

RHODE ISLAND WORKS PROGRAM (RIW)

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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: 9/2010

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 Department 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. See Section 0850.
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: 9/2010

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:

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: (A) 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 (B) 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.

Gross Earnings - 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. (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. Are exiting an institution where he or she temporarily resided a period of ninety (90) days or less. The individual must have been homeless immediately before entering the institution.
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) - a written, individualized plan for employment developed jointly and signed by the applicant and the Department of Human Services 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.
2. Except in the context of rehabilitation employment plans, job search and job readiness activities are limited to five (5) consecutive weeks, unless the unemployment rate of the State is fifty (50) percent higher than national average. At that point an individual may participate up to twelve (12) weeks within the year.
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 Success Program (YS) supportive services.

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 for YS supportive services.
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 YS is done to provide support, but compliance with the YS 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 code.

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.

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: 9/2010

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 salient 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 Options for Working Parents to facilitate obtaining child care. The client must be told that child care must be in place prior to the client's entering work activities which are 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:

- 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 18 or until age 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
- The RI Works Program has immediate work requirements, and these must be explained.

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 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, 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.

The participant shall attend and participate immediately in job search employment services as the first step of the individual employment plan unless temporarily or permanently exempt from this requirement as detailed in Section 1412.05.10 for Single-parent households; and 1412.05.15.15 - 1412.05.20 for Teen/Two-parent households, or, unless prior evaluation points to the intensive work readiness program or to short-term skills training.

A recipient/participant temporarily exempted from the work requirements may choose to forego the exemption and engage in an employment plan activity on a voluntary basis. The voluntary participant is expected to comply with program requirements.

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 still referred to the DLT for intensive employment services and 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 and in applying for SSI, based upon the information provided in the C1(b). The assigned caseworker and the applicant will revise the employment plan (RIW-11), as necessary, to reflect the rehabilitation plan 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:10/2008

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 they 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.

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.

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, other State agency files, such as State Employee 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 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 States)
- 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
- MARC-5 Supplement for Citizenship and Identity
Verification

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 RIW-11 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:10/2008

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).

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:10/2008

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.

Aliens Not Meeting Alienage Requirements

An applicant or participant must be a United States citizen, or must meet the alienage requirements established in Section 402 (b) of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). United States citizen is defined, and alienage requirements are described in detail, in section 1406.30.

Aliens considered ineligible solely because they do not meet alienage requirements are excluded. The income and resources of ineligible alien 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 alien's own needs by subtracting the cash assistance standard for a plan size excluding the alien from the standard for a plan size including the alien.

If the ineligible alien who is a parent has dependents also ineligible solely because they do not meet alienage 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.

Aliens Ineligible Due to Sponsorship

Aliens ineligible solely because of sponsorship by an agency or organization or because of the application of sponsor-to-alien deeming provisions are excluded. Aliens 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 alien parents are not eligible to work and therefore are not required to enter into an employment plan.

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 alien 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), 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 disabled 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: 9/2010

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 client 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: 9/2010

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. A child who is otherwise eligible may receive a payment for the entire month in which his/her eighteenth (18th) birthday occurs.

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 1406.15.20.
 - * 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:10/2008

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

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

When no primary source of verification is available, the agency representative explains to the applicant that 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 notify 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/decreed) 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: 9/2010

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: 9/2010

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: 9/2010

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 through the age of twenty (20) receiving residential services through the Department of Children, Youth and Families can be absent from the home for greater than one hundred-eighty (180) days so long as they maintain reunification as their permanency planning goal.
- 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.

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

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

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: 9/2010

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: 9/2010

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 the 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 alienage requirements established in section 402 (b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). This requirement to comply with PRWORA will remain in effect according to all applicable changes made to the federal law, as that Act may hereafter be amended.

