
RHODE ISLAND DEPARTMENT OF HUMAN SERVICES MANUAL

FAMILY INDEPENDENCE PROGRAM

PURPOSE AND ADMINISTRATION

SECTION 0800

LEGAL PROVISIONS

0800.05

REV:05/1997

The Rhode Island Family Independence Assistance Act (RIGL 40-5.1 et seq.) establishes the legal basis for a public financial program to assist needy families and is the law through which the Federal assistance programs, Temporary Assistance for Needy Families and Medical Assistance, are 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 to meet the needs of those persons determined eligible.

PURPOSE

0800.10

REV:05/1997

The purpose of the Department of Human Services (referred to as "the Agency") is to provide financial and medical assistance to eligible individuals and families.

The assistance programs are administered in a manner consistent with the objectives of the programs and respect the rights, privacy, and personal dignity of the individual. All applicants and recipients, without regard to race, color, national origin, disability, or sex, 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 money payment 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.

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SCOPE OF THE PROGRAM FOR FAMILIES

REV:01/2002

The purpose of the Family Independence 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 financial assistance while they obtain the skills necessary for employment and provide the child care and medical care they require to be employed.

1. Cash assistance for eligible families: families in which there is an eligible child (see Section 0806) and whose resources are within program limits (see Section 0822), whose countable income is less than the cash payment amount are eligible for a supplemental cash payment. Families receiving cash payments receive Medical Assistance.
2. Child Care Assistance Program: families with income less than two hundred twenty-five percent (225%) of the federal poverty level are eligible for subsidized child care for children under age sixteen (16). See Section 0850.
3. Medical Assistance for Families: families with an eligible child who are not eligible for cash assistance may be eligible for Medical Assistance as categorically needy or medically needy if their income and resources are within program limits. See Section 0348.
4. Medical Assistance for Children: children under age nineteen (19) living in families with income less than two hundred fifty percent (250%) of the federal poverty level are eligible for Medical Assistance coverage through the Rite Care program regardless of whether their family qualifies for cash assistance or medical assistance described above. See Section 0348.
5. Medical Assistance for Pregnant Women: pregnant women with income less than three hundred fifty percent (350%) of the federal poverty level may be eligible for Medical Assistance coverage through the Rite Care program. See Section 0348.
6. Food Stamps: families within program income and resource limits are eligible for food stamps. The Food Stamp Program is a federal program of the U.S. Department of Agriculture and is administered in Rhode Island by the Division of

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Individual and Family Support Services in the Department of Human Services. A household that has been determined eligible for Food Stamps receives benefits which augment the food purchasing power of the family. See the DHS Food Stamp Manual, Sections 1000 et seq.

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SCREENING AND APPLICATION PROCEDURES

0802.05

REV:05/1997

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 0802.05.05 through 0802.05.15. A request for information may be followed by an application for cash or another form of assistance.

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.

Screening

0802.05.05

REV:12/2004

Requests to the Family Independence Program (FIP) case worker may be for applications for assistance or for information about applying for assistance. Such requests may come from different sources, e.g., in person, by telephone, by mail, or as a referral from another agency. Application packets are available to any person who requests one.

The application packet, which contains information about the agency, the applicant's rights and responsibilities, and the conditions under which assistance is provided, includes:

- Application for Assistance - Part I (DHS-1)
- Statement of Need (DHS-2)
- Notice Concerning Good Cause for Refusal to Cooperate (AP-35)
- Literature on Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program

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Statewide List by Location of DHS Offices (DHS-14)
Other notices and/or informational forms, as
appropriate (e.g., Motor Voter Registration forms).

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 the beginning of the application process. The FIP case worker elicits the presenting problem(s) and the salient facts of the applicant's situation which prompted the applicant to seek the agency's assistance. The Family Independence case worker then 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 (Form WVR-1) is presented to each applicant. Every applicant must be informed that s/he may be excused from certain FIP 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 Domestic Violence Notice form 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 0814.10.

The FIP case worker informs applicants about services and opportunities offered by the various assistance programs administered by DHS including Medical Assistance, Rite Care, the Child Care Assistance Program, Office of Rehabilitation Services, the Family Independence Program (FIP), General Public Assistance, and Food Stamps as well as other agencies and community resources which may be of assistance to the applicant.

Part of the overview of FIP is an explanation of the time-limited nature of cash assistance under FIP of sixty (60) months for adults.

At the same time, the FIP case worker evaluates whether the

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family is a likely candidate for an up-front lump sum payment in lieu of continuing FIP cash assistance. If the applicant family appears to be a potential candidate for the Alternative Cash (lump sum) Assistance program, whose criteria are detailed in Section 0814.15, the case worker informs the applicant of this option.

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 application filing date.

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

If the applicant decides to apply for the Family Independence Program, the applicant is given either a prompt intake appointment or, if indicated, an emergency intake appointment to determine eligibility based on the following criteria.

