changes in its household circumstances; or
3. The household unintentionally received benefits, or more benefits than it was entitled to receive, pending a fair hearing decision because the household requested a continuation of benefits based on the mistaken belief that it was entitled to such benefits.

B. The following individuals are responsible for paying a claim:
1. Each person who was an adult member of the household when the overpayment occurred.
   a. If a change in household composition occurs, the agency may pursue collection action against any household which has a member who was an adult member of the household that received the overissuance;
   b. DHS may also offset the amount of the claim against restored benefits owed to any household which contains a member who was an adult member of the original household at the time the overissuance occurred;
2. A sponsor of a non-citizen household member if the sponsor was at fault; or
3. A person connected to the household, such as an authorized representative, who actually caused the overpayment.

1430.15.05 Determining Initial Month of Over-issuance

REV: 03/2012

A. In all cases involving inadvertent household error or agency error claims, the first month of overissuance is the month the change would have been effective had it been reported in a timely manner with allowance for the adverse action timeframes. In no instance, however, is the first month of over issuance any later than two (2) months from the month in which the change in household circumstances occurred. The agency representative determines the initial month of overissuance as follows:
   1. Failure to Report Change Within Ten (10) Days
      If the household failed to report a change in its circumstances within ten (10) days of the date the change became known to the household, the first month affected by the household's failure to report is the first month the change would have been effective had it been reported in a timely manner.
   2. Change Reported Timely
      a. When a household reports the change on time, but the agency representative does not act on the change in a timely manner, the first claim month is still the first month the change would have been effective.
      b. If the Notice of Action was required but not sent, the agency representative assumes, for the purpose of calculating the claim, that the maximum advance notice period would have expired without the household requesting a hearing.
   3. Benefits Issued Pending Hearing Decision
      If a household requests the continuation of benefits pending a fair hearing decision, and receives an overissuance because its position is not sustained by the hearing decision, the first month of overissuance is the month that the change would have been effective had the household not asked for the continuation of benefits.

1430.15.10 Calculation of the Claim Referral

REV: 03/2012

A. The field representative determines the correct amount of benefits the household should have received for those months the household participated while the overissuance was in effect.

B. The agency representative determines that amount for active cases as follows:
   1. The correct information is entered in the appropriate months in STAT to reflect the actual income, resources, or household circumstances during the period of the overpayment;
   2. The retroactive eligibility is approved for the month(s) affected;
   3. The circumstances pertaining to the overissuance is recorded in the Case Log (CLOG); and
   4. SPEC/COLL in InRhodes is utilized to refer the overpayment to the CCR/Fraud Unit as follows:
      a. Code the panel with the reason and type of claim for the overpayment;

b. Enter the time period of the overpayment;
c. Enter the amount of the overpayment; and
d. Enter a reference to the above-mentioned CLOG entry in the free-form text Comments section.

C. The actual steps for calculating a claim are:
1. Determine the correct amount of benefits for each month that a household received an overpayment.
2. Do NOT apply the earned income deduction to that part of any earned income that the household failed to report in a timely manner when this act is the basis for the claim. The earned income deductions are applied to agency errors.
3. Subtract the correct amount of benefits from the benefits actually received. The result is the amount of the overpayment.
4. The CCRU reduces the overpayment amount by any benefits expunged from the household's benefit account. The difference is the amount of the claim.

D. The CCR/Fraud Unit then reviews each claim for accuracy and supporting documentation and institutes appropriate collection action. Before initiating collection action, the CCR Unit verifies, as appropriate, that the TANF benefits were utilized. If the benefits were utilized, collection action is initiated.

E. The CCR/Fraud agency representative completes the AP-68W and as appropriate reviews the FSUM function of the INRHODES IV-D Child Support Menu to:
1. Determine whether DHS-OCSS retained any child support during the month(s) of overpayment;
2. Complete columns E through G of the AP-68W;
3. Enter the amount of any support retained in any overpaid month, in column E;
4. Enter the amount of retained support over and above the cash assistance payment the recipient should have received in column F and subtract from the gross overpayment to yield the net overpayment to be recovered from the recipient; and
5. If there is a net over collection to be refunded to the recipient, the refund can only be authorized and issued by the DHS-OCSS.

1430.15.15 Reasonable Effort to Pursue Recovery

REV: 03/2012

A. If the amount of the overpayment is more than thirty-five dollars ($35) and owed by a former recipient (Section 1430.10.15) in a non-fraud case, the Collections, Claims and Recoveries/Fraud (CCR/Fraud) Unit determines by a reasonable effort if it is cost effective to pursue recovery efforts.
1. "Reasonable effort" requires minimally that a repayment request be sent to the former recipient.
2. If s/he fails to respond, CCR/Fraud must consider if the cost of collecting the overpayment is likely to equal or exceed the amount of the overpayment, and what degree of effort is within the bounds of cost effectiveness.
3. If a former recipient subsequently becomes active

within three (3) years, recovery is initiated regardless of the overpayment amount.

B. Every effort must be made to recover any overpayment amount in cases of court-determined fraud. The agency must take all reasonable steps necessary to promptly correct any overpayment.

C. Prompt recovery of an overpayment means the agency representative must initiate action by the end of the quarter following the quarter in which the overpayment is first identified to recover the overpayment from an active recipient.

D. In closed cases, the CCR/Fraud must initiate action to locate a former recipient and/or recover the overpayment from him/her.

E. Mandatory recovery of overpayments includes an overpayment resulting from assistance paid pending a hearing decision where the recipient receives an adverse hearing decision. Only the portion of cash assistance paid relating to the disputed issue is recoverable.