Those who are eligible include:

- U.S. Citizen or National. This is defined in the Immigration and Nationality Act as any person born in any of the fifty (50) states, the District of Columbia, Puerto Rico, Guam, or the United States Virgin Islands. Nationals from American Samoa or Swain's Island are also regarded as U.S. Citizens, as are those person who are naturalized U.S. citizens;
- A qualified non-citizen who entered the U.S. prior to 8/22/96;
- A qualified non-citizen who entered the country on or after 8/22/96 and is exempt from the five (5) year ban; or
- After the five (5) year ban, a qualified non-citizen who entered the U.S. on or after 8/22/96.

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

- Refugees, under section 207 of the Immigration and Nationality Act (INA)
- 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
- Victims of human trafficking in accordance with section 107(b) of the Victims of Trafficking and Violence Protection Act of 2000

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

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

A person who is not a United States citizen and does not meet the alienage requirements established in PRWORA, as amended, is not eligible for cash assistance. Those applicants 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 Woman & Infants Hospital or other acceptable provider; and, She would be eligible for the RI Works program if the child had been born and was living with her in the month of payment.

TABLE A

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

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

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

1406.40.15 Minor Parents

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. Upon verification of birth of a child, one must be obtained.

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

1406.45.05 Inability to Furnish SSN

REV:10/2008

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

Acceptance of Applicant/Recipient

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

1406.50 TIME LIMITS

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 has 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 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: 9/2010

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 must determine 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 or continuing eligibility to be determined. The completed and signed form is retained in the case file.

DHS form RIW-21, Months on Cash Assistance Request, is completed if any cash assistance is reported as received on the RIW-20 form or 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 verifying the number of months of cash assistance received by the family, that information is entered into InRhodes and the response is filed in the case record. The number of months of cash assistance that is counted toward the time limits for the assistance unit is then recalculated. In calculating the months of cash assistance received in other state(s) and/or territories, all benefits received for the adult(s) and children, in which the adult's needs were considered, shall count toward that family's time limits.

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

1406.50.05 Exceptions to Time Limits

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 alienage 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 have submitted an application for or be 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 alienage 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: 9/2010

DHS provides for hardship extensions with a maximum lifetime limit of twelve (12) months. All initial requests for hardship extensions are granted for six (6) months. Additional three (3) month hardships are available with a maximum of two (2) extensions. 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 totaling one year of extensions whether they occur consecutively or cumulatively.

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., alienage 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 alien 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 are 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.

Documentation to support 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 from a community partner and/or family violence advocate who is involved with the individual in support of the extension.
 4. Inability to work because of a critical other condition or circumstance, other than citizenship or alienage status, is documented as deemed appropriate by the supervisor who approves the extension.

1408 COOPERATION REQUIREMENTS

1408.05 ASSIGNMENT OF SUPPORT RIGHTS

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 1408.05.10 for further discussion of cooperation.

1408.05.05 Referral to the Office of Child Support

REV:10/2009

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

1408.05.10 Cooperation in Obtaining Support

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 is defined as, that at the request of DHS or DHS-OCSS, the applicant or recipient must:

- Appear, as necessary, to provide verbal or written information or documentary evidence, , known to possessed by, or reasonably obtainable by her/him.
- Appear as a witness at court or other hearings or proceedings, as necessary.
- Provide information, or attest to the lack of information, under penalty of perjury.
- Forward to the agency any support payments received from the absent parent which are covered by the assignment.

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

1408.05.15 Good Cause for Refusing to Cooperate

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 keep the child or release her or him for adoption and the discussions have not gone on for more than three (3) months; or
- There is anticipated physical harm to the parent without corroborative evidence.

1408.05.15.10 Corroborative Evidence 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 that the individual is being assisted by the agency to resolve the issue of whether to keep the child or release him for adoption, and the discussions have not gone on for more than three (3) months.

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

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

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

1408.05.15 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 1) to cooperate with DHS-OCSS in establishing paternity or in establishing, modifying, or enforcing a support order with respect to a child and 2) the individual does not qualify for good cause results in the imposition of a financial sanction.