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.

Any scheduling conflicts which arise are resolved with the eligibility supervisor in charge of the intake.

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 Family Independence 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

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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 Family Independence 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 Family Independence case worker reschedules the appointment for the next business day and corrects the intake book.

Prior to the intake, the transfer of any electronic INRHODES record, as well as paper file(s), as appropriate, is accomplished as soon as possible. The paper record with the new DHS-1 is routed to the appropriate supervisor to assign the eligibility intake. A copy of the DHS-1 is returned to the Family Independence case worker and incorporated in the service record.

0802.05.10

Data Entry Requirements During Screening

REV:05/1997

Using the DHS-1, the Family Independence caseworker inquires through the Person Search (PERS) function of INRHODES to find whether an applicant is known to INRHODES. If the applicant 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.

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Application for Assistance

0802.05.15

REV:05/1997

An application is the action by which a person signifies in writing to the agency administering public assistance a desire to receive assistance. The parent or relative with whom a child(ren) is living, or will live, ordinarily makes application for the child(ren) for the Family Independence program. An application is thus distinguished from an inquiry or a request for information about public assistance eligibility requirements and benefits.

For the individual to be considered an applicant, s/he must complete and sign a DHS-1. The application period formally begins on the date the signed DHS-1 is date-stamped in the DHS district office and ends with the agency's decision either to authorize or deny benefits. The stamped date constitutes the official filing date from which assistance begins if eligibility is later determined to exist and to have existed when the application was filed.

An applicant wishing to participate in the Food Stamp Program must be encouraged to file the DHS-1 in order to establish the earliest possible filing date for Food Stamp purposes and be screened for 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 itself must be completed in full. If eligibility exists, expedited service must be afforded according to the processing standards located in Food Stamp Manual Section 1016.10.

COMPLETION OF THE APPLICATION FOR ASSISTANCE

0802.10

REV:05/1997

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 Family Independence program are also eligible for Medical Assistance without filing a separate application. The application also serves as the Food Stamp application.

The DHS-2 must be completed and signed under penalty of perjury by the parent(s) or caretaker relative (acting in loco parentis)

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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 and the signature witnessed by the agency representative in the signature box on the last page.

A new DHS-2 must be completed and signed if reapplication for assistance is made in a case that has been closed for more than thirty (30) days. A new DHS-2 must also be completed if a former recipient reapplies within thirty (30) days of closing and a significant change in circumstances (e.g., family composition) has occurred or if a redetermination of eligibility (REDT) is due. When reapplication occurs within thirty (30) days, however, a new Intake, including screening, is generally not necessary. In an active case when a person, such as 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, etc., inclusion of the new member in the request for assistance.

0802.15

INTAKE INTERVIEW

REV:01/2002

The Intake interview is scheduled by appointment or plan. The DHS-2 is reviewed with the applicant, and the eligibility and need factors are verified through the appropriate documents supplied by the applicant, or if not supplied by the applicant, by 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. The agency representative must witness the signature of the applicant(s).

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 Department of Administration, Division of Taxation - Child

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Support Enforcement 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 0814.10.

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.

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, 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 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 she 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 0808.20). All applicants are informed of the requirement of assignment and

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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.

0802.15.05 Forms Needed at Intake Interview

REV:01/2002

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. |
| 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. |

0802.15.10 Review of the DHS-2

REV:05/1997

The agency representative reviews the DHS-2 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

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and the agency representative are entered on the page to denote authorization of the change.

Eligibility for the Family Independence program is based on both financial and non-financial criteria. In determining eligibility, the DHS-2 is reviewed and evaluated as described in Section 0802.20.

COMPLETING INITIAL ELIGIBILITY DETERMINATION 0802.20

REV:12/2004

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 0822) and income (Section 0824).

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 0814.10, as appropriate.

When the family is found eligible for both FIP and Alternative Cash Assistance outlined in Section 0814.15, approval of FIP is

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postponed until after the evaluation by the case worker. If the eligibility technician is informed that the applicant has chosen standard FIP assistance, s/he approves the case in the regular manner. If the eligibility technician receives a signed waiver of on-going cash assistance, s/he approves the denial of on-going FIP and authorizes the lump sum.

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

0802.25

REFERRAL TO FRONT-END DETECTION (FRED) UNIT

REV:05/1997

Agency representatives who note cases which exhibit an indication of questionable eligibility under the criteria of the indicators listed in Section 0802.25.05 must refer these cases to the FRED Unit.

Cases must exhibit at least one of the stated indicators in order to be investigated. The eligibility worker must inform the applicant that the information in the Statement of Need is being verified and that eligibility will be determined within thirty (30) days. Following receipt of the referral FRED investigators will make an unannounced home visit. The investigators will identify themselves as DHS representatives and will possess a DHS photo I.D. card to offer for identification purposes.

