

**RENEWAL OF STATE PLAN  
FOR**

**TEMPORARY ASSISTANCE FOR NEEDY FAMILIES  
(TANF)**

**TITLE IV-A OF THE SOCIAL SECURITY ACT**

**State of Rhode Island  
Department of Human Services**

**Effective October 1, 2005**

## **RHODE ISLAND STATE PLAN**

### **BLOCK GRANT FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) 42 U.S.C. SEC. 402**

#### **1. OUTLINE OF FAMILY ASSISTANCE PROGRAM**

##### **(A) General Provisions.**

*(i) Conduct a program, designed to serve all political subdivisions in the State (not necessarily in a uniform manner), that provides assistance to needy families with (or expecting) children and provides parents with the job preparation, work, and support services to enable them to leave the program and become self-sufficient.*

The Rhode Island Department of Human Services (DHS) is the state agency responsible for administration of the federal Temporary Assistance to Needy Families (TANF) Block Grant. DHS is also responsible for administration and implementation of the Rhode Island Family Independence Act (FIA) of 1996. Together, these federal and state programs provide essential services to low-income families throughout the state to assist them in meeting their basic family needs and provides parents with a range of work supports to help them prepare for and enter employment, as appropriate.

This State Plan has therefore integrated both the goals and objectives of the Family Independence Program (FIP) with the four major purposes of TANF, which are to:

- Provide assistance to needy families so that a child may be cared for in his or her own home or in the home of a relative
- End dependence of needy families by promoting job preparation, work, and marriage
- Prevent and reduce out of wedlock pregnancies, and
- Encourage the formation and maintenance of two-parent families

**Family Independence Program Goal:**

The overall goal of Rhode Island's Family Independence Program (FIP) is to support children and families and to assist parents toward employment. The following are the key provisions and expectations of the Family Independence Program:

### **Eligibility for FIP**

An eligible family must meet age, relationship, citizenship/alienage, residency, and cooperation requirements, as well as remain within the income and resource limits of the program. As long as two (2) parent families meet income and resource limits of the program and are otherwise eligible, they qualify for cash assistance, child care, and health care coverage.

Eligibility is limited to families whose available resources (reduced by any obligations or debts with respect to such resources) total less than one thousand dollars (\$1,000). The State has chosen to not count one (1) vehicle for each adult household member, but not to exceed two (2) vehicles per household. Eligibility is denied or terminated if the value of non-exempt resources exceeds the one thousand dollars limit.

To determine eligibility for cash assistance, the total of a family's countable earned income (after disregards) and unearned income is compared with the appropriate assistance payment standard for the unit. The payment standard is equal to the sum of the following:

- For the first person: three hundred twenty-seven dollars (\$327) {two hundred seventy-seven dollars (\$277) for a family residing in subsidized housing}
- For the second person: one hundred twenty-two dollars (\$122)
- For the third person: one hundred five dollars (\$105) AND
- For each additional person: eighty dollars (\$80) for each additional person.

Cooperation with the child support enforcement agency is required as a condition of eligibility for cash assistance.

To continue to be counted as a family member, a child is allowed temporary absences from the home for no more than ninety (90) days per episode, with a second ninety (90) day renewal authorized only through supervisory approval. The program requires minor parents to live with a parent, relative, or in a supervised setting and remain in school, unless otherwise authorized by the Department for specific good cause reasons and the minor resides in an approved supervised supportive living arrangement (See (A)(v) below).

### **Time Limits**

Rhode Island starts the TANF sixty (60) month time limit beginning with the initial month a family is accepted onto the cash assistance. There is a separate time clock for the purpose of counting the FIP five (5) year time limit. In accord with FIA, The Family Independence Program (FIP) limits cash assistance for adults to five (5) years<sup>1</sup> beginning with the date of the completion of the individual's Employment Plan, with the exception of those who are 1) exempt from work requirements as outlined below, 2) waived under the Domestic Violence Waiver process, 3) working thirty (30) or more hours per week in a single parent family during a month, or an average of thirty-five (35) hours per week for a parent in a two parent family during a month, or 4) granted temporary extension(s) of the time limit due to hardship if they meet certain criteria.

For TANF program purposes, the following categories will be included in the federally funded twenty percent (20%) hardship exceptions<sup>2</sup>.

- 1) Those exempt from the work requirements for any month in which they are:
  - a. Over age 59;
  - b. Incapacitated;
  - c. Caring for an incapacitated spouse or child; or
  - d. Temporarily ill.
- 2) Waived under the Domestic Violence Waiver process.
- 3) Granted temporary extension (s) of the time limit due to hardship if they meet certain criteria as follows:

For FIP recipients:

- A parent with an approved Employment Plan who is working less than thirty (30) hours per week because of a documented physical or mental incapacity; or
- A parent with an approved Employment Plan who both attends an approved education activity AND has an approved employment activity working more than twenty (20) hours but less than thirty (30) hours per week; or
- A parent with an approved Employment Plan who lacks ESL or literacy skills AND is unable to get a job AND is successfully attending a course full-time to obtain those skills, may be allowed to finish the course in order to get a job; or

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<sup>1</sup>R. I. recognizes that the time limit requirements in FIA and PRWORA are not consistent.