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

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

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

1408.05.20 Notifying IV-D of Additional Information

REV:10/2008

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

1408.10 THIRD-PARTY LIABILITY

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: 9/2010

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 immediate case closure.

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

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

See Section 0104 for further information details on SAVE requirements.

1408.25 PURSUIT OF POTENTIAL RESOURCES

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 RI Works or GPA cash assistance;
- All changes in household composition, such as the addition or loss of a household member;
- Changes in residence;
- Acquisition of a licensed vehicle not excluded under Section 1422.10.20; and
- When cash on hand, stocks, bonds, and money in a bank account or savings institution reach or exceed a total of ONE thousand dollars (\$1,000).

Furthermore, families receiving cash assistance as a supplement to earned income must report such earned income in the sixth (6th) month of each certification period.

1410 WORK PROGRAM PROCEDURES

1410.05 ASSESSMENT

REV:10/2008

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

At the beginning of the assessment process, the Information on the Family Violence Option (Form WVR-1a) is given to the applicant along with a brief summary 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, and the InRhodes ASMT function, to collect information about the participant's past educational, training, and employment history as well as the health of the participant and her/his family. These and other factors provide a client profile which the agency representative evaluates and from which s/he can estimate the employment potential of the individual.

This collection of data is appraised to identify the individual's strengths in relation to the individual's readiness for employment. The purpose of the appraisal is firstly to identify if the individual meets any exception to the requirement for referral for Intensive Employment Services, and secondly, to gather preliminary information to relay to the One-Stop team so that the referred individual is not completely unknown to them as they begin work with each client. A more in-depth assessment of the client's skill levels, as well as education and employment history, will be completed by the One-Stop team. It is acknowledged that the assessment is an on-going and developing process.

1410.05.05 Assessment Requirements

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

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

As appropriate, the RI Works case worker discusses the various special requirements for minor parents and pregnant minors, and for all adolescent parents who do not have their high school diploma or its equivalent and who are not attending school, the requirement for participation in an educational program leading to such diploma, as well as other RI Works requirements. The initial assessment interview of pregnant minors and minor teen parents is conducted by the appropriate Adolescent Self-Sufficiency Collaborative.

For all adult parents, the RI Works social caseworker informs them of the work activity requirements as well as the time limits on the receipt of RI Works cash assistance.

The RI Works social case worker reviews the RI Works Program information by outlining the sequence of the eligibility process and other compliance matters, activity requirements, the participant's as well as the Department's responsibilities, and the consequences if the individual fails to comply with program requirements.

The Employment Plan (RIW-11) is developed at the screening appointment, from the data gathered during assessment; the plan outlines a systematic process to be followed by the individual in order to attain a specific employment goal within the shortest time frame that is practicable. The participant shall attend and participate immediately in intensive employment services as the first step in the individual employment plan at the Rhode Island DLT, unless temporarily or permanently exempt from this requirement as detailed in 1402.05.05.

1410.05.10 Assessment Recording

REV: 9/2010

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 at either DLT or at the local DHS office. 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 state government, local government, from the federal government, and from social service agencies.

Sources of income may include: earnings from employment, including self-employment, the earned income tax credit, advance payment of the earned income tax credit, social security, unemployment compensation, temporary disability insurance, supplemental security income assistance, and payment of support obligations by noncustodial parents.

Benefits may include: food 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: 9/2010

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 participant shall attend and participate immediately in intensive employment services as the first step in the individual employment plan, unless temporarily or permanently exempt from this requirement as detailed in Section 1412.05.10 for Single-parent households; and 1412.05.15.15 - 1412.05.20 for Teen/Two-parent households, or, unless prior evaluation points to the intensive work readiness program or short-term skills training.