Findings by the investigators must be as well documented as any information currently gathered for an administrative hearing or court appearances. FRED investigators will present these findings at any administrative hearing or court appearance resulting from a denial or termination of assistance which occurred pursuant to a pre-eligibility investigation.

The FRED Unit must return its findings to the eligibility unit supervisor no later than ten (10) business days from the date the referral was forwarded. In order for the eligibility worker to determine eligibility properly and/or the correct assistance payment, the FRED Unit must include an explanation of its findings and attach appropriate supporting documentation to the response.

If the FRED Unit does not respond within the ten (10) business day time frame, the eligibility worker will determine the applicant's (in)eligibility based on the information contained in

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the case record.

FRED Referral Indicators

0802.25.05

REV:01/2002

In general, eligibility workers should be aware of and note discrepancies and contradictions in written and verbal statements made by the applicant. A referral to the FRED Unit should be made when one or more of the specific indicators below are present:

- * Fixed expenses (rent, utilities, etc.) exceed income and no reasonable explanation is given;
- * Previously unreported changes in the household and/or false statements given;
- * Previously unreported employment/earnings;
- * Applicant unable to show any means of support for the last three (3) months prior to application for assistance;
- * Moved to Rhode Island in the past three (3) months (except for Refugees);
- * Assets appear greater than those reported; or
- * Does not appear that child(ren) is with applicant parent.

DECISION ON APPLICATION

0802.30

REV:05/1997

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.

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Notification of (In)Eligibility

REV:12/2004

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 both FIP and Alternative Cash Assistance outlined in Section 0814.15 and chooses to take the lump sum and signs the waiver, the applicant is notified of the denial of on-going FIP and of her/his eligibility for the lump sum.

When the applicant is found to be eligible for FIP 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 0826.10). 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 Family Independence program but no payment is issued (see Section 0826.10). The assistance unit is eligible as Categorically Needy for the Medical Assistance program.

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

0802.35

REFERRAL TO DCYF

REV:05/1997

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

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STANDARD FILING UNIT

SECTION 0804

PERSONS INCLUDED IN FILING UNIT

0804.05

REV:05/1997

The assistance filing 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 filing 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 filing 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 filing unit.

Siblings

Blood-related or adoptive brothers and sisters living in the same household as the dependent child must also be included in the filing 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.

Income and Resources

0804.05.05

REV:05/1997

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

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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.

0804.10

PERSONS EXCLUDED FROM FILING UNIT

REV:08/2004

Parents and siblings must be included in the assistance unit unless they are otherwise ineligible for cash assistance. Individuals excluded from the filing unit include the following categories.

SSI Recipients

SSI recipients are excluded from the filing 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

Aliens considered ineligible solely because they do not meet alienage requirements are excluded. The income and resources of ineligible alien family members are 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 by using the methodology specified above. The net income is then applied to the needs of the cash assistance unit. See Section 0824.60 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.

Parents and Siblings Who Fail to Cooperate

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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.

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 0824.50.15.05.

The income and resources of a disqualified individual, parent, or child, are 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 0824.50.15.10 for further discussion.

Parents Who Have Reached Their FIP Time Limit

Parents and other assistance unit members ineligible because they have reached their FIP lifetime time limit are also excluded.

The income and resources of parents who have reached their lifetime time limit are counted in determining the assistance unit's eligibility and payment amount. Their income and resources are counted as outlined in Section 0824.50.15.05.

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 0824.35 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

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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 0812.45. 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.

0804.15

OPTIONAL INCLUSION IN FILING UNIT

REV:07/2001

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. If the parent(s) includes the child(ren) in the filing 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.

0804.20

INELIGIBILITY OF INCOMPLETE FILING UNIT

REV:05/1997

Failure to include an individual required to be in the filing unit or to provide information necessary for determining eligibility and amount of cash assistance results in ineligibility for the entire filing unit. In either situation, the agency has insufficient information to determine the eligibility of the unit.

Any payment made to an ineligible assistance unit constitutes an overpayment and must be recovered. See Section 0830 for further discussion of overpayments.

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PARENT IN HOME WHO IS NOT PROVIDING CARE

0804.25

REV:05/1997

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 0806.15) 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 filing 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 Family Independence 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

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- (b) Evidence from another agency (e.g., DCYF, MHRH, 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.

0804.30

CASE EXAMPLES OF FILING UNIT

REV:04/2004

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 filing unit must consist of Dennis, his mother, his stepfather, half-brother, and stepsister.

Explanation:

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Dennis's brother is excluded by age. The remaining household members must be included in the filing 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 filing unit is comprised of all three (3) persons.

Explanation:

The child resides with both parents, and therefore both parents must be included in the filing 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 filing 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 filing 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

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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. 0804.25).