<sup>2</sup>As stated above in Maintenance of Effort (MOE) Funded Services, those parents who are working an average of thirty (30) or more hours per week during a month in a single parent family, or thirty-five (35) hours per week during a month for those in a two parent family, are assigned to a segregated state program.

- A parent with an approved Employment Plan who is unable to participate in her or his plan because of homelessness; or
- A parent with an approved Employment Plan who is temporarily unable to participate in her or his plan because of lack of child care.

For former recipients who have reached their FIP lifetime time limit and who reapply:

- The parent is a victim of domestic violence who qualifies for a waiver of the work requirements; or
  - The parent is unable to work due to a disability; or
  - The parent is unable to work due to homelessness.
- 4) Family Independence Program (FIP) recipients who have received TANF funding for sixty (60) months, but have not utilized sixty (60) months of FIP cash assistance from the date of the completion of their Employment Plan.

*(ii) Require a parent or caretaker<sup>3</sup> receiving assistance under the program to engage in work (as defined by the State) once the state determines the parent or caretaker is ready to engage in work, or once the parent or caretaker has received assistance under the program for 24 months (whether or not consecutive), whichever is earlier.*

## **Work Requirement**

Within forty-five (45) days of qualifying for cash assistance, new applicants who are not exempt from this requirement will begin working and/or participating in a work readiness program. The Department will develop an individual employment plan as described above. For single parent families, after the first twenty-four (24) months of the employment plan, recipients will be required to work at least twenty (20) hours per week if the youngest child in the household is under 6 years of age, and 30 hours per week if the youngest child in the household is six years of age or older, in either paid or unpaid employment, in order to continue to receive the appropriate amount of benefits, unless deferred due to participation in a qualified educational program.

## **Family Needs and Employment Assessment and the Development of Family Independence Program Employment Plan**

A full family needs assessment is conducted for all FIP parents, as well as an education and employment assessment. Based on these findings, FIP offers appropriate pre-employment services including literacy, adult basic education, General Equivalency Diploma (GED), English as a Second Language (ESL), and vocational post-secondary educational opportunities during the first twenty-four (24) months of FIP. Additionally, rapid job entry/work readiness,

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<sup>3</sup>We recognize that the work requirements under the Family Independence Act exempting caretakers and the PRWORA work requirements for caretakers are not consistent. State funding will be used to provide benefits to categories of beneficiaries not eligible for TANF federal funds.

placement and retention services are offered to FIP parents to assist them to reach self-sufficiency for themselves and their children.

There are two (2) parts to the initial Family Independence Program (FIP) assessment process.

1. A comprehensive Family Needs Assessment is completed for all FIP applicants/recipients. Once the family's needs are identified, appropriate linkages to resources are made within DHS and/or with other human service agencies throughout the state.
2. An Education, Training and Employment Assessment must also be conducted with each FIP parent.

Based upon the information captured through the assessment, a FIP Employment Plan is prepared and completed between the FIP social caseworker and the individual which reflects a specific employment goal(s) and approvable work activity (ies). This may include self-initiated plans in those cases where the individual has already formulated an approvable employment plan. The Plan must outline specific steps s/he will take in order to carry out the Plan.

For two (2) parent families, an employment and education history is recorded for each parent as above; a Family Independence Program Plan, which is comprised of a Family Services and Support Plan and a FIP Employment Plan, is then developed and completed with a referral to Job Search in the Rapid Job Entry (RJEP) program. Individuals who are already working thirty-five (35) hours per week are excused from this requirement.

The FIP date, which begins the Five (5) Year Time Limit, is the date the employment plan is completed. In a two (2) parent family in which one (1) parent is participating at least thirty-five (35) hours per week in FIP Plan work activities, the other, second, parent must also have an assessment completed and may elect to have an employment plan completed as well. For a second parent with a Plan, the FIP date is the date the Employment Plan is completed. However, when the second parent chooses not to have an Employment Plan, there is still a FIP start date entered. This date is the date her/his assessment is completed.

The FIP Employment Plan contains the employment goal of the applicant/recipient and takes into consideration:

- (1) individual's abilities and skills, education, work experience, health and safety factors, family responsibilities, and geographical area in which the individual resides;
- (2) local employment opportunities; and
- (3) child care and supportive services needs of the applicant/recipient which s/he may require in order to participate in employment opportunities and/or work readiness programs. The Plan shall include a strategy for job preparation, job search, and job retention consistent, to the extent practical, with the individual's employment goal.