1430.15.20 Individual/Assistance Unit Responsibility

EFF: 03/2012

A. Any recovery of an overpayment to a current assistance unit must be made through repayment (in part or in full) by the following:
   1. Through the individual recipient responsible for the overpayment;
   2. by reducing the benefit amount of assistance payable to the assistance unit of which s/he is a member;
   3. or both.

B. If recovery is not possible from the individual responsible, the CCR/Fraud representative determines whether to recover from:
   1. Any assistance unit which has a member who was an adult member of the assistance unit that received the overpayment (was age eighteen (18) or older - excluding minor heads of households); or
   2. Any individual members of the overpaid assistance unit, who were adults at the time the unit received the overpayment, whether or not current recipients.

1430.20 Overpayments to Non-Citizens

REV: 03/2012

A. Any individual who sponsors a non-citizen and the non-citizen who was an adult at the time of the overpayment are jointly and severally liable for any net overpayment of aid made to the non-citizen after the individual’s entry into the United States, if the overpayment resulted from the sponsor's failure to provide correct information during the determination of non-citizen sponsorship liability (General Provisions Section 0104).

B. A sponsor is a person who signs an affidavit or other statement accepted by the U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services as an agreement to support

an individual as a condition of that individual's admission for permanent residence in the United States.

C. The agency representative refers the case to the CCRU to initiate recovery against the sponsor when it is determined that the sponsor is responsible for the overpayment.

1430.20.05 Good Cause

REV: 03/2012

A. When a sponsor is found to have good cause for not providing information to the agency, the sponsor is not held liable for the overpayment and recovery is not to be made from the sponsor.

B. The non-citizen is still liable for the repayment and is not exempted when the sponsor has good cause.

C. Good cause exists when:
   1. Correct information on income or resources was given by the sponsor to the non-citizen and was misrepresented to the agency representative by the applicant.
   2. Correct information on income or resources was given by the sponsor and was incorrectly calculated by the agency representative.
   3. Information supplied to the sponsor by a third party is incorrect, e.g., the sponsor's spouse reports incorrect information on his/her resources.

1430.20.10 Sponsor and Non-Citizen Liability for Repayment

REV: 03/2012

Overpayments for which the sponsor and the non-citizen are liable shall be repaid in accordance with procedures outlined in this section. If repayment cannot be accomplished through the methods specified, future TANF program benefits to which the non-citizen and/or the sponsor may be entitled are subject to recovery.

1430.25 Recovery's Effect on Eligibility

EFF: 10/2008

A. If through recovery the amount payable to the assistance unit is reduced to zero (0), members of the assistance unit are still considered recipients of the TANF program.

B. Whenever a payment is reduced below the minimum ten dollar ($10) payment level due to recovery of an overpayment, the amount still due the recipient must be issued.

C. In situations where there is an outstanding overpayment in a case and no regular monthly payments have been made because the amount is under the ten dollar ($10) minimum payment, the amount not paid cannot be used to offset the overpayment. There must be a monthly cash payment to recover an overpayment.

1430.25.05 Methods of Recovery

REV: 03/2012

A. The recovery methods specified are predicated on the existence of a net overpayment to be recovered as described below.

1. Grant Reduction
   The agency recovers any overpayment from current recipients, who were adults at the time of the overpayment, by grant reduction unless the agency first accepts either total or partial recovery, with any balance owed repaid through grant reduction. Any initial repayment made in a local office by the recipient must be forwarded to:
   DHS Financial Management
   LP Building, 3rd Floor
   600 New London Ave.,
   Cranston, RI 02920
   The recipient is given a receipt, and advised that the remainder of the overpayment will be recovered by grant reduction.
2. Recovery Rate
   The grant reduction recovery rate for all active cases is ten percent (10%) of the monthly standard of assistance or up to the amount of the payment if it is less than the standard of assistance.
3. Direct Repayment
   Former recipients and recipients who receive no payment because the deficit is less than the ten dollar ($10) minimum payment make repayments directly to the CCR/Fraud Unit from their income or resources.
4. Setoff of State Personal Income Tax Refund
   Pursuant to RIGL 44-30.1, DHS may recover overpayment of cash assistance benefits through setoff of the individual's state personal income tax refund.

1430.30 Referral of Overpayments to CCR/Fraud Unit

REV: 03/2012

A. After reviewing the referral and obtaining all relevant documentation from the case record, CCR/Fraud reviews any case in which the calculation or documentation of the overpayment is incomplete and/or needs further investigation, such as cases where a client-caused overpayment appears fraudulent due to unreported income, resources, or changes in family composition.

B. Upon receipt of the referral for further investigation and/or documentation, or of alleged fraud, the Fraud Manager assigns the case for investigation.

C. Prior to any investigation , the CCR/Fraud Unit verifies that the benefit was used.

D. Upon completion of the investigation, from the facts presented and/or obtained, a decision may be made to refer the case for prosecution through the Attorney General's Office or for immediate collection action.

E. If the case is referred for prosecution through the Attorney

General's Office, collection action may be postponed on the claim because the collection action may prejudice the case.

F. If the overpayment is due to agency error or the decision is made for immediate collection of the overpayment, the recipient must be promptly notified that a determination of a net overpayment exists. The CCR/Fraud representative sends the recipient a Notice of Overpayment (AP-68R) which summarizes the amounts, dates, and reasons for the overpayment.