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NON-FINANCIAL ELIGIBILITY FACTORS

0806.05

REV:05/1997

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

- Age;
- Relationship: living with at least one parent or a specific relative;
- Establishment or re-establishment of the home;
- Citizenship;
- Residency;
- Special circumstances;
- Enumeration; and
- Time limits (for adults).

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

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

In addition to the specific eligibility factors, eligible persons must be either citizens or lawfully admitted permanent resident aliens (or refugees/entrants admitted under specific immigration legislation), must furnish a social security number for each family member, and meet certain time limit criteria.

Section 0806.10 through 0806.50 present the requirements for each of the eligibility factors other than need. The date and source of verification of each item must be entered as verified on the DHS-2.

ELIGIBILITY FACTOR OF AGE

0806.10

REV:05/1997

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

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At age eighteen (18), a child can be eligible for cash assistance only when s/he is a full-time student in a secondary school, or at the equivalent level of vocational or technical training, and is reasonably expected to complete the program before or in the month of her/his nineteenth (19th) birthday. (A student attending summer school full time, as defined by school authorities, is considered a full-time student for these purposes.) If these conditions are not met, the child is not eligible for cash assistance after the month in which his/her eighteenth (18th) birthday occurs.

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

0806.10.05 Verification of Age

REV:05/1997

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

Baptismal Certificate	Marriage License
Confirmation Papers	Driver's License
Immigration Papers	*State or Federal Census Record
Military Service Papers	*Life Insurance Policy
Hospital Birth Records	*School Records
Adoption Records	*Physician's Records
Passport	RSDI Award Letter if birth date of child is included
Voter Registration Card	Family Bible
Affidavit of Third Party	(See Sec. 0806.15.20.)

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

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

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School or Training of Children 18-19

0806.10.10

REV:05/1997

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.

Verification of Attendance

0806.10.15

REV:05/1997

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 nineteenth (19th) birthday. A student attending summer school full time, as defined by school authorities, is considered a full-time student for Family Independence Program purposes.

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ELIGIBILITY FACTOR OF RELATIONSHIP

REV:05/1997

To be eligible for the Family Independence 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:

- o father, adoptive father, mother, adoptive mother;
- o stepfather, stepmother (but not the parent of either);
- o grandfather, great grandfather, great-great grandfather, great-great-great grandfather;
- o grandmother, great grandmother, great-great grandmother, great-great-great grandmother;
- o 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;
- o brother, half brother, adoptive brother, stepbrother, sister, half sister, adoptive sister, stepsister;
- o uncle, great uncle, great-great uncle, aunt, great aunt, great-great aunt (including uncle or aunt of whole or half blood);
- o nephew, great nephew, great-great nephew, niece, great niece, great-great niece (including nephew or niece of whole or half blood);
- o first cousin (including first cousin of whole or half blood), first cousin once removed.

0806.15.05

Verification of Relationship

REV:05/1997

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

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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 0806.15.

Other Records

When vital records are unavailable for review, 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 0806.15.10 for policy concerning establishing relationship for an unwed natural father.

Unwed Father as Applicant

0806.15.10

REV:01/2002

Definition

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.

Policy

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 will assist him in completing a voluntary acknowledgment of paternity. The case is accepted on cash assistance when the alleged father signs an affidavit voluntarily acknowledging paternity. Continued eligibility is contingent upon the alleged father cooperating with the Department of Administration, Division of Taxation - Child Support Enforcement 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

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to adjudicate paternity.

Procedures

The alleged (putative) father is referred to the Department of Administration, Division of Taxation - Child Support Enforcement, Office of Legal Counsel, 77 Dorrance Street, Providence 02903. The Office of Legal Counsel will then arrange an appointment for the client with the Paternity Unit as soon as possible.

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

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0806.15. 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.

Relative of an Unwed Father as Applicant

0806.15.10.05

REV:05/1997

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 0806.15.10, 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 0806.15. 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 filing unit provisions in Section 0804.

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

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

The agency representative completes absent parent panels in INRHODES for both the mother and putative father. This results, after approval of eligibility, in an automatic referral to the Department of Administration, Division of Taxation - Child Support Enforcement 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.

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0806.15.15

Verification by Means of an Affidavit

REV:05/1997

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

An affidavit is the signed and sworn statement of a third person based upon the third person's personal knowledge of the facts which would indicate the probable age and relationship of the child. It is not merely a statement of belief based on the applicant's appearance. It should contain a statement of the circumstances upon which the third party's knowledge is based. The facts to which attested must be consistent with the information provided on the DHS-2 and must not contradict other records or evidence in the case record.

Preparation of the Affidavit

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

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

- Name, address, occupation and length of time the third party has been at the address.
- Relationship to the applicant (e.g., friend, cousin, doctor, employer, teacher).
- How long s/he has known the applicant.
- The approximate age, number and sex of the child(ren).
- Circumstances in establishing the connection with the applicant. This might include statements such as:
"I grew up with the applicant and his brothers and sisters. We went to school together. I know that the child(ren) (name(s)) was born on (date) and is his/her child(ren)."