If the participant at screening reports medical impairment(s), a C1(b) is provided to the participant to be completed by his/her medical professional. The applicant is instructed to return the form within thirty (30) days to the DHS caseworker, DHS local office, or at the One Stop. 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 during the screening process, the caseworker and applicant identify barriers to employment, strategies and dates for resolving the barriers are devised. If medical or other specific information is sought, a release of information form, DHS-25M (for medical information) or DHS-25 (for other information), is signed by the parent authorizing the agency to obtain that information. A referral to the Office of Rehabilitation Services may be made if a significant impairment is presented by the applicant or participant and/or verified on the C1(b).

The participant also must be provided with information regarding the availability of supportive services, such as childcare assistance and/or transportation assistance. The caseworker authorizes the DHS

services needed to participate, provides referral to community agencies that will assist the client, and informs the participant that services must be arranged prior to engagement at the One- Stop for Intensive Employment Services. Further discussion of this requirement was made in 1402.05.05.

The Employment Plan must ultimately take into consideration the physical capacity, skills, education, including the results of the test measuring educational competencies, work experience, health and safety and family responsibilities, and place of residence of the individual; local employment opportunities; child care and supportive services required by and available to the applicant to avail himself or herself of employment opportunities and/or work readiness programs.

The plan outlines a systematic process to be followed by the individual in order to attain a specific employment goal within the shortest practicable timeframe. Applicants and participants of the RI Works Program shall agree to comply with the terms of the individual employment plan, and shall cooperate fully with the steps established in the individual employment plan, including the work requirements, within the time frame agreed upon with the DHS caseworker.

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

The worker records a summary of each contact or interview in the CLOG 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 must be immediately forwarded to appropriate eligibility staff via the Information Transfer (D206) selection in the TOOL function of INRHODES.

Any modification of the Employment Plan (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, and the scheduled days and hours of attendance, and authorization of supportive services. At creation of and modification of the employment plan, a copy of the EASC will be printed by the caseworker and given to the applicant or recipient.

In order for an employment activity to be approved, the total scheduled hours of the component(s) must match required hours as described in Sections 1412.05.05 and 1412.05.15. A reduced hours plan is allowable

if either supported by medical evidence or necessitated by the Fair Labor Standards Act (FLSA) as it applies to unpaid work experience or community service.

The parent is advised of her/his responsibility to report within ten (10) days of any change in the family's circumstances as outlined in Section 1408.30. The family must also report immediately (within five (5) days) when a child leaves the household for any reason. Whenever an employment plan contains an education or training component, the worker must explain to the parent the attendance requirements and the concept of "successful participation". Attendance of all the scheduled hours is required. Successful participation in an education or training activity means that the parent is meeting a consistent standard of progress toward the completion of the education or training activity. This standard must include a quantitative measure of progress such as a grade point average and a qualitative measure such as a reasonable time limit for completion of an education or training program. (See Section 1412.25.05)

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

1412 WORK POLICY AND PROCEDURES

1412.05 PARTICIPATION REQUIREMENTS

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, in DHS-approved work-related activities.

1412.05.05 One Parent Family

REV: 9/2010

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 most parents, the first activity will be intensive employment services at the netWORKri One Stop Career Centers. For teen parents, the first activity must be secondary education or completion of a GED program, if either certificate has not yet been obtained.

Core Activities:

- Unsubsidized employment;
- Subsidized private sector employment;
- Subsidized public sector employment;
- Work experience. A parent participating in a work experience or community service program for the maximum number of hours per week allowable by the Fair Labor Standards Act (FLSA) will be considered to have met their required twenty (20) core hours if actual participation falls short of the required minimum hours per week (RI has a mini-simplified 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 five (5) consecutive weeks.
Multiple periods of job search and job readiness assistance is possible per year, for up to twelve (12) weeks, if RI has an unemployment rate at least fifty percent (50%) greater than the United States federal unemployment rate, if the state meets the definition of a needy state under the contingency fund provisions of federal law;
- Community Service;
- Vocational educational training not to exceed twelve (12)

months. Participation in a two-year degree program, a vocational certificate program, or a BA degree or advanced degree program may count as vocational educational training. Those participants who are in programs longer than twelve (12) months may use this activity as counting toward participation in a non-core job skills training, if they meet the requirement for a different core activity for sufficient hours.