G. The Notice of Overpayment (AP-68R), informs the individual of the following:
   1. That the recovery of overpayments is mandatory;
   2. That current recipients are required to contact CCR/Fraud within thirty (30) days of the notice to complete a Repayment Agreement (AP-68);
   3. That automatic grant reduction will be initiated if the recipient fails to contact CCR/Fraud; and
   4. The individual's appeal rights.

H. The claim is considered established as of the date of the initial demand letter or written notification.

I. The Notice of Overpayment (AP-68R), is accompanied by the Calculation of TANF Overpayment form (AP-68W).

1430.30.05 Repayment Agreement

REV: 03/2012

A. Repayment agreements must be initiated by the CCR/Fraud Unit for all cash assistance overpayments whether or not the household is currently participating in the TANF program.

B. The CCR/Fraud Unit representative completes two (2) copies of the signed Repayment Agreement (AP-68) between the agency and individual responsible:
   1. One copy is retained by CCR/Fraud;
   2. One copy is given to the recipient.

C. The Repayment Agreement (AP-68) states that an overpayment exists in a specified amount, for a specified period, and the agreed upon repayment arrangements. Repayment may be made by:
   1. Total lump sum
   2. Partial lump sum followed by a repayment schedule
   3. Repayment schedule without an initial payment
   4. 10% auto-reduction of current TANF grant

D. If the household is not actively participating in the TANF program, the household must be informed that it may elect to repay the entire amount of the claim in cash, check, or money order all at once, or repay part of the claim, and then repay the rest in weekly or monthly installments. If no initial partial payment can be made, a repayment schedule may be requested and developed for the entire overpayment amount.

E. The agreement must specify that the household will be subject to

involuntary collection action(s) if payment is not received by the due date and the claim becomes delinquent.

F. Any household against which the agency has initiated collection action must be informed of its right to request re-negotiation of any repayment schedule to which the household has agreed should the household's economic circumstances change.

1430.30.10 Delinquent Claims

REV: 03/2012

A. A claim is considered delinquent if:
   1. The claim has not been paid by the due date and a satisfactory payment arrangement has not been made. The date of delinquency is the due date on the initial written notification or demand letter.
   2. A payment arrangement has been established and a scheduled payment has not been made by the due date. The date of delinquency is the due date of the missed installment payment.

B. The claim remains delinquent until payment is received in full, a satisfactory payment agreement is negotiated, allotment reduction is imposed, or the CCR/Fraud Unit decides to re-negotiate the repayment schedule.

C. A claim is not considered delinquent if another claim for the same household is currently being paid either through installment agreement or allotment reduction and the CCR/Fraud Unit expects to begin collection on the claim once the prior claim(s) is settled.

D. A claim awaiting a hearing decision is not considered delinquent.
   1. If the hearing officer determines that a claim does in fact exist against the household, the household must be re-notified of the claim.
   2. Demand for payment may be combined with hearing decision letter.
   3. Delinquency must be based on the due date of this subsequent notice and not the initial pre-hearing demand letter sent to the household.

E. If the hearing officer determines that a claim does not exist, the claim is disposed of in accordance with the “Compromising Claims” Rules.

1430.30.15 Households That Fail to Respond

REV: 03/2012

A. If a household against which collection action for repayment of a claim has been initiated is currently participating in the program does not repay the entire overpayment within thirty (30) days of the date the notice was mailed, the agency representative in the CCR/Fraud Unit initiates action to notify the household of an automatic allotment reduction in its household benefit. The agency representative in the CCR/Fraud Unit also records this action

through an INRHODES system-generated case log entry.

B. For a non-participating household which does not respond to the AP-68R billing notices are sent monthly until:
   1. The household has responded by paying, or agreeing to pay the claim;
   2. The criteria for suspending collection action have been met; or
   3. The agency initiates other collection actions.

C. In accordance with Sections 44-30.1-1, 44-30.1-3, 44-30.1-4 and 44-30.1-8 of the Rhode Island General Laws in Chapter 44-30.1 entitled 'Setoff of Refund of Personal Income Tax', DHS through the CCR/Fraud Unit can recover cash assistance benefit overpayments claims through offset of the individual state income tax refund.

1430.30.20 Outstanding Claims Balances

REV: 03/2012

INRHODES has been programmed to identify cases with outstanding claims balances. When a former recipient is reinstated, and an overpayment balance still exists, the recipient is notified after approval of eligibility that the overpayment will be recovered by grant reduction (unless the recipient elects to repay the amount in full or in part, with the balance, if any, paid by grant reduction) beginning the following month.

1430.35 Claims Referred for Prosecution

REV: 03/2012

Upon receipt of the referral and obtaining other evidence of the overpayment, the Fraud Manager assigns the case for investigation. Upon completion of the investigation, from the facts presented and/or obtained, a decision is made whether the overpayment is appropriate for referral for prosecution through the Attorney General's Office. An overpayment is appropriate for such referral based on such factors as, but not limited to, at the Fraud Manager's discretion, the amount of overpayment, repeated occurrences of overpayment, reason for the overpayment, etc.

When an individual pleads nolo contendere to or has been found guilty of a charge of welfare fraud in court, copies of a Welfare Fraud Disposition Sheet are then sent to the CCR/Fraud Unit. If the court makes a finding of fraud and rules that recovery of the overpayment be made through direct payments to the agency, CCR/Fraud initiates direct repayment procedures.

1430.40 Setoff of State Personal Income Tax Refund

REV: 03/2012

In accordance with Sections 44-30.1-1, 44-30.1-3, 44-30.1-4 and 44-30.1-8 of the General Laws in Chapter 44-30.1 entitled 'Setoff of Refund of Personal Income Tax', DHS through the CCR/Fraud Unit can recover cash assistance benefit overpayment claims through offset of the individual state income tax refund.