Use of Affidavit in Establishing Eligibility

An affidavit of a third person shall not be the first source of

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verification. The applicant together with the eligibility technician must explore the availability of other sources to establish age and relationship. S/He must demonstrate that s/he has tried to obtain appropriate records (e.g., letter has been written to a city or state registry).

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

ESTABLISHMENT OF HOME

0806.20

REV:05/1997

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.

Temporary Absence from Home

0806.20.05

REV:12/2004

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:

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- Hospitalization of the child or parent, when the illness is such that a return to the family can be expected and parental responsibility continues.
- Attendance at school for the primary purpose of obtaining an education or vocational training while the parent retains full responsibility for the child.
- Visiting or moving to another community and similar situations in which the child or parent is away from home for a temporary period of time.

However, allowable temporary absences of the child from the home are limited to ninety (90) days per episode, with a second ninety (90) day renewal authorized only through supervisory approval. Circumstances relating to the temporary absence must be noted in the CLOG.

Note the requirement in Section 0808.30 that whenever an adult family member(s) becomes aware that a minor child in his or her household has been or will be temporarily absent from the home, the adult family member(s) is responsible to report such absence of a minor child from the home by the end of the five ((5) day period.

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

0806.20.10

Separation as Bar to Eligibility

REV:05/1997

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

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attends school if the separation results from the child's attendance away at school; and

- frequency of contact between parent and child.

RE-ESTABLISHMENT OF HOME

0806.25

REV:05/1997

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

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

Temporary Arrangement in Emergencies

0806.25.05

REV:01/2002

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

- there is no parent or relative to assume immediate responsibility for the child; and
- the temporary period is limited to the time necessary to make and to carry out plans for the care and support of the child. Such plans include the return and resumption of care by the parent, planning with relatives who may be located, or transfer of responsibility for the child to the Department for Children, Youth and Families, through voluntary placement or commitment.

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0806.30 **CITIZENSHIP**

REV:05/1997

To be eligible for cash assistance, an otherwise eligible applicant must be either a citizen or lawfully admitted for permanent residence or otherwise legally entitled to reside in the United States.

See General Provisions, Section 0104 for further discussion on citizenship.

0806.35 **RESIDENCY**

REV:05/1997

The Family Independence program exists primarily 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.

0806.35.05 **Criterion**

REV:05/1997

A member of a family may receive full cash assistance benefits only if s/he has been a resident of the State of Rhode Island for twelve (12) consecutive months. The amount of cash assistance paid to family members who have resided in the state less than twelve (12) consecutive months shall be reduced by thirty percent (30%) until the family has been resident in the state twelve (12) consecutive months. This criterion applies only to families moving to Rhode Island after May 1, 1997. See Section 0826.

0806.40 **SPECIAL CIRCUMSTANCES RELATED TO ELIGIBILITY**

REV:12/2004

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, and families who receive alternative cash assistance in a lump sum payment in lieu of

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on-going FIP cash assistance. Sections 0806.40.05 through 0806.40.25 describe these factors and their respective requirements.

Parent with Child Receiving SSI

0806.40.05

REV:05/1997

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 0822 and 0824.

Eligibility of a Pregnant Woman

0806.40.10

REV:01/2002

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

- o When it is medically verified that the child is expected to be born in the month the payment is made or within the three-month period following such month of payment (see Table A, below). Verification of the month of expected date of delivery is required. Acceptable documentation includes a signed statement from the woman's physician or a pregnancy test report from Woman & Infants Hospital or other acceptable provider; and,
- o She would be eligible for the Family Independence program if the child had been born and was living with her in the month of payment.

TABLE A

EXPECTED

FIRST MONTH

|

EXPECTED

FIRST MONTH

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DELIVERY DATE	ELIGIBLE	DELIVERY DATE	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.

0806.40.15 Minor Parents

REV:05/1997

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 0814 for elaboration.

0806.40.20 Domestic Violence Situations

REV:05/1998

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

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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 Family Independence Program to escape domestic violence or unfairly penalize such individuals who are or have been at risk of further domestic violence.

See Section 0814.10 for procedures relating to the domestic violence waiver process.

Definition of Domestic Violence

0806.40.20.05

REV:05/1998

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.

One-Time Alternative Cash Assistance

0806.40.25

REV:12/2004

DHS may provide a one-time Alternative Cash Assistance payment in lieu of on-going FIP cash assistance to certain families equal to a total of up to three (3) times the monthly amount of cash assistance to which the family would otherwise be entitled if the FIP case worker finds that a lump sum payment would enable an adult member of the family to either accept and begin employment

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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.