## Work Activities Defined<sup>4</sup>

During the first twenty-four (24) months of the employment plan, recipients shall fulfill the work requirements with participation in one or more of the following:

- Paid employment, (including on-the-job training);
  - Community work experience;
  - A training or work readiness program approved by the department and conducted at a job site if the program involves supervised participation in work at the site;
  - During the first six (6) months of eligibility (or for a longer period if the department determines it necessary to prepare the parent to obtain stable full-time employment), successful participation in an approved work readiness program;
  - During the first three (3) months of eligibility (or for a longer period if the department determines it necessary to prepare the parent to obtain stable full-time employment), participation in an approved rapid job placement program;
  - A supervised individual job search;
  - For a parent under the age of twenty (20) without a high school diploma or the equivalent, successful participation on a full-time basis in a program to secure such diploma or the equivalent;
  - For a parent age twenty (20) or older, without basic literacy or English literacy skills, successful participation on a full time basis in a program to secure such skills; and
  - For a parent age twenty (20) or older, under the age of twenty (20) with a high school degree or the equivalent, or under the age of twenty (20) for whom attendance at a high school is determined to be inappropriate, successful participation in a vocational education, skills or job training program, including without limitation, a program of postsecondary education the department has determined is likely to result in regular full-time employment at wages sufficient to eliminate eligibility for cash assistance.
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- Up to 10 (ten) hours of a parent's required DCYF Service Plan

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<sup>4</sup>We recognize that Rhode Island's State Plan allows a broader range of activities than can be counted under PRWORA.

activities can be counted toward meeting either the 20 (twenty) hour requirement for parents with a child under age 6 (six), or 30 (thirty) hour requirement for parents if the youngest child is age 6 (six) or older.

NOTE: This policy provision will sunset on December 31, 2007.

- Up to 10 (ten) hours of a parent's required DCYF Service Plan activities can be counted toward meeting the 35 (thirty-five) hour requirement.  
NOTE: This policy provision will sunset on December 31, 2007.

Beginning with the twenty-fifth (25th) month of the Employment Plan (unless they are deferred as outlined below), recipients participate in one or more of the following work activities:

1. Paid employment (including on-the-job training);
2. Community work experience program; or
3. Department-approved training program conducted at a job site which includes supervised participation in work at the site.

#### **Deferments from the twenty-fifth (25th) month of the Employment Plan**

The following parents shall be deferred from the work requirements above (beginning with the twenty-fifth (25th) month of the Employment Plan):

- A parent under the age of twenty (20) without a high school diploma or its equivalent who is in school or an educational program full time to obtain the secondary credential;
- A single parent twenty (20) years of age or older who is without basic literacy or English skills and is successfully participating in a full time education program to obtain these skills; this deferment is for the first twenty-four (24) months of the Employment Plan or longer if employment cannot be obtained without improvement in these skills;
- A parent age twenty (20) or older participating in a vocational education, skills or job training, including postsecondary education, provided that the program was begun prior to the twenty fifth month of the Employment Plan and will not be deemed a work activity beyond the thirty-sixth month of the Employment Plan

Under FIA, significant reforms to the former cash assistance program were implemented. The result was the establishment of the Family Independence Program (FIP) which is described herein.

A major aspect of FIP includes a significant and ongoing role for public involvement in the implementation of the program. Since its original implementation on May 1, 1997, a broad

range of advocates, community-based organizations, parent advisors, and service providers have joined together to form the Welfare Reform Implementation Task Force (WRITF). This task force of approximately forty-five (45) active members initially met weekly for the first year of the Program and now continues to meet at least monthly with DHS staff to actively assist in both policy and program development. The WRITF has assisted in each facet of program design and assured that the needs of families remained central to the way services were designed and delivered.

Considering the magnitude of change required to implement the welfare reform legislation, joint efforts between the Department and the Welfare Reform Implementation Task Force have been carried out through special committee and/or a work group structure where internal and external expertise have been brought to bear on the FIP program's policies and service delivery, which has thus far included the following areas:

- Family Assessment and Employment Planning Committee;
- Teen Parent Committee;
- Domestic Violence Committee;
- Education and Training Committee;
- Learning Disabilities Sub-Committee;
- Housing Committee;
- Staff Development and Training Committee;
- Substance Abuse/Mental Health Committee;
- Communication and Problem-solving workgroup;
- Sanction Analysis workgroup; and
- FIP Evaluation Committee.

A Child Care Committee had originally been initiated, but was later merged with the Child Care Public Policy Coalition. In 2001, the Child Care Assistance Advisory Committee to the Child Care Assistance Program was newly formed and serves as the formal advisory group to the Department on all child care programs, issues, and services offered through DHS.

Through this combination of community input, and in accord with the mandates of FIA, Rhode Island FIP provides a comprehensive family support program which takes into consideration and addresses the entire scope of family needs to ensure that each family is appropriately served and supported.

In preparation for submission of this TANF State Plan Renewal for the State of Rhode Island, a copy of the Public Notice which was published in the Providence Journal on November 30, 2005 was distributed to all members of the Welfare Reform Implementation Task Force at its December 2, 2005 meeting announcing the fact that there would be a Public Hearing held December 8, 2005, 1:00 p.m. to 3:00 p.m. in order for public comment to be received about the changes to R.I.'s TANF State Plan. In addition to distributing a copy of the public notice, members were provided with an oral explanation of the changes to the Plan and it was explained that since this Plan was last renewed in December 2002, R. I. has had a number of Plan Amendments submitted during 2003 and 2004, and all interim amendments had been the subject of previous public hearings in each of those program years prior to submission to Administration for Children and Families (ACF). It was made clear that along with the proposed changes to the

TANF State Plan, those sections previously submitted and approved, are also incorporated into this renewal document.