- All supervised homework plus up to one hour of unsupervised homework per each hour of class time may count as meeting part of the total hours required for compliance with the RI Works employment plan. However, total homework time cannot exceed the hours required or advised in writing by the educational program;
- Adult education in an intensive work readiness program 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: 9/2010

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: 9/2010

In families consisting of two-parents, one parent is required and shall be engaged in work activities as defined below, for at least thirty-five (35) hours per week during the month, not fewer than thirty (30) hours per week of which are attributable to one or more of the following listed work activities, provided, however, that s/he shall begin with intensive employment services through the netWORKri One Stop Career Centers as the first step in the individual Employment Plan, unless prior evaluation points to the intensive work readiness program or to short-term skills training. 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 five (5) consecutive weeks. Multiple periods of job search and job readiness assistance is possible per year, for up to twelve (12) weeks, if RI has an unemployment rate at least fifty percent (50%) greater than the United States federal unemployment rate, if the state meets the definition of a needy state under the contingency fund provisions of federal law;
- Community service program;
- Vocational educational training not to exceed twelve (12) months;
- The provision of child care services to a participant individual who is participating in a community service program;
- Adult education in an intensive work readiness program not to exceed six (6) months.

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

Non-Core Activities:

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

Other Required Work Activities:

- Up to ten (10) hours of activities as defined in a DCYF service plan may substitute for meeting an equivalent number of hours toward the thirty-five (35) hour requirement. The DCYF Social Caseworker II provides the actual number of hours of participation per week required in order for the parent to comply with their service plan. The RI Works Social Caseworker then makes these hours part of the total hours required for compliance with the RI Works employment plan.
- Housing search, if the family is homeless (or about to become homeless), may be approved for the second parent in a two-parent family, if the first parent is participating in a core activity at least thirty (30) hours per week. This activity may be approved for the first parent, if the second parent receives SSI/RSDI/SSDI. Housing search is classified as job readiness, which is a core activity.

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

A family with two-parents, whether or not receiving child care, in which one or both parents participate in a work experience or community service program for the maximum number of hours per week allowable by the Fair Labor Standards Act (FLSA) will be considered to have met their required thirty (30) core hours if actual participation falls short of the required minimum hours per week (RI has a mini-simplified 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 disabled or caring for a severely disabled child, then the work-eligible individuals must be participating in work activities for an average of at least fifty-five (55) hours per week to count as a two-parent family engaged in work for the month. At least fifty (50) of

the fifty-five (55) hours per week must come from participation in the activities listed in the Core Activities above. Above fifty (50) hours per week, the three (3) activities listed in Non-Core Activities above may also count as participation.

1412.05.15.05 *Teen Two-Parent Family Requirements*

REV: 9/2010

In a two-parent household in which both parents are under age twenty (20), the DHS social caseworker should assess the educational history of both parents. For either parent who has not completed high school or obtained a GED, as a first activity in the RI Works program the screening social caseworker should approve an employment plan and enter an EASC for that parent (or for both parents if neither have the high school diploma or GED) that shows full time attendance in secondary education (high school) or completion of a GED program as the first activity. After this first activity is completed for either teen parent, referral to the netWORKri One Stop Career Centers should be the next activity scheduled for that parent unless prior evaluation points to the intensive work readiness program or to short-term skills training, 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: 9/2010

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 disabled family member.
- 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: 9/2010

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: 9/2010

RIW recipients are eligible for 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, 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 (but not child care services). Each closure notice contains the effective date of the closure and the participant's appeal rights.