See Section 0814.15 for policy and procedures relating to alternative cash (lump sum) payments.

0806.45

ENUMERATION

REV:05/1997

As a condition of eligibility for assistance required by the Social Security Act, applicants for and recipients of the Family Independence program must furnish the Department with their social security account numbers and the account 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 Family Independence program.

0806.45.05

Inability to Furnish SSN

REV:01/2002

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. In accordance with federal regulations, refusal to comply with these requirements will result in ineligibility of each person for whom the number is not obtained.

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TIME LIMITS

0806.50

REV:03/2002

The Family Independence Act (RIGL 40-5.1) provides in part that "no person shall be included in any family for purposes of determining eligibility for, or the amount of, cash assistance to which a family is qualified, if that person after attaining age eighteen (18) years of age, has received cash assistance for a total of sixty (60) months, whether or not consecutive."

A month is countable toward this lifetime time limit when the individual has a FIP Employment Plan date and does not conform to any of the classifications outlined in Section 0806.50.07.

Moreover, the Family Independence Act (FIA) states that the Department of Human Services "may exempt a family from the application of the lifetime time limit by reason of hardship; provided, however, that the number of such families to be exempted by the Department under hardship shall not exceed twenty percent (20%) of the average monthly number of families to which assistance is provided" plus families with individuals waived from FIP work requirements due to domestic violence. The Department shall determine annually the maximum number of exemptions allowed under this statutory formula, and these exemptions shall be assigned in the following order of priority: first, to those classified as exempt as outlined in Section 0806.50.07, second, to those who are employed as outlined in Section 0806.50.10, and third, to those who are participating in certain approved education activities in their employment plan, are homeless, or lack child care as outlined in Section 0806.50.10.

When an individual reaches the lifetime time limit, an adequate and timely notice of adverse action will be issued to notify the individual of the action being taken in accordance with Section 0834.05.

Exceptions to Time Limits

0806.50.05

REV:03/2002

There are exemptions from, exceptions to, and extensions to the lifetime time limit.

Individuals who meet certain criteria (outlined in Section 0806.50.07) and are granted such exemptions are not subject to

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the lifetime time limit.

Exceptions excuse nonexempt individuals from reaching the lifetime time limit requirement under certain circumstances. Persons who have not yet reached the lifetime time limit and are employed thirty (30) or more hours per week during a month, or who otherwise meet the criteria established in Section 0816.55.05, do not accrue countable months toward the lifetime time limit for the months in which they meet those criteria.

Extensions of the lifetime time limit due to hardship may be granted when individuals meet the criteria outlined in Section 0806.50.10.

0806.50.07

Exemption from Time Limit Criteria

REV:03/2002

Unless they choose to participate in an Employment Plan, individuals who meet the criteria below are exempt from and do not accrue months toward their lifetime time limit during the period that they are:

- * 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 of the illness or incapacity of a minor child or spouse who requires full-time in-home care, and for whom the person is providing care;
- * Sixty (60) years of age or older; or
- * Victims of domestic violence who qualify for a waiver of the work requirements under Section 0814.10.

Such exemptions stop the individual's FIP clock for as long as the condition(s) or circumstances leading to the exemption or waiver exist.

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Hardship Extension Criteria

0806.50.10

REV:03/2002

Any individual approaching her or his lifetime time limit is notified that s/he may request a reassessment to determine whether or not s/he is exempt or excepted from the lifetime time limit through employment. Through the reassessment, the FIP case worker must also determine if the individual's ability to work is prevented or affected by learning disability(ies), mental illness, mental retardation, substance abuse, or other special circumstances.

A hardship extension may be granted to an individual coded nonexempt with sixty (60) or more countable months towards her or his lifetime time limit if s/he meets all other FIP eligibility requirements, including redeterminations, and meets one of the following criteria.

The individual has sixty (60) or more countable months and:

- * Who has an Employment Plan with an employment component and is working less than thirty (30) hours per week (or is not otherwise meeting the requirements of Section 0816.55.05) and whose employment is limited by some element of documented physical or mental incapacity; or
- * Who has both an approved education activity in which s/he participates AND an approved employment component in her/his Employment Plan but is employed more than twenty (20) hours but less than thirty (30) hours per week (or is not otherwise meeting the requirements of Section 0816.55.05); or
- * The Department has determined the individual is unable to secure paid employment without additional language or literacy skills AND s/he is successfully participating full-time (at least twenty (20) hours or more per week) in an approved literacy or ESL activity(ies) in her/his Employment Plan, AND completion of that activity would enable the individual to work; or
- * Who is unable to participate in her or his Employment Plan because of homelessness as defined in Section 0806.50.10.05; or
- * Who is unable temporarily to participate in her or his

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Employment Plan because of lack of child care.

Hardship extensions are prohibited for individuals who are sanctioned at the time they reach their lifetime time limit.

