

RHODE ISLAND DEPARTMENT OF HUMAN SERVICES

DATE: APRIL 30, 2009

NOTICE OF

PROPOSED ADOPTION OF RULES, REGULATIONS,
POLICIES, PROCEDURES, AND OTHER MATERIALS
RELATING TO THE ADMINISTRATION OF THE FOLLOWING PROGRAM(S):

In accordance with Title 42, Chapter 35, of the General Laws of the State of Rhode Island, notice is hereby given that the Department of Human Services (DHS) proposes to adopt rules, regulations, policies, procedures, and other materials relating to the following programs(s):

FAMILY INDEPENDENCE PROGRAM (FIP) REPEAL

The Family Independence Act (RIGL 40-5.1) was repealed effective July 1, 2008, and was replaced by The Rhode Island Works (RIW) Program (RIGL 40-5.2). Effective July 1, 2009, The Family Independence Program policies in Section 0800, et al, are repealed and replaced by the Rhode Island Works Program policies in Sections 1400, et al.

For all assistance units that were receiving cash assistance on October 1, 2008, without any break in eligibility through June 30, 2009, the RI Works time limits will take effect on July 1, 2009.

A Fiscal Note is available upon request. In the development of the rules and regulations, 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. (Complies with 42-35-3(3).) The health, safety, and welfare of the public preclude any economic impact that may be incurred as a result of these regulations.

Interested persons may inspect said proposed rules, regulations, policies, procedures, summary of policies, and other related materials on the R.I. Secretary of State's website at www.sec.state.ri.us/ProposedRules/ or on the Department of Human Services website at www.dhs.ri.gov, or in the Office of Policy Development, Department of Human Services, Louis Pasteur Building, Bldg. 57, Howard Avenue, Cranston, Rhode Island 02920, between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday.

Interested persons may submit data, views, or written arguments to the Office of Legal Counsel, Department of Human Services, Louis Pasteur Building, Bldg. 57, 600 New London Avenue, Cranston, Rhode Island 02920, within thirty (30) days of the date of this notice.

In accordance with the Rhode Island General Laws 42-35-3, an oral hearing will be granted on these rules if requested by twenty-five (25) persons, or an agency, or by an

association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

SCOPE OF CHANGE

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SUMMARY OF CHANGE

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~~0814~~ ~~SPECIAL PROGRAM REQUIREMENTS~~

~~0814.05~~ ~~MINOR PARENT AND PREGNANT MINOR REQUIREMENTS~~

~~REV:05/1997~~

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~~PL 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and RIGL 40-5.1-8(f)(1), the Family Independence 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.~~

~~0814.05.05~~ ~~Goal~~

~~REV:05/1997~~

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~~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.~~

~~0814.05.10 Eligibility Criterion~~

~~REV:05/1997~~

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o A family consisting of a parent who:~~

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

~~—
o A family consisting of a woman under the age of eighteen
(18) who is at least six (6) months pregnant~~

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

~~—
A relative for purposes of this section is defined in the listing in
Section 086.15.05 of this Manual. Such assistance will be provided to
the parent, legal guardian, or adult relative on behalf of such
individual unless otherwise determined by the agency representative.~~

~~0814.05.15 Exceptions~~

~~REV:05/1997~~

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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 0814.05.20; 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
0814.05.25.~~

~~0814.05.20 Adult-Supervised Living Arrangement~~

~~REV:05/1997~~

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~~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.~~

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

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~~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 0814.05.20.05.~~

~~0814.05.20.05 Routine Adult Supervision~~

~~REV:05/1998~~

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~~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.~~

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

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

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~~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.~~

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

~~If the ASSC 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 0814.10.~~

~~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.~~

0814.05.25 — Approvable Living Arrangements

REV:05/1997

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

- ~~a. Maternity homes;~~
- ~~b. DCYF certified foster homes; and~~
- ~~c. Independent Living with full time adult supervision; and~~
- ~~d. Other DCYF certified arrangements.~~

0814.10 — DOMESTIC VIOLENCE WAIVER PROCESS

REV:05/1998

~~If an applicant/recipient discloses a domestic violence situation at DHS, the agency representative refers the applicant/recipient to the domestic violence advocate who is on call. The domestic violence advocate conducts the Family Violence Option Assessment as soon as is practicable.~~

~~If the applicant/recipient involved is a minor parent/pregnant minor, an immediate report at the time of disclosure must be made to DCYF as specified in Section 0118 as well as referral made to the domestic violence advocate for assessment. If such disclosure is made by a minor parent/pregnant minor to the ASSC 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.~~