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

1412.25 FAILURE TO COMPLY WITH WORK REQUIREMENTS

REV: 9/2010

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

- Enter into or follow an individual employment plan;
- Attend a required appointment;
- Quit employment; 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 or 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 IVA of the federal Social Security

Act, 42 USC 601 et seq.), the Family Independence Program, more specifically, subdivision 40-5.1-9(2)(c), due to failure to comply with the cash assistance program requirements, but who had received less than forty-eight (48) months of cash assistance at the time of closure, and who reapply for cash assistance under the RI Works Program, must demonstrate full compliance, as defined by the Department in its rules and regulations, before they shall be eligible for cash assistance.

1412.25.05 Good Cause for Failure to Comply

REV: 9/2010

Good Cause for failing to meet any program requirements including leaving employment, failure to fulfill documentation requirements, or for any refusal to participate requires documentation of the circumstance.

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

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

Documentation of good cause must be included in either the Department's or a subcontractor's case file. The case log (CLOG) must include the reasoning used by the supervisor in the determination of good cause in the limited circumstances when documentation can not be secured, e.g., very short-term illness not requiring a doctor's visit.

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

- Child care is necessary for the parent(s) to participate in employment plan activity and the agency representative determines that such child care is unavailable. If child care is not available for the client to engage in the Intensive Employment Services with the One-Stop team, at the outset, the client may be granted one additional week to secure child care prior to engaging in services at the One-Stop, provided the client has demonstrated the inability to secure child care to the assigned social caseworker. On the other hand, when a participant refuses without good cause to accept suitable child care, precluding participation in the activity, there is a de facto refusal to comply;
- Acceptance of a bona fide offer of employment of more than twenty (20) hours a week or in which the weekly earnings are equivalent to the 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:10/2008

FIRST THREE (3) MONTHS OF NONCOMPLIANCE

The amount of cash assistance to which an otherwise eligible recipient family is entitled shall be reduced by the portion of the family's benefit attributable to any parent who, without good cause, has failed to enter into an individual employment plan or has failed to comply with his or her individual employment plan, as required under Sections 1412.05.05 and 1412.05.15 or other program requirements; provided that the reduction shall be applied during the first three (3) months, whether or not consecutive, of such failure or non-compliance by the parent.

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

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

IN EXCESS OF THREE (3) MONTHS OF NONCOMPLIANCE

The Department shall terminate cash assistance to a family if any parent in the family has failed, without good cause, to enter into an individual employment plan, or to comply with his or her individual employment plan and has been penalized for three (3) months, whether or not consecutive.

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

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

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

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

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

HARDSHIP

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

1412.35 FAIR HEARING REQUESTS

REV: 9/2010

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

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

Individuals in hardship extension whose cases are closed following non-compliance with the employment plan without good cause may also request a fair hearing.

1412.40 ENDING WORK PENALTIES

REV:10/2008

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

- Refusal to report to an employer when referred by the agency representative -- reporting to this employer if work is still available or to another employer to whom the parent is referred during a job search;
- Refusal to accept a bona fide offer of employment when referred by the agency representative -- acceptance of this employment, if still available to the individual, of any other employment with earnings equivalent to the refused job, or any other employment of at least thirty (30) hours per week, with weekly earnings equal to the higher of the state or Federal minimum wage multiplied by thirty (30) hours;
- Refusal to comply with a RI Works Employment Plan or other program requirement -- compliance with the activity, assignment or an alternate assignment by the agency representative. In order to demonstrate that her/his failure to comply has ceased, an individual must participate in the previously assigned activity or an alternate assignment by the agency representative for two (2) consecutive weeks (and continue to participate thereafter). If the individual successfully participates during that probationary time period, the sanction will be considered to have ended as of the day s/he began to participate 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 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

1. 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
2. A family consisting of a woman under the age of eighteen (18) who is at least six (6) months pregnant

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

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

1414.05.15 Exceptions

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 1414.05.25.

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 Success Program (YS), which is provided to DHS staff and is filed in the minor parent's service record. Should the minor parent move after assessment is completed by the YS, another referral for another home study must be made.