Members were encouraged to review the draft plan which was sent through e-mail to each member of the Task Force in advance of the December 8, 2005 hearing, and to provide comments to the Department in writing or orally at the Public Hearing or through submission to DHS within 45 days.

The Department will continue to work closely with the community to ensure continuous improvement in our progress toward helping families out of poverty. This Plan considered any public comments received to date, and as in the past, any recommendations received after submission of this Plan will be considered and, as appropriate, future amendments to the TANF State Plan will be submitted if warranted.

These recommendations will be shared with the R. I. General Assembly as part of the Department's eighth Annual Report on the status of the Family Independence Program.

## **Maintenance of Effort (MOE) Funded Services**

In accordance with the Final TANF rule, the R. I. Department of Human Services expends a portion of its MOE funds on cash assistance for all FIP-eligible families, and in addition, has elected to implement Separate State Programs for two (2) parent families (see below in Section (A)(iii), certain legal non-citizens arriving before August 22, 1996 (see Section (B)(ii)), and other individuals prohibited from receiving TANF funds<sup>5</sup>. Moreover, Separate State Programs have been established for minor teen heads of households who are payees (see (A)(I) under Eligibility), and caretaker relatives who are FIP recipients. In addition, the State has elected to implement a Segregated State Program for beneficiaries working thirty (30) or more hours per week per month; these individual's time limit 'clocks' are stopped as long they meet certain conditions related to employment ((A)(I) below under Time Limits.)

Other MOE-funded services for low income needy families include, but are not limited to: emergency assistance, child care assistance in accordance with Part 263.3 of the Final TANF Regulations, child support pass-through payments, education activities, non-medical treatment services for alcohol and drug recovery services, administrative costs for technology, work supplementation, training and education certification program, supportive services, the emergency housing assistance program, and non-assistance payments, as hereinafter defined. Child care assistance is provided to otherwise eligible families whose income meets the criteria outlined in Section 3.3, Eligibility Criteria for Child Care of Rhode Island's Child Care and Development Fund (CCDF) State Plan.

A system for tracking and managing funding streams, beneficiary education, training, and work activities, as well as data reporting has been established to meet requirements outlined in Part 265 of the Final TANF Regulations.

## **Non-Assistance**

**The Rhode Island State Plan also provides for the following types of non-assistance payments and/or services:**

### **1) FIP Alternative Cash Assistance Program**

Rhode Island's FIP alternative cash assistance program became effective October 2004. This program provides qualifying applicants with up to three (3) times the amount the family would receive each month under the Family Independence Program (FIP). Applicants are screened to determine if accepting a one-time lump sum payment can address the issue that compelled them to apply for assistance. Applicants must be determined to be otherwise eligible for FIP, meet the alternative cash program criteria, and have short-term needs that, if provided, will prevent the need for ongoing cash assistance.

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<sup>5</sup>State funding will be used to provide benefits to categories of beneficiaries not eligible for TANF federal funds.

To meet the FIP alternative cash program (ACA) requirements, the agency must determine that a lump sum payment would enable an adult to either accept and begin employment based upon a verifiable job offer, or to maintain current employment, provided that the adult member of the family has not voluntarily terminated employment within sixty (60) days prior to the date of application, and that the family has not received FIP cash assistance during the twelve (12) month period prior to the date of application. Moreover, the family must waive any cash assistance to which it would otherwise be entitled during the six (6) month period beginning with the date of application for payment of the lump sum. There is a lifetime limit of one (1) ACA payment per family.

After eligibility is determined, applicants have three (3) days to cancel their waiver and accept regular FIP cash assistance.

## **2) State Earned Income Tax Credit**

The Rhode Island State Earned Income Tax Credit (SEITC) has both a non-refundable as well as a refundable tax credit which is based upon a percentage of the federal earned income tax credit.

Rhode Island will treat as non-assistance, only the refundable portion of the SEITC payments to low income working families who have at least one dependent child in their family

## **3) Disaster Relief**

The State of Rhode Island provides short-term non-recurring benefits to victims who have been affected by Hurricane Katrina and/or Hurricane Rita and other officially declared disasters from time to time.

*(iii) Ensure that parents and caretakers receiving assistance under the program engage in work activities in accordance with section 407<sup>6</sup>.*

The Family Independence Program requires the following:

### **Work Participation Requirements**

Single parent recipients must 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 work activities (as listed above in (ii) Work Activities Defined), as appropriate, in order to help the parent obtain stable full-time paid employment.

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<sup>6</sup>We recognize that this portion of the Family Independence Act requirement is not consistent with PRWORA.

In the case of a family consisting of two (2) parents, except for those which contain a disabled parent, beginning seven (7) days following completion of the FIP Employment Plan(s), or as soon as practicable thereafter, one (1) parent shall be engaged in work activities 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 activities:

- Unsubsidized employment;
- Subsidized private sector employment;
- Subsidized public sector employment;
- Work experience if sufficient private sector employment is not available;
- On-the-job training;
- Job search and job readiness assistance;
- Community service program;
- Vocational educational training (not to exceed twelve (12) months) for any individual; or
- The provision of child care services to an individual who is participating in a community service program.