"Cash assistance benefit overpayments" means any amount of cash assistance benefits which constitutes an overpayment of benefits from:

1. The RI Works Program, July 1, 2008 to the present;
2. The Family Independence Program between May 1, 1997 and June 30, 2008; and/or
3. The Aid to Families With Dependent Children (AFDC) program, up until April 30, 1997.

1430.40.05 Criteria for Referral for Setoff

REV: 03/2012

A. The claim must meet the following requirements for the State Personal Income Tax Refund Offset procedure:
   1. Established by court order, by administrative hearing conducted by the Department of Human Services;
   2. Greater than or equal to the minimum amount required for submission for setoff by the R.I. Division of Taxation;
   3. Submitted in the name of one individual or must be reduced by any amount submitted as a separate claim for other individuals who are jointly or severally liable for the claim; and
   4. Not involved in a bankruptcy stay or discharged in bankruptcy.

B. The agency must notify the individual of the intended action prior to offset and of her/his appeal rights.

1430.40.10 Setoff Procedures and Notification of Debtor

REV: 03/2012

A. The CCR/Fraud Unit will notify the individual of its intent to refer a claim to the R.I. Division of Taxation for offset and give the individual thirty (30) days to appeal the intended referral by presenting evidence that all or part of the claim is not legally enforceable. The pre-offset notice or thirty (30) day notice shall contain the following information:
   1. The amount of the claim(s);
   2. That the individual has been previously notified of the claim;
   3. That the claim is legally enforceable;
   4. The individual's DHS Case Identifier;
   5. That the claim(s) is to be referred to the R.I. Division of Taxation for offset unless the claim is paid in full within thirty (30) days of the date of the letter;
   6. Instructions about how to pay the claim(s), and the address and telephone number of the CCR/Fraud Unit to call to discuss the claim and the intended intercept.
   7. That the individual has the right to appeal the offset. The notice will advise the individual that:
      a. The individual is entitled to an administrative hearing to contest the setoff. The appeal request must be in writing and must be received by CCR/Fraud Unit not later than thirty (30) days after the date of the notice.
      b. That the individual should be prepared to provide

evidence or documentation of his or her defenses to the claim.

c. The individual's right to judicial review of the administrative hearing decision.

8. The notice must also state that a claim may not be referred for offset where a bankruptcy stay is in effect or if the claim has been discharged in bankruptcy.

1430.40.15 Transfer of Funds by Division of Taxation

REV: 03/2012

At the time of the transfer of funds to DHS, the Division of Taxation shall notify the debtor that the transfer has been made.

The notice shall state the name of the debtor, the amount of cash assistance benefit overpayments being claimed, and the transfer of funds to DHS.

In the case of a joint refund, the Division of Taxation notice shall also state the name of a taxpayer-spouse named in the return, if any, against whom no cash assistance benefit overpayments is claimed, the opportunity to request that the refund be divided between the spouses by filing an amended income tax return showing each spouse's share of the tax and the contribution to the overpayment of tax resulting in the refund.

Upon receipt of funds transferred from the Division of Taxation, DHS Financial Management deposits and holds the funds in an escrow account until final determination of setoff. Upon final determination of the amount of the claim to be setoff by 1) default for failure to apply for an administrative hearing, or by 2) decision of the administrative hearing officer, the claimant agency shall remove from the account of the claim payment from the escrow account and credit the amount to the debtor's obligation. The pendency of judicial proceedings to review the administrative decision shall not stay nor delay the setoff, transfer, and disbursement of the tax refund in question.

With respect to setoff for cash assistance benefit overpayments, the Division of Taxation shall provide the debtor's address and social security number to the Department of Human Services. The information obtained by a claimant agency through the Division of Taxation retains its confidentiality and is only used by DHS in pursuit of its cash assistance benefit overpayments collection duties and practices, and any employee or prior employee of any claimant agency who unlawfully discloses that information for any other purpose, except as specifically authorized by law, is subject to the penalties specified by RIGL 44-30-95(c).

1430.50 Administrative Hearings

REV: 03/2012

As appropriate, an administrative hearing may be held pursuant to DHS Policy Manual Section 0110. The appeals officer must issue her/his decision in writing in accordance with Section 0110. If the decision is

made that the claim does not meet the requirements for offset, CCR/Fraud must take appropriate corrective action.

1430.55 Compromising Claims

REV: 03/2012

A. The CCR/Fraud Unit may compromise a claim or any portion of a claim if it can reasonably be determined that a household's economic circumstances dictate that the claim will not be paid in three (3) years.

B. The full amount of the claim (including any amount compromised) may be used to offset benefits owed to the household.

C. Any compromised portion of a claim may be reinstated if the claim becomes delinquent.

1430.55.05 Terminating and Writing-Off Claims

REV: 03/2012

A. Terminated Claim
The definition of a terminated claim is one which all collection action has ceased.

B. Written-Off Claim
The definition of a written-off claim is a claim that is no longer a receivable subject to the state agency.

C. A terminated and written-off claim may be reinstated if a new collection method or a specific event (such as winning the lottery) substantially increases the likelihood of further collection.

D. Invalid Claim
If a claim is determined to be invalid, the claim must be discharged and reflected as a balance adjustment rather than a termination unless it is appropriate to pursue the overpayment as a different type of claim.