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

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~~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 FIP work requirements and forwards the Findings on the Recommended Waivers portion of the Assessment (Form WVR-2) regarding what waivers, if any, the applicant/recipient should be granted to the appropriate FIP eligibility supervisor if it involves residency and/or child support cooperation, as well as a copy to the appropriate FIP service supervisor if it involves FIP work requirements.~~

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

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

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

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~~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.~~

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~~The domestic violence advocate must review the suitability of any or all waivers at the end of the specified waiver period(s), or earlier if the recipient's circumstances change. The maximum time period for the granting of a waiver is six (6) months renewable only with the Regional Manager's consultation and approval. After notification from DHS that the waiver period is about to expire, the Domestic Violence advocate (for teen parents, and/or ASSC representative) completes a Family Violence Option Re-Assessment (Form WVR-2a) of the individual's circumstances and notifies the appropriate FIP 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.~~

~~0814.15~~ ~~ONE-TIME ALTERNATIVE CASH ASSISTANCE (ACA)~~

~~REV:12/2004~~

~~After screening, Intake, assessment, and evaluation, the FIP case worker may offer the family Alternative Cash Assistance (ACA) payment in a lump sum which is equal to a total of up to three (3) times the monthly amount of cash assistance to which the family would otherwise be entitled if:~~

~~* The worker finds that a lump sum payment would enable an adult member of the family to either accept and begin employment within thirty (30) days based upon a verified job offer, or to maintain current employment;~~

~~* The family waives any cash assistance to which it would otherwise be entitled during the six (6) month period beginning with the date of application for payment of the lump sum; and~~

~~* The worker provides the family with a clear and concise description of the waiver which must be signed.~~

~~Each member of a family which receives a lump sum payment under this section shall be deemed for all other purposes to be receiving cash assistance throughout the six (6) month waiver period, provided however, that the requirements for the Financial and Employment Plans, accrual towards the sixty (60) month lifetime time limit, and requirements for cash assistance shall not be applicable to families who receive an alternative (lump sum) payment, and such families shall not be required to assign child and spousal support rights to DHS.~~

~~There shall be a lifetime limit of one (1) lump sum payment per family. No family which has received FIP cash assistance at any time during the twelve (12) month period prior to its application for the ACA shall be eligible for alternative assistance.~~

~~All families participating in the FIP Cash Alternative Program shall be subject to the six (6) month FIP benefit waiver.~~

~~However, the Director of DHS (or designee) may reduce the six (6) month FIP benefit waiver period by up to three (3) months if he or she determines, at his or her sole discretion, that the family will suffer undue and unforeseeable hardship during all or any portion of months 4-6 of the six (6) month waiver period. In making such a determination, the Director, or his or her designee, may require a family to provide to DHS any evidence or documentation of hardship deemed necessary to assess whether the requested reduction in the FIP six (6) month benefit waiver period is warranted.~~

~~0814.15.05~~ ~~Criteria for Alternative Cash Assistance~~

~~REV:12/2004~~

~~The criteria for consideration for receipt of alternative cash assistance in lieu of on-going FIP cash assistance are:~~

~~_____ The family would otherwise be eligible for FIP cash
_____ assistance;~~
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~~_____ The family has not received alternative cash assistance
_____ before;~~
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~~_____ The family has not received FIP cash assistance during
_____ the twelve (12) month period prior to the application
_____ date;~~
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~~_____ An adult member of the family has not voluntarily
_____ terminated employment within sixty (60) days of
_____ application for benefits;~~
-
~~_____ After screening, the applicant is deemed by the FIP
_____ case worker to be a potentially suitable candidate for
_____ alternative cash assistance;~~
-
~~_____ The adult member(s) must complete the employment
_____ assessment; and~~
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~~_____ Barriers to employment are identified and quantified;~~
-
~~_____ A determination through evaluation of the family's
_____ circumstances is made that a one time lump sum payment
_____ would remove the barrier(s) and enable an adult member
_____ of the family to either accept and begin employment
_____ within thirty (30) days based upon a verified job
_____ offer, or to maintain current employment; and~~
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~~_____ The waiver must be explained and signed.~~
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~~The assessment and evaluation is completed with the FIP case worker.~~

0814.15.10 — Evaluation for Suitability for ACA

REV:12/2004

~~_____ If the family is found eligible for FIP and meets the criteria for
_____ Alternative Cash Assistance (ACA), and the applicant is interested and
_____ agrees to be considered for ACA, the case is referred for immediate
_____ assessment and evaluation. The evaluation of suitability for the
_____ payment of ACA begins with the assessment.~~
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~~_____~~