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

Such arrangement must require the minor parent:

- To enroll and make satisfactory progress in a program leading to a high school diploma or a general education development certificate; and
- To participate in an adolescent parenting program as established in RIGL 40-19; and
- To undergo routine adult supervision as defined in 1414.05.20.05.

1414.05.20.05 Routine Adult Supervision

REV: 04/2010

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

- Adequate and nutritional food;
- Shelter that is safe, clean, and provides adequate comfort and privacy;
- Preventive and primary health care for both the parent and the child; and
- A safe home environment and positive relationships

between and among household members.

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

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

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

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

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

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

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

1414.05.25 Approvable Living Arrangements

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 at to DHS staff (as defined in Section 1406.40.20.05), the agency representative refers the applicant/recipient to the domestic violence advocate who is on-call. The domestic violence advocate conducts the Family Violence Option Assessment as soon as is practicable..

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

If the applicant/recipient refuses referral to the domestic violence advocate, eligibility for 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 YS representative, as appropriate) with those waivers recommended and approved.

From the Family Violence Option Assessment, the domestic violence advocate determines any findings on waivers: whether the individual should be waived from the residency requirements, and/or child support cooperation requirements, and/or RI Works work requirements and forwards the Findings on the Recommended Waivers portion of the Assessment (Form WVR-2) regarding what waivers, if any, the applicant/recipient should be granted to the appropriate 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 effects the waiver(s) as appropriate and notifies the applicant/recipient.

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

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

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

The domestic violence advocate must review the suitability of any or all waivers at the end of the specified waiver period(s), or earlier if the recipient's circumstances change. The maximum time period for the granting of a waiver is six (6) months renewable only with the Regional Manager's consultation and approval. After notification from DHS that the waiver period is about to expire, the Domestic Violence advocate (for teen parents, and/or YS 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.

1414.15 SECTION RESERVED FOR FUTURE USE

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: 9/2010

Intensive employment services are delivered in partnership with the Department of Labor and Training, primarily at their netWORKri One Stop Center locations but at additional sites, as needed. Consisting primarily of job search, intensive employment services are also distinguished by educational and vocational assessment and testing, guidance on employer expectations, resume writing, development of interviewing skills, job retention and career counseling, job development and related activities.

Individuals in 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 five (5) 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 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.

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:10/2008

There are three distinct types of Job Readiness activities.

Regardless of the type, the services are available through a number of state and community service agencies to which applicants and participants may be referred.

Job Readiness within the Context of Another Work Activity

The most frequently occurring type of job readiness is that which is incidental to and provided in the context of another employment-related service, such as job search.

This type of job readiness is focused on helping a participant learn about the work world, practice for it, and become ready to secure and retain employment. Many job search and vocational education providers incorporate some degree of job readiness instruction in their

classrooms or workshops. In such contexts, job readiness is not a stand-alone activity or listed on the parent's employment plan.

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

Job Readiness as Housing Search

Individuals who are identified as homeless, or about to become homeless, as defined 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.

Some shelters may enter into formal agreements with DHS to provide an array of job readiness services for DHS clients.

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

Job Readiness within a Rehabilitation Employment Plan

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

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

1416.30 WORK EXPERIENCE

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, he/she continues to receive cash benefits and supportive services.

Participants in WEXP may work in either for-profit or not-for-profit sites, but they are not paid by those entities.

Still, it must be assumed they meet the broad definition of an "employee" under the Fair Labor Standards Act, and therefore, an individual cannot participate for more hours in a month than are derived by adding the family's monthly cash benefits to the monthly 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 under the TANF Emergency Contingency Fund 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 is administered through a collaboration among the Departments of Human Services, Labor and Training, Administration and the local Workforce Boards, and the program is accessed online.

Subsidized employment may also be funded by the TANF block grant beyond the period of the TANF Emergency Contingency fund.

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: 9/2010

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