E. Claims must be terminated and written off, when:
1. All adult household members are deceased;
2. It is not cost effective to pursue the claim any further;
3. The claim is delinquent for three (3) years or more, unless it is planned to pursue the claim through the State Tax Offset Program or
4. The household cannot be located.

1430.55.10 Methods of Collecting Claims

REV: 03/2012

A. The agency may collect payment for claims using one of the following methods.
1. Reducing benefits prior to issuance, including allotment reduction and offsets to restored benefits;
2. Deducting benefits after issuance from electronic

benefit transfer (EBT) accounts with the client's written permission;
3. Accepting cash, including checks, money orders, and credit or debit cards;
4. Participation in the State Tax Offset Program.

B. Any payment for a claim is accepted whether it represents full lump sum repayment or partial payment.

C. The agency accepts installment payments made for a claim as part of a negotiated repayment agreement for non-participating households.

1430.60 Reduction in Benefit Allotment

REV: 03/2012

A. CCR/Fraud will automatically collect payments for any claim by reducing the amount of monthly benefits that a household receives. The amount reduced is limited to ten percent (10%) of the household's monthly allotment.

B. The agency shall not reduce the initial allotment when the household is first certified.

C. The agency will not use additional collection methods against individuals in a household that is already having its allotment reduced unless the household voluntarily makes additional payments.

1430.60.05 Benefits from EBT Accounts

REV: 03/2012

A. A household is allowed to pay its claim using benefits from its EBT account. However, the following requirements must be met:
1. For collecting from active or reactivated EBT accounts, written permission must be obtained in advance;
2. the agreement must include:
   a. a statement that this collection activity is strictly voluntary;
   b. the amount of the payment;
   c. the frequency of the payments (i.e. whether monthly or one-time only);
   d. the duration of the agreement; and
   e. a statement that the household may revoke this agreement at any time.

1430.65 Over-Payment of a Claim

REV: 03/2012

If a household has overpaid a claim, the agency must pay the household any amounts overpaid as soon as possible after the overpayment becomes known. The household is paid by whatever method the agency deems appropriate, considering the household's circumstances.

1430.70 Accounting Procedures

REV: 03/2012

The agency is responsible for maintaining an accounting system for monitoring claims against households. This accounting system shall consist of both the system of records maintained for individual debtors and the accounts receivable summary data maintained for these debts.

A. At a minimum, the accounting system must be designed to readily accomplish the following:
   1. the date of discovery;
   2. the reason for the claim;
   3. the calculation of the claim;
   4. the date the claim was established;
   5. the methods used to collect the claim;
   6. the amount and incidence of any claim processing charges;
   7. the reason for the final disposition of the claim;
   8. any collection made on the claim; and
   9. any correspondence, including follow-up letters, sent to the household.

B. At a minimum, the accounting system must also identify the following for each claim:
   1. those households whose claims have become delinquent;
   2. those situations in which an amount not yet restored to a household can be used to offset a claim owe by the household; and
   3. those households with outstanding claims that are applying for benefits.

C. When required, the accounting system must also produce:
   1. accurate and supported outstanding balances and collections for established claims; and
   2. summary reports of the funds collected, the claims established and terminated, any delinquent claims processing charges, the uncollected balance, and the delinquency of the uncollected debt.

D. The accounting system must also reconcile summary balances reported to individual supporting records on a periodic basis.

1430.75 Interstate Claims Collection

REV: 03/2012

In cases where a household moves out of the area under the agency's jurisdiction, the agency should initiate or continue collection action against the household for any over issuance to the household which occurred while it was under the agency's jurisdiction.

1432 REDETERMINATIONS AND CHANGES

1432.05 PURPOSE OF REDETERMINATIONS

REV: 03/2012

In addition to the change reporting requirements outlined in Section 1408.30 for all recipients, a redetermination of eligibility is completed whenever a significant change is expected to occur that may affect a family's eligibility and at least once every twelve (12) months to ensure that eligibility for assistance continues and that the payment is correct.

1432.10 PROCESS OF REDETERMINATION

REV: 10/2008

INRHODES stores the next redetermination date for each active case. One month before the month in which the case is due to be reviewed, a redetermination report is distributed to the field.

The agency representative sends out the Redetermination (REDT) packet which consists of the following:

- Redetermination Appointment Letter - C-4,
- Statement of Need - DHS-2, and
- Other informational material, as appropriate.

1432.15 REDETERMINATION APPOINTMENT

REV: 10/2008

The agency representative responds to any request from the recipient for assistance in completing the DHS-2 for the redetermination of eligibility. This help may be given by telephone or may be completed during the scheduled office or home visit, whichever is most appropriate. The DHS-2 should be completed by the recipient except for the signature which must be witnessed by the eligibility technician at the redetermination interview. The Redetermination Appointment Letter indicates the time and location of the appointment along with the name of the agency representative. The letter refers the recipient to page 3 of the DHS-2 for a list of documents that should be brought to the appointment.

A face-to-face interview is required with each client filing the application in order to review it with him/her and to determine continuing eligibility for assistance.

The same process for reviewing the DHS-2 and determining initial eligibility (see Section 802) is followed when reviewing the subsequent DHS-2(s).

The Information on the Family Violence Option sheet (Form WVR-1a) should be reviewed with the recipient so that s/he is re-informed that s/he may be excused from certain RI Works requirements under the Family Violence Option if meeting these requirements puts the applicant or her/his children at risk of domestic violence.

Information on the DHS-2 which was previously documented and not subject to change, such as birth certificates, marriage and divorce documents, should not be redocumented unless there is a discrepancy noted between the new DHS-2 being reviewed and the DHS-2(s) previously filed.