~~_____ The assessment process should reveal any underlying issues, such as
_____ health, which could affect the applicant's retention of employment.
_____ Through an examination of the adult member's education history,
_____ employment history, current skills, and consideration of the likelihood
_____ of the applicant obtaining immediate full time employment (if
_____ unemployed) and the applicant's general prospect for obtaining full-
_____ time employment, the FIP caseworker must consider whether the applicant
_____ is going to keep the job, or if it would be preferable for the family
_____ to receive regular FIP supplemental cash assistance since the offered
_____ wages appear relatively low in view of the size of the applicant's
_____ family, etc. Especially if the adult member is or will be working
_____ thirty (30) hours or more per week, the adult member should be informed
_____ that months in which FIP supplements are made to recipients who are~~

~~employed in excess of thirty (30) hours/week (or thirty five (35) for two parent families) do not count towards the adult member's lifetime time limit.~~

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~~Moreover, the FIP case worker must determine if there is a specific problem preventing or precluding the applicant's employment which s/he has no resources to meet. The FIP case worker explores with the adult member any other potential resource for resolving and realistically removing the one-time need, including but not limited to, the Emergency Housing Assistance Program, utility assistance, ways of budgeting, supplemental FIP payments, as well as the one-time lump sum alternative cash assistance. The assessment and evaluation include a comparison of dollar amounts of the ACA and the total amount of six (6) months of ongoing FIP, and description of waiver, as appropriate. These procedures are followed to ensure that the adult member(s) is provided with the information necessary to make an informed choice.~~

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~~The employment must be verified in the usual manner, with pay stubs for the previous or most representative month. If the adult member has an offer of employment, it must be documented in a letter on the employer's letterhead.~~

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~~Before the FIP case worker can begin the description of the required waiver, s/he must determine that, after a thorough review of the family's circumstances, and based on that review, that the payment will enable the applicant to remain employed and that the applicant's family will likely not be at risk during the six (6) month period of the waiver.~~

~~0814.15.15~~ ~~Some Valid Reasons for ACA~~

~~REV:12/2004~~

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~~The Alternative Cash Assistance payment is authorized to address the immediate needs that create temporary barrier(s) to a family obtaining or retaining employment which the applicant has no resources to meet, but that the lump payment would resolve. Such instances shall include, but are not limited to, payment for:~~

~~-~~

~~Job specific expenses, such as licensing fees, tools of the trade, and uniforms required to obtain a job;~~

~~-~~

~~Shelter related expenses, including rent, mortgage, insurance, utilities;~~

~~-~~

~~Transportation, including vehicle repair, vehicle payment, driver's license fees, gas, and vehicle insurance.~~

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~~Other expenses, as determined appropriate, after consultation with the FIP Supervisor, Chief Supervisor, and/or Regional Manager.~~

~~0814.15.20~~ ~~ACA Waiver Contents~~

~~REV:12/2004~~

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~~The waiver includes the following statements:~~

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~~* A one time lump sum payment of alternative assistance will resolve the family's current situation, which does not require on going assistance, and will meet the family's need for assistance at this time.~~

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~~* The lump sum will help the family obtain or retain employment.~~

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~~* The family accepts the lump sum payment voluntarily to meet its immediate needs instead of receiving on-going cash assistance from the Family Independence Program (FIP).~~

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~~* The family has been informed of and has compared the amount of the regular FIP benefit amount that it could receive AND the amount of the one time Alternative Cash Assistance which it has instead chosen to receive. The waiver form also includes those dollar amounts.~~

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~~* The family waives any cash assistance to which it would otherwise be entitled during the six (6) month period beginning with the date of application.~~

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~~* The family understands that it will receive Medical Assistance and Food Stamps for six (6) months as though it were receiving FIP cash assistance.~~

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~~* The family understands that, if otherwise eligible for Child Care Assistance Program, the family would not be subject to a Child Care co-payment for six (6) months.~~

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~~* The adult member's rights and responsibilities were explained clearly, and the waiver was described in a clear and concise manner during the adult member's interview and that the information presented was understood and all the adult member's questions were answered.~~

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~~The waiver must be signed by the applicant adult member(s) of a family and the FIP case worker.~~

~~**0814.15.20.05 Rescinding of Waiver**~~

~~REV:12/2004~~

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~~When an applicant decides to sign the waiver of on-going FIP cash assistance, she is given a copy of the waiver. In addition, s/he is given another form, "NOTICE OF YOUR RIGHT TO CANCEL THE WAIVER" which states that the applicant has three (3) days in which s/he may rescind the waiver in writing, using the 'Cancel' form or any other writing, and submitting it to the FIP caseworker.~~