In a two-parent family in which one (1) parent is participating at least thirty-five (35) hours per week in the work activities specified above, the other, second, parent must also participate in and have an assessment completed. The second parent may elect to have an Employment Plan completed. That second parent's "FIP clock" or the tally of receipt of cash assistance toward the FIP time limit is deemed to have begun when the Employment Plan is completed. If the second parent has chosen not to have an Employment Plan, the time clock starts the date the assessment is completed.

Moreover, in a two-parent family in which one parent is engaged for at least thirty-five (35) hours per week in the work activities listed above, if the family requests child care, and an adult is not disabled or caring for a severely disabled child, and the second parent elects to complete an Employment Plan, s/he must participate in work activities during the month for at least twenty (20) hours per week in one or more of the following activities:

- Unsubsidized employment;
- Subsidized private sector employment;
- Subsidized public sector employment;
- Work experience if sufficient private sector employment is not available;

- On-the-job training; or
- Community service program.

So long as child care assistance is not requested and one parent meets the thirty-five (35) hour work requirement, the second parent may participate in any education/training activity. However, if child care assistance is requested, the second parent must participate a minimum of twenty (20) hours per week as specified above.

DHS will continue the separate state program established effective October, 1998 for those two (2) parent families who do not meet and therefore are not countable according to the federal work participation rate requirements. These families will remain subject to all the applicable programmatic provisions of the Family Independence Act, as amended, including stringent work requirements consistent with TANF rules, but will not be funded in whole or in part with federal TANF dollars.

### **Non-Compliance with Work Requirements**

During the first twenty-four (24) months of noncompliance with work requirements, the amount of cash assistance to which an otherwise eligible 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; provided that the reduction shall be applied during the first eighteen (18) 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).

After eighteen (18) 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 eighteen (18) 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.

If the family's benefit has been reduced for less than eighteen (18) months, whether or not consecutive, due to the parent's failure to enter into an individual employment plan or failure to comply with the terms of his or her individual employment plan, 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.

If the family's benefit has been terminated 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 and has been penalized for eighteen (18) months, 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. I.e., the parent must sign a new FIP Employment Plan, demonstrate compliance with the Plan for at least two (2) weeks, and continue to participate, for the penalty to be considered cured and the case accepted beginning with the first of the month following the month that she or he began to comply.

### **Exemptions from Work Requirements**

The following single parents shall be exempted from the work requirements:

A parent may qualify for a waiver from the work requirements due to domestic violence. In addition, the work requirements shall not apply to a single parent if (and for so long as) the Department finds that he or she is:

- Unable to comply with the Employment Plan because of an illness which, on the basis of medical evidence, is serious enough to temporarily prevent work;
- Unable to comply with the Employment Plan because of a physical or mental impairment which, on the basis of medical evidence, either by itself or in conjunction with age, prevents work;
- Unable to comply with the Employment Plan because s/he is providing full-time in-home care 1) to a minor child, who, due to illness or incapacity, requires full-time in-home care, or 2) to a mentally or physically incapacitated family member (e.g., a child's grandparent, aunt, uncle, or other relative) who lives in the home, who, due to illness or incapacity, requires such full-time in-home care;
- Caring for a child below the age of one (1) year, provided however, that a minor parent without a high school diploma or the equivalent and who is not married, shall not be exempt from the education participation for more than twelve (12) weeks from the birth of the child;
- Sixty (60) years of age or older;
- A pregnant woman in her third trimester; or
- Otherwise authorized by the Department for good cause.

The two-parent family work requirements shall not apply:

- To a parent who is ill and the agency representative determines on the basis of medical evidence that the illness is serious enough to temporarily prevent entry into employment or engaging in the employment/training activities or to provide care for her/his children; or
- To a parent who is incapacitated by a physical or mental impairment which the agency representative has determined on the basis of medical evidence either by itself or in conjunction with age, prevents the individual from engaging in employment or training or providing care for his or her children; or
- To a parent who is providing full-time in-home care 1) to a minor child or to the other parent in the home, who, due to illness or incapacity, requires full-time in-home care, or 2) to a mentally or physically incapacitated family member (e.g., a child's grandparent, aunt, uncle, or other relative) who lives in the home, who, due to illness or incapacity, requires such full-time in-home care; or
- If otherwise authorized by the Department for good cause.

***(iv) Take reasonable steps as the State deems necessary to restrict the use and disclosure of information about individuals and families receiving assistance under the program attributable to funds provided by the Federal Government.***

In accordance with the General Laws of Rhode Island 40-6-12 all records pertaining to the administration of public assistance are declared to constitute confidential matter. It is unlawful for any person to make use of, or cause to be used, any information contained in these records for purposes not directly connected with program administration, except with the consent of the individual concerned. Any person violating any provisions of this state law, or the lawful rules and regulations made there under will be deemed guilty of a misdemeanor, and fined not less than two hundred dollars (\$200) or will be imprisoned for not more than six (6) months or both.