Bankbooks, wage stubs, rent receipts, and all other information subject to change must be verified again through documents at each redetermination, and the source of verification entered in the shaded area of the DHS-2 next to the item.

1432.15.05 Redetermination Appointment Not Kept

REV: 10/2008

If the recipient does not keep the redetermination appointment or call to reschedule, s/he is notified that the payment will be discontinued. A notice of discontinuance is issued through INRHODES stating that:

- that the assistance payment is being discontinued because of failure to keep the redetermination interview appointment;
- that the filing of the DHS-2 is necessary in order to determine continued eligibility; and
- the effective date of discontinuance.

A copy of the notice is stored in CASE/NOTC in INRHODES.

The action is noted in the CLOG.

1432.17 Interim Reporting

REV: 10/2009

All RIW households are subject to Interim Reporting requirements.

Household composition and financial circumstances at the time of application will be the basis of the RIW benefit amount for the first half of the certification period unless the household reports a change during the certification period before the Interim Report period. The household composition and financial circumstances reported on the Interim Report will be the basis of the RIW benefit amount for the remainder of the certification period unless the household reports additional changes following the filing of the Interim Report.

Household Responsibilities

In the fifth month of certification, households subject to Interim Reporting will receive an Interim Report form in the mail. Households must complete the form in its entirety and mail the form along with the required verifications back to the agency by the fifth day of the sixth month of certification.

Any responsible household member or authorized representative may complete the Interim Report. At the household's request, the agency can provide assistance to the household in completing the report. A household that submits an Interim Report by the fifth day of the sixth month of the certification period is considered to have made timely

report. Failure to return the Interim Report form will result in closure of RIW benefits.

Agency Responsibilities
Upon receipt of an Interim Report, the worker shall review the report; determine if any additional information is needed; contact the household as needed to obtain further information or verification (giving the household at least 10 days to provide information); and determine eligibility and benefits for the remainder of the certification period.

If a household fails to return the Interim Report form by the fifth day of the sixth month of the certification period, the agency must send a warning notice to the household. The household will have ten (10) days from the date of mailing to return the Interim Report form, along with all of the necessary verifications, or the case will auto-close by the end of the sixth month of the household's certification period.

The agency must assess the returned Interim Report form for completeness (including the necessary verifications). If the Interim Report is incomplete or lacks required verifications of reported changes, the agency must send a request for documentation (RDOC) for any missing verifications, or return the original Interim Report form back to the household if it is not complete. The household will have ten days to supply the missing information, verification, or to complete the form.

An Interim Report form is incomplete if:
* The head of household, responsible household member or Authorized representative has not signed the form;
* The household fails to submit verification of changes in earned income, changes in unearned income, or residency; or
* The household fails to provide information needed to determine eligibility or benefit level.

If a household marks "no change" on the Interim Report form, the report is considered complete.

Similarly, if a household fails to provide verification of a deductible expense, there is no need to request verification because the household is not required to receive a deduction.

If a household fails to return the Interim Report form or the required verifications within the appropriate timeframe, the case will auto-close by the end of the sixth month of the household's certification period.

Reinstatement of Benefits
If an eligible household files a complete Interim Report after the case has been closed, but before the end of the report month (month in which the report is due), the agency shall reopen the case without requiring the household to file an application and shall approve benefits no later than ten (10) days after the household normally receives benefits.

If a household files a complete Interim Report after the end of the report month but before the end of the month following the month in

which it was due, the agency shall reinstate assistance and, if otherwise eligible, approve benefits within 30 days from the date the Interim Report is received. Benefits for the month shall not be prorated and the household shall not be required to file a new application.

1432.17.10 Interim Report Verification Requirements

REV: 03/2012

In order to determine eligibility for the second half of the household's certification period, the household must supply Verification of certain eligibility factors. The household must provide the following information:

* **Changes** of more than $50 in unearned income (excluding changes in public assistance or general assistance programs when jointly processed with SNAP cases)
* **Changes** in the source of income
* **Changes** in either:
  - The wage rate, salary, or full-time or part-time employment status; or
  - The monthly earned income (inc. RINC, RBIN, DCIN, BUSI) if greater than $100 difference from the amount used to calculate benefits
* **Changes** in household composition
* **Changes** in residence and resulting changes in shelter costs
* **Changes** in legally obligated child support payments

All RIW recipients must report the following at the time of interim reporting:

* Acquisition of a non-excludable vehicle
* Resources that reach $2,000 for SNAP ($3,000 if a household includes a member who is age 60 or over, or is disabled), or reach $1,000 for RIW

If a recipient reports changes outside of what is federally required during interim reporting, Department rules 1428.10 through 1428.15, CHANGE REPORTERS rules apply. If verification of changes in earned or unearned income is not provided, benefits shall be terminated.

If the household fails to provide sufficient information or verification regarding a deductable expense (dependent care for a child, an elderly or disabled adult, or reported expenses for the household) the following applies:

* An RDOC is issued requesting missing documentation
* If client does not respond within the 10 day timeframe with required documentation to support the change, the case continues to be processed.
* Existing verified deductions in the case record, for the certification period under review, are used in the calculation of benefits for reported increases that are not verified.
* Reports of a decrease in a deduction are changed without required verification.

1432.20 COMPLETION OF REDETERMINATION

REV:10/2008

The eligibility technician updates appropriate information into the recipient's case in INRHODES. S/he approves any subsequent versions of eligibility and updates the Redetermination Complete Date in the REDT panel to establish the next redetermination due date. INRHODES issues an adequate and timely notice to the recipient, as appropriate. Any changes in circumstances or anticipated changes are noted in the case log (CLOG).