If not exempt or otherwise excepted, the individual will be offered appropriate assistance, such as intensive job search referral, to increase her or his income or obtain employment of thirty (30) hours per week and remove whatever barriers are preventing her/him from leaving cash assistance.

0806.50.10.05

Hardship Extensions and Procedures

REV:03/2002

Individuals within ninety (90) days of their lifetime time limit are sent letters informing them of the time remaining and that they may request a reassessment.

When a request for a reassessment is received, the FIP case worker must promptly schedule an appointment for such reassessment to determine whether or not the individual is exempt from the lifetime time limit as outlined in Section 0806.50.07; or excepted from the lifetime time limit by working (or the other parent working) a certain number of hours as defined in Section 0816.55.05. As appropriate, an individual exempt due to physical or mental impairment is referred to the Office of Rehabilitation Services (ORS), and to file an application for Supplemental Security Benefits (SSI) with the Social Security Administration. It must be determined through this reassessment if her or his ability to work is affected by a learning disability(ies), mental illness, mental retardation, or substance abuse, or other special circumstances warranting a temporary extension.

Any hardship extension that is granted requires an amended Employment Plan be signed containing steps to be taken as appropriate in order to increase the individual's income, obtain employment of thirty (30) or more hours per week and/or remove whatever barriers are preventing her/him from leaving cash assistance.

Hardship extensions may be granted and approved for defined periods of time and by following the procedures below:

- * When an individual has an Employment Plan with an employment component AND is working less than thirty (30) hours per

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week (or is not otherwise meeting the requirements of Section 0816.55.05) AND whose ability to work is limited by some element of documented physical or mental incapacity.

The FIP case worker, in consultation with her/his supervisor, may grant an extension for up to twelve (12) months after review of medical evidence/documentation. Individuals, as appropriate, are referred to ORS and/or to file an application for Supplemental Security Benefits (SSI) with the Social Security Administration. Any further request for extension may be granted, after review by the FIP case worker and submission of a memorandum and medical evidence for review and approval by the Regional Manager, for a maximum of twelve (12) months longer. These two (2) field level extensions may not exceed twenty-four (24) months. Any extension beyond the initial two (2) granted at the field level requires Administrative review and approval.

- * When an individual has both an approved education activity in which s/he participates and an approved employment component in her/his Employment Plan but works more than twenty (20) hours but less than thirty (30) hours per week (or is not otherwise meeting the requirements of Section 0816.55.05):

The FIP case worker, in consultation with her/his supervisor, may grant an extension until the end of the education activity plus one (1) month.

- * The Department has determined the individual is unable to secure paid employment without additional language or literacy skills as found through current TABE test results of Grade Level 5.9 or less, and a sporadic employment history, i.e, numerous jobs of short duration, frequent firings, and other evidence that may indicate a lack of any adequate marketable skills; AND s/he is successfully participating full-time (at least twenty (20) hours or more per week) in an approved literacy or ESL activity(ies) in her/his Employment Plan; AND completion of that activity would enable the individual to work.

The FIP case worker, in consultation with her/his supervisor, may grant an extension until the end of the education activity plus one (1) month.

- * When an individual is unable to participate in her or his employment plan because of homelessness.

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A homeless family is defined as a family which lacks a fixed and regular nighttime residence or a family whose primary nighttime residence is:

- o A supervised shelter designed to provide temporary accommodations, for example, an emergency shelter or shelter for victims of domestic violence;
- o A halfway house or similar institution which provides temporary residence for individuals who would otherwise be institutionalized;
- o A temporary accommodation, e.g., a hotel/motel, or in the residence of another individual for not more than ninety (90) days; or
- o A place not designed for, or ordinarily used, as a regular sleeping accommodation, such as a bus station, a lobby, or similar places.

Homeless individuals must be immediately referred to the Housing Services Unit and must develop an amended Employment Plan including a signed Family Support Agreement with their FIP case worker to solve the problem. Appropriate documentation of homelessness may include a letter from the shelter, or an assessment of the living arrangements by the agency representative for those living with others less than ninety (90) days or otherwise meeting the definition of homeless.

An individual who is homeless may qualify for a hardship extension as follows. One extension may be granted by the FIP case worker and supervisor for up to three (3) months. Any request for further extension must be accompanied by the submission of a memorandum (and other appropriate documentation) for review and approval by the Regional Manager in increments of up to three (3) months. All extensions under this paragraph must not exceed twelve (12) months.

- * Who is unable temporarily to participate in her or his Employment Plan because of a lack of child care.

Lack of child care is defined as the Department's determination that appropriate child care is necessary for the parent to participate in her or his Employment Plan, and that such appropriate child care is unavailable. For purposes of this section "appropriate child care" means child care which is provided by a person or organization qualified and authorized to provide such care by the Department of Children, Youth and

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Families or such other approved providers as determined by the DHS. Child care shall be considered "necessary" under this section for any child below the age of thirteen (13), or any children age thirteen (13) years or older who is under supervision of the family court or who requires care because of a physical or mental impairment.