***(v) Establish goals and take action to prevent and reduce the incidence of out-of-wedlock pregnancies, with special emphasis on teenage pregnancies and establish numerical goals for reducing the illegitimacy ratio of the State (as defined in section 403(a)(2)(B) for calendar years 1996 through 2005.***

### **Rhode Island's Comprehensive Statewide Teen Pregnancy Prevention Plan**

In accordance with the requirements of State PL 97, Chapter 176, DHS has had an active role in a formal partnership called the Rhode Island Teen Pregnancy Prevention Partnership with the Department of Health, Department of Education, and the Department for Children, Youth and Families in order to address the complex issues of teen-age pregnancy and to develop Rhode Island's Comprehensive Statewide Teen Pregnancy Prevention Plan. The Plan, which was completed in June, 1999 and revised in 2004 as an interim summary report is based on research findings, results of community forums, and professional expertise in teenage pregnancy

prevention. The Plan was originally circulated amongst members of the newly formed R. I. Teen Pregnancy Prevention Coalition as well as throughout participating human service agencies, Governor's Office, the General Assembly, and the RI Children's Cabinet.

The updated Prevention Plan continues with its original nine (9) recommendations along with progress achieved to date and updated strategies to successfully implement the recommendations. Data reflects that the state exceeded its initial numerical goals\* and as a result, has revised the numeric goals for calendar years 2004 and 2005 based on actual versus projected data between 1999 and 2003. The results of efforts to reduce statewide the pregnancy rate per one thousand (1,000) girls, 15-17 years old are as follows:

Baseline Data	CY92-96	47.5	
Initial Projections	CY - 99	45	33.2% - Actual
Initial Projections	CY - 00	44	33.0% - Actual
Initial Projections	CY - 01	43	33.4% - Actual
Initial Projections	CY - 02	40	30.4% - Actual
Initial Projections	CY - 03	39	33.5% - Actual
Initial Projections	CY - 04	38	31.4% - Projected
Initial Projections	CY - 05	37	30.4% - Projected

Data is based on RI Maternal Child Health (MCH) data, using 2000 census population data which reflected that Rhode Island had reduced the pregnancy rate substantially compared to 1990.

Actual data for CY 04 and CY 05 are not yet available, however the expectation is that the numeric goals for these three years will be met or exceeded.

In addition, the Plan includes the results of various community forums, federal and state funding sources, programs that educate at-risk teens, programs that provide pregnancy prevention education, a review of the literature, state level initiatives and financial resources for teacher training. A review of Prevention Plan implementation is currently under way.

### **Youth Responsibility and the Adolescent Self-Sufficiency Collaborative**

The Department has contracted with five (5) community-based organizations to provide two (2) intervention programs: Youth Responsibility (YR), for teens (age 13-18) at-risk of becoming unwed parents having an early pregnancy, and the Adolescent Self-Sufficiency Collaborative (ASSC), for pregnant and parenting teens under the age of twenty (20). Most of the community-based organizations have developed a Career Academy for youth sixteen to twenty (16-20) years old with academic instruction leading to a high school diploma or its equivalent, pregnancy prevention education, skills development, service learning, and career exploration/work experience. The Youth Responsibility and ASSC programs provide case management services and education to reduce teen pregnancy, improve teen character development and increase life skills, especially, academic and parenting skills. Using strategies scientifically proven effective to reduce initial and repeat pregnancy, the YR and ASSC work with teens, individually or in groups, in schools, in community sites, and/or in the teens' own homes. The ASSC assist

pregnant and parenting teens to enroll in and/or maintain attendance in school; tracks, monitors, and reports to DHS each pregnant and parenting teens' school attendance; works to resolve issues of non-compliance with DHS requirements, such as attending school.

Minor parents are required to live at home with their parents, with a relative, or a legal guardian in order to be eligible for FIP cash assistance. Unless otherwise authorized, the cash assistance is issued to the parent, relative, or the legal guardian on behalf of the minor parent. When there is good cause for a minor parent to live outside the allowable living arrangements above, and there is no suitable relative or legal guardian, the minor parent must live in an adult-supervised supportive living arrangement which ensures regular adult supervision and which requires the minor parent to participate in secondary education and an Adolescent Self-Sufficiency Collaborative program. The ASSC evaluates minor teen parents' current living arrangements, and provides assistance in finding an adult-supervised supportive living arrangement when the minor cannot live at home, including state-developed New Opportunity Homes, as appropriate.

### **New Opportunity Homes**

New Opportunity Homes (NOH) are a key component of DHS' teen parent programs. The New Opportunity Homes are supervised living arrangements which offer an alternative option for pregnant and parenting minor FIP applicants/recipients who are unable to remain at home with their own parents or guardians. The five (5) New Opportunity Homes provide minor teens with a positive environment that is safe and nurturing. A multi-disciplinary team reviews prospective residents to determine the appropriateness of a NOH, using screening criteria and assessments to assure that minor teen's needs can be met by a NOH. Moreover, each resident is assigned an Adolescent Self Sufficiency Collaborative (ASSC) case manager. Together, the NOH and ASSC offer each resident educational supports and opportunities to develop social and life skills, including parenting skills, necessary to become positive parents and self-sufficient, productive adults.