If a potential resource is expected in the future, the eligibility technician sets up a TIKL through the INRHODES SPEC function as a reminder of the anticipated change so that proper activity about the resource can be initiated and completed on time.

1432.25 CHANGES IN CIRCUMSTANCES

REV:10/2008

In the initial contact with the agency, and generally in any subsequent contacts, the recipient is made aware of her/his responsibility to report within ten (10) days any changes in income, resources, family composition, or other factors affecting eligibility or the amount of benefits, with the exception of the temporary absence of a minor child, which must be reported within five (5) days, as outlined in Section 1408.30. Financial need is subject to change whenever there is a change in the family composition, income, or resources. Other changes can affect eligibility, some of which the agency may be aware in advance and others which are unexpected and the agency can learn about only when the recipient or another source makes the information known.

When it is known, or presumed, that income, resources, family size, or other circumstances will change at a specific time, the agency representative must review the situation promptly and take appropriate action in a timely manner.

Information on the change in circumstances and the payment change are annotated in the Case Chronology (CLOG).

1432.25.05 Addition of Member to Assistance Unit

REV:10/2008

A new household member joining a household may qualify for assistance from the RI Works program. The date the agency is notified of the addition of the family member constitutes the official application date for that member.

A Statement of Need (DHS-2) need not be completed for a new member being added to the unit, but the CLOG must be updated reflect the request for assistance for the member and the date it was made. The eligibility technician adds or revises the new member's MEMB panel and any appropriate secondary panels and approves any retroactive and current versions of eligibility.

1432.25.10 Discontinuance

REV:10/2008

A RI Works program cash payment must be discontinued whenever it is determined that need no longer exists. A notice of discontinuance is issued through INRHODES at least ten (10) days prior to the effective date of discontinuance.

1432.25.15 Eligibility for Medical Assistance Only

REV:10/2008

When a recipient of a RI Works program cash assistance payment is no longer eligible on the basis of financial need, the eligibility worker, as part of the closing process, determines eligibility for Medical Assistance (MA) on the basis of information in the case record. (If information to determine MA eligibility is insufficient, the notice of discontinuance must specify what is needed.)

If the family became ineligible for cash assistance as a result of excess earned income, the family/assistance unit shall continue to be covered by medical assistance, if otherwise eligible, through the RIte Care or RIte Share program, in six month periods, for a period of no longer than twelve (12) months or until the employer-paid family health care coverage begins, whichever occurs first.

1434 NOTICE REQUIREMENTS

1434.05 NOTICE OF ADVERSE ACTION

REV: 03/2012

A decision on continuing eligibility (prospectively) must be made as soon as it becomes known that a change in a family's income, resources, and/or circumstances will affect the payment (see Section 1426).

When it is determined that a change in the recipient's circumstances will result in a reduction, suspension, or discontinuance of a payment, the recipient must be notified by issuing a notice of adverse action at least ten (10) days prior to the effective date.

The notice must contain:

- the reason for the proposed action and the agency policy which requires the action;
- an explanation of the opportunity to discuss the action with the eligibility technician authorizing the discontinuance, suspension or reduction in payment;
- an explanation of the opportunity to have an Adjustment Conference with the Supervisor;
- an explanation of the provision for continuance of the payment for recipients, including those in hardship extensions, if a hearing is requested within the ten day period of the date of the notice (continuance of benefits is not available for applicants for RIW benefits or for applicants for hardship extensions); and
- an explanation of the opportunity to request a hearing within thirty (30) days of the date of the notice, along with the "Request for a Hearing" form (DHS-121).

1434.05.05 When Timely Notice Not Required

REV:10/2008

Where timely notice is not required, an adequate notice must be sent not later than the date of action when:

- the agency has factual information confirming the death of a recipient or of the payee when there is no relative available to serve as new payee;
- The agency receives a clear written statement signed by a recipient that s/he no longer wishes assistance, or that gives information which requires discontinuance or reduction of assistance, and the recipient has indicated, in writing, that s/he understands that this is the consequence of supplying such information;
- the recipient has been admitted or committed to an institution;
- the recipient has been placed in skilled nursing care, intermediate care or long-term hospitalization;
- the recipient's whereabouts are unknown and agency mail directed to her/him has been returned by the post office indicating no known forwarding address. The recipient's check must, however, be made available to her/him if the whereabouts becomes known during the payment period covered by a return

check;
- a recipient has been accepted for assistance in another state and that fact has been established by the jurisdiction previously providing assistance;
- a child is removed from the home as a result of a judicial determination, or voluntarily placed in foster care by his/her legal guardian;
- a change in level of medical care is prescribed by the recipient's physician; or
- a special allowance granted for a specific period is terminated and the recipient has been informed, in writing, at the time of initiation that the allowance shall automatically be discontinued at the end of the specified period.

1434.05.10 Acknowledgment of Client Understanding

REV:10/2008

When the client notifies the agency directly, either by phone or in person, of a change in circumstances, the agency representative must discuss with the client the effect that this change will cause and request an acknowledgment, in writing, that the client understands that this will result in the discontinuance or reduction of the assistance.