The FIP case worker will explain all the care options available to the individual and, as appropriate, refer her/him to the DHS-contracted child care resource and referral agency for further assistance in locating an appropriate child care provider(s). An individual who lacks appropriate child care may qualify for a hardship extension as follows. One extension may be granted by the FIP case worker and supervisor for up to three (3) months. Any request for further extension must be accompanied by the submission of a memorandum (and other appropriate documentation) for review and approval by the Regional Manager in increments of up to three (3) months. All extensions under this paragraph must not exceed twelve (12) months.

Hardship extensions under Section 0806.50.10 are approved as outlined above and only for as long as the condition(s) or circumstances leading to the extension exist. The Agency shall periodically review the case to determine whether an extension is appropriate.

Reapplication Due to Hardship

0806.50.10.10

REV:03/2002

An individual who has reached her/his lifetime time limit and has been closed to FIP may request a hardship extension. A hardship extension may be granted to an individual who reapplies if s/he is determined to be otherwise eligible and if the individual is:

- * A victim of domestic violence who qualifies for a waiver of the work requirements under Section 0814.10;

A hardship extension due to domestic violence mirrors the maximum time period for the granting of a domestic violence waiver: six (6) months renewable only with the Regional Manager's consultation and approval in accordance with Section 0814.10.

- * Unable to work due to a disability as documented by appropriate medical evidence and a copy of an application for Social Security Disability, SSI, or

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other similar private disability program.

The case worker, in consultation with her/his supervisor, may grant an extension for up to twelve (12) months after review of medical evidence/documentation. The individual, as appropriate, is referred to ORS and/or to file an application for Supplemental Security Benefits (SSI) with the Social Security Administration. Any further request for extension may be granted, after review by the case worker and submission of a memorandum and medical evidence for review and approval by the Regional Manager, for a maximum of twelve (12) months longer. Any extension beyond twenty-four (24) months requires Administrative review and approval.

- * Unable to work due to homelessness as determined by an assessment of the living arrangements by the DHS Housing Unit agency representative and documented by a letter from the shelter, or the Housing Unit worker for someone living with others less than ninety (90) days, or otherwise meeting the definition of homeless in Section 0806.50.10.05.

One extension may be granted by the worker and supervisor for up to three (3) months. Any request for further extension must be accompanied by the submission of a memorandum (and other appropriate documentation) for review and approval by the Regional Manager in increments up to three (3) months. All extensions under homelessness must not exceed twelve (12) months.

Any hardship extension that is granted requires an Employment Plan be signed containing steps to be taken as appropriate in order to increase the individual's income, obtain employment of thirty (30) or more hours per week and/or remove whatever barriers are forcing her/him to re-apply for cash assistance.

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ASSIGNMENT OF SUPPORT RIGHTS

0808.05

REV:05/1997

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 Administration, Division of Taxation - Child Support Enforcement 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 the Department of Administration, Division of Taxation - Child Support Enforcement 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 0808.05.10 for further discussion of cooperation.

Referral to Child Support Enforcement

0808.05.05

REV:01/2002

The DHS agency representative refers the applicant's case to the Department of Administration, Division of Taxation - Child Support Enforcement 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 0808.05.15-0808.05.15.25, the DHS agency representative codes the appropriate fields in the ABSP panel.

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0808.05.10

Cooperation in Obtaining Support

REV:06/1999

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.

To cooperate in achieving the above objectives is defined as, that at the request of DHS or the Department of Administration, Division of Taxation - Child Support Enforcement, 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 the Department of Administration, Division of Taxation - Child Support Enforcement are delineated in Section 0808.05.17.

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Good Cause for Refusing to Cooperate

0808.05.15

REV:05/1997

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

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continued) pending the final determination on the good cause claim.

0808.05.15.05

When Cooperation Not in Best Interest

REV:05/1997

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.

0808.05.15.10

Corroborative Evidence of Good Cause

REV:05/1997

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:

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- 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

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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 0808.05.15.20.

0808.05.15.15

Emotional and Physical Harm Defined

REV:05/1997

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.

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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.

Good Cause Decision

0808.05.15.20

REV:01/2002

After the DHS representative has made a determination that good cause exists, and the case has been referred to the Department of Administration, Division of Taxation - Child Support Enforcement, the CSE representative evaluates the evidence and information in the ABSP panel(s). The CSE 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.

Review of Good Cause Finding

0808.05.15.25

REV:06/1999

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 0808.05.17. The Department of Administration, Division of Taxation - Child Support Enforcement notifies the DHS representative of any failure to cooperate with that agency and the DHS representative must take the necessary action on the