*(vi) Conduct a program, designed to reach State and local law enforcement officials, the education system, and relevant counseling services, that provides education and training on the problem of statutory rape so that teenage pregnancy prevention programs may be expanded in scope to include men*

### **Statutory Rape**

Rhode Island's Comprehensive Statewide Teen Pregnancy Prevention Plan recommends that "Rhode Island should clarify, communicate, enforce and strengthen existing statutory rape and child molestation laws." A collaborative effort exists with each ASSC and the DHS funded Domestic Violence Prevention program which provides education and training on the problems of statutory rape and child molestation to state and local law enforcement officials, educators, and adolescent counselors, all of whom are required to notify the R.I. Department of Children, Youth and Families when sexual abuse of a child is suspected.

## **(B) SPECIAL PROVISIONS**

***(i) The document shall indicate whether the State intends to treat families moving into the State from another State differently than other families under the program, and if so, how the State intends to treat such families under the program.***

We do not intend to treat families moving into the state differently.

***(ii) The document shall indicate whether the State intends to provide assistance under the program to individuals who are not citizens of the United States, and if so, shall include an overview of such assistance.***

Legal non-citizens must meet income and resource criteria including their sponsor's income and resources. Such individuals will be eligible for cash assistance at same levels and under the same rules as citizens<sup>7</sup>. In order to be eligible, the non-citizen must be:

- Lawfully admitted for permanent residence before August 22, 1996; or
- Otherwise legally entitled to reside in the United States before August 22, 1996 whose status is determined that of "qualified alien" as outlined below; or
- An alien who on or after August 22, 1996 is determined to be a "qualified alien" as outlined below.

An alien who does not meet the citizenship or alienage criteria outlined above who was lawfully residing in the United States before August 22, 1996 and who is a resident of Rhode Island prior to July 1, 1997, shall be eligible for cash assistance under the Family Independence Program, as long as the individual is otherwise eligible.

The term "qualified alien" means an alien who, at the time the alien applies for or receives cash assistance, is:

- An alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act;
- An alien who is granted asylum under section 208 of such Act;
- A refugee who is admitted to the United States under section 207 of such Act,
- An alien who is paroled into the United States under section 212(d)(5) of such Act for a period of at least one (1) year;

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<sup>7</sup>We recognize that the requirements pertaining to aliens in FIA and PRWORA are not identical. State funding will be used to provide benefits to the categories of non-citizens listed above who are not eligible for TANF federal funds.

- An alien whose deportation is being withheld under section 243(h) of such Act (as in effect immediately before the effective date of section 307 of division C of Public Law 104-208) or section 241(b)(3) of such Act (as amended by section 305(a) of division C of Public Law 104-208);
- An alien who is granted conditional entry pursuant to section 203(a)(7) of such Act as in effect prior to April 1, 1980;
- An alien who is a Cuban or Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980;
- An alien who is admitted to the United States as an Amerasian immigrant pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in section 101(e) of Public Law 100-202 and amended by the 9th proviso under migration and refugee assistance in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, Public Law 100-461, as amended); or
- A battered spouse, battered child or parent, or child of a battered person with a petition pending under 204(a)(1)(A) or (B) or 244(a)(3) of the INA.
- An alien who is admitted to the United States for legal permanent residence under the Immigration and Nationality Act; and has worked forty (40) qualifying quarters of coverage as defined under title II of the Social Security Act or can be credited with such qualifying quarters, and in the case of any such qualifying quarter creditable for any period beginning after December 31, 1996, did not receive any Federal means-tested public benefit during any such period.
- An alien who is lawfully residing in Rhode Island and is a veteran with a discharge characterized as an honorable discharge and not on account of alienage;
- An alien who is lawfully residing in Rhode Island and is on active duty (other than active duty for training) in the Armed Forces of the United States; or
- An alien who is lawfully residing in Rhode Island and is the spouse or unmarried dependent child of an individual described in Number 2. or 3. above.

***(iii) The document shall set forth objective criteria for the delivery of benefits and the determination of eligibility and for fair and equitable treatment, including an explanation of how the State will provide opportunities for recipients who have been adversely affected to be heard in a State administrative or appeal process.***

Rhode Island provides an objective process for the delivery of benefits and the determination of eligibility, for fair and equitable treatment, and for complaints and an appeals process for those recipients that have been adversely affected. Specific details pertaining to the policy and

procedures are contained in Rhode Island DHS Manual Sections Civil Rights Compliance and Complaints and Hearings.

Furthermore, a parent or caretaker who requests assistance for a child shall meet with an agency representative as soon as possible and no later than five (5) days from the date of request for assistance. The application for assistance shall be accepted or denied by the Department no later than thirty (30) days following the date of application.

A family found by the Department to meet the eligibility criteria shall be entitled to receive cash assistance from the date of submitting a signed application. The family members shall be eligible for cash assistance for so long as they continue to meet the eligibility criteria and parents shall be eligible so long as they meet the terms and conditions of the work requirements.

Any applicant or recipient aggrieved because of a decision by the department, including but not limited to, a decision regarding eligibility for benefits, the amount of benefits, terms of an Employment Plan or a delay in making a decision with respect to an application for assistance shall be entitled to an appeal. The department shall provide an applicant with written notice of a decision to deny benefits and shall provide recipients written notice at least ten (10) days in advance of a decision to terminate or reduce benefits to the family. Notices shall be in easy to understand language and shall explain the reason for the department's decision and cite the relevant section of the department's regulations. The family may appeal the decision by filing a written request with the department within thirty (30) days of the date the notice was mailed. If the recipient files the request within ten (10) days of the date the notice was mailed, the recipient may receive benefits without reduction pending the outcome of the appeal. Hearings with respect to public assistance shall be conducted by the department.

***(iv) Not later than 1 year after the date of enactment of this Act, unless the chief executive officer of the State opts out of this provision by notifying the Secretary, a State shall, consistent with the exception provided in section 407(e)(2), require a parent or caretaker receiving assistance under the program who, after receiving such assistance for 2 months is not exempt from work requirements and is not engaged in work, as determined under section 407(c), to participate in community service employment, with minimum hours per week and tasks to be determined by the State.***

The State of Rhode Island through its chief executive officer opts out of the requirement that a parent or caretaker receiving assistance under the program who, after receiving such assistance for two (2) months is not exempt from work requirements and is not engaged in work, as determined under section 407(c), to participate in community service employment.

The following statements certify that the State of Rhode Island is operating those programs and requirements mandated by PRWORA.

## **PART II**

### **1. STATE PLAN CERTIFICATIONS:**

The State of Rhode Island will operate a program to provide Temporary Assistance for Needy Families (TANF) so that children may be cared for in their own homes or in the homes of relatives; to end dependency of needy parents on government benefits by promoting job preparation, work, and marriage; to prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and encourage the formation and maintenance of two parent families.

This program is known as the Family Independence Program.

The Chief Executive Officer of the State of Rhode Island is Governor Donald L. Carcieri

### **2. CERTIFICATION THAT THE STATE WILL OPERATE A CHILD SUPPORT ENFORCEMENT PROGRAM**

The State is currently operating during this and subsequent fiscal years a child support enforcement program described in the State plan under Title IV-D of the Social Security Act.

### **3. CERTIFICATION THAT THE STATE WILL OPERATE A FOSTER CHILD AND ADOPTION ASSISTANCE PROGRAM**

The State is currently operating, and will continue to operate during this and subsequent fiscal years, a foster care and adoption assistance program under the State plan approved under part E. The State will take such actions as are necessary to ensure that children receiving assistance under such part are eligible for medical assistance under the State plan under Title XIX.

### **4. CERTIFICATION OF THE ADMINISTRATION OF THE PROGRAM**

The Department of Human Services will administer and supervise Temporary Assistance for Needy Families with minor children under Title IV-A of the Social Security Act, in all political subdivisions of the State.

The State of Rhode Island assures that local governments and private sector organizations:

- (a) Have been and will continue to be consulted regarding the plan and design of welfare services in the State so that are provided in a manner appropriate to local populations.
- (b) Will have had at least forty-five (45) days to submit comments on the plan and the design of such services.

**4. CERTIFICATION THAT THE STATE WILL PROVIDE INDIANS WITH EQUITABLE ACCESS TO ASSISTANCE**

Governor Donald L. Carcieri, the chief executive officer of the State of Rhode Island certifies that, during the fiscal year, the State will provide each member of an Indian tribe, who is domiciled in the State and is not eligible for assistance under a tribal family assistance plan approved under section 412, with equitable access to assistance under the State program funded under this part attributable to funds provided by the Federal Government.

**5. CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE AGAINST PROGRAM FRAUD AND ABUSE**

The State has established and is enforcing standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage in accordance with RIGL 36-14-5.

**6. OPTIONAL CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE THAT THE STATE WILL SCREEN FOR AND IDENTIFY DOMESTIC VIOLENCE**

The State of Rhode Island has adopted the Domestic Violence option.

A. The State has established and enforced standards and procedures to:

1. Screen and identify individuals receiving assistance under this part with a history of domestic violence while maintaining the confidentiality of such individuals;
2. Refer such individuals to counseling and supportive services; and
3. Waive, pursuant to a determination of good cause, other program requirements such as time limits (for so long as necessary) for individuals receiving assistance, residency requirements, and child support cooperation requirements in cases where compliance with such requirements would make it more difficult for individuals receiving assistance under this part to escape domestic violence or unfairly penalize such individuals who are at risk of further domestic violence.

B. Domestic violence defined:

For purposes of this paragraph, the term "domestic violence" has the same meaning as the term "battered or subjected to extreme cruelty", as defined in PRWORA section 408(a)(7)(C)(iii).

**(b) Public Availability of State Plan Summary**

Rhode Island will make available to the public a summary of any plan submitted by the State under this section.

**CERTIFIED BY THE GOVERNOR OF THE STATE OF RHODE ISLAND:**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Donald L. Carcieri