1434.10 REQUIRED ACTION

REV:10/2008

A client has a right to request a hearing within thirty (30) days of the agency's notice of action. If a request for a hearing is made within the ten (10) day advance notice period, no action for reduction, suspension, or discontinuance is taken until the hearing decision is issued except in the following instance:
- When the reduction, suspension, or discontinuance is caused by a change in either State or Federal law that requires automatic grant adjustment for classes of recipients. A timely notice of such grant adjustment can be issued by mass mailing, and the payment is not continued and no hearing need be granted. However, a hearing is granted and the payment is continued when the reason for the appeal is incorrect grant computation. The Regional Manager will review the issue to determine this and will inform the recipient, in writing, of the action that will be taken.

If the payment is continued and, at the hearing, a determination is made that the sole issue is one of State or Federal law or policy and not one of incorrect grant computation, assistance is reduced, discontinued, or suspended immediately and the recipient must be promptly informed, in writing, of the action. However, the formal hearing decision is issued within the time limits for hearing decisions.

When a second change occurs while the hearing decision is pending, and the recipient does not request a hearing within the advance notice period on the second issue, assistance is reduced, discontinued, or suspended, and the recipient must be promptly notified of this in writing.

At the end of the ten (10) day advance notice period, the action remains in force if the client has not responded and requested a hearing. The client continues to have a right to a hearing, however, on the issue for thirty (30) days following the notice of adverse action.

1436 CASE RECORD

1436.05 RI WORKS PROGRAM CASE RECORDS

REV:10/2008

The assigned clerical staff in each office is responsible for setting up a paper case record when a request for assistance is received. If after Person Search in INRHODES during the Intake screening process indicates the applicant has a previous record, the paper and electronic file are located or requested from another office, as appropriate.

If there is no previous program history or the record is not yet available, a dummy record is set up for the Intake appointment.

1436.05.05 Intake Worker Receives Application Forms

REV:10/2008

When the eligibility agency representative receives the Application for Assistance - Part 1 for the Intake and the Statement of Need (DHS-2) at the interview, those forms and all relevant documentation and other forms related to the application, the interview, and the decision on eligibility are filed in the record. After the intake interview, the case record is processed through the appropriate clerical person for typing and attaching an identification tab to the record. The tab contains the case I.D., the name, address, city or town, and zip code. (Record tabs are typed with last name first, followed by first name and middle initial, if any.)

1436.10 PURPOSE OF RECORD KEEPING

REV:10/2008

Record keeping helps the agency to assure that each client receives appropriate assistance and service. It sustains continuity despite change in staff. Case records reflect the way the agency receives and acts on applications, determines eligibility for a payment, obtains information concerning problems, the need for service, and the services given.

1436.15 USE OF CASE RECORDS

REV:10/2008

The agency uses four separate case records for each case in its RI Works Program. Data concerning decisions on eligibility and payments are recorded in the INRHODES electronic record maintained by the eligibility technician.

Application forms, documentation, monthly report forms, correspondence, and other papers are filed in the eligibility record. A service paper record maintained by RI Works case workers contains the copy(ies) of the employment plan(s) and other activity scheduling, assessment test results, etc., as appropriate. The INRHODES electronic file also tracks and contains the RI Works employment plan activities, updated assessment information, notices, etc. The Employment Activity Referral

and Response System (EARR) is the intranet communication system by which employment activity providers report attendance, progress, observations and recommendations to the RI Works staff. The EARR maintains (from the date of its implementation, October 1, 2007, forward) an individual history of training and other contracted activities for each participant.

The InRhodes and EARR systems are both electronic records that will provide information critical to the employment planning with the participant at the netWORKri One Stop Center. The DHS staff co-located there will require detailed information to facilitate planning, to be coordinated with their DLT and ORS counterparts.

All case records provide factual information about whether the law and the policies of the agency are being properly and equitably applied. It is part of the agency's record of accountability for the expenditure of public funds.

Records are source documents for case reviews, validation, regular and periodic statistical reports, and research studies. The case records provide a source of non-participant-specific data on program effectiveness, for administrative planning, and for interpretation to the public on how programs are operating.

All case records explicitly contain confidential matter.

It is unlawful for any person to make use of, or cause to be used, any information contained in records for purposes not directly connected with the administration of the RI Works Program, except with the consent of the participant concerned as referenced in RIGL 40-5.2-26.

1436.20 ORGANIZATION OF THE PAPER FILE

REV:10/2008

RI Works paper records must be organized by subject matter in accordance with the categories described below.

Case Chronology
A chronology of case activity is retained in both the INRHODES IV-A Case Log (CLOG) and service case narrative (CNAR).

Vital Statistics
Essential documents such as birth, baptismal, marriage or death certificates, divorce decrees, Social Security cards, I-94s, I-151s, etc. are duplicated whenever possible on 8.5" x 11" paper and retained inside the back cover for the life of the record.

Other Essential Materials
Apart from vital statistics information, any forms and other required materials are ordered beginning at the front of the record as follows:

- DHS-2, Statements of Need packaged as above and retained for the life of the record;
- Documents pertaining to income and resources, including all forms such as DHS-3's, AP-50, AP-91s, AP-150,AP-151, AP-152, VA or RSDI award letters, TPQY cards and replies, etc.;
- Documents pertaining to medical, employment, or scholastic

history, including C-1b, C-1a, and any other form or correspondence falling into one of these categories;

- Child Support documents and other court action and legal documents, including AP-35, AP-121 with Hearing Decision, DHS-25 and any other documents of a legal nature; and
- Miscellaneous items, including any other forms or correspondence not specifically mentioned above nor readily categorized in any of the above areas.

All material contained in a RI Works program record is retained for a period of THREE (3) years PLUS the current year unless otherwise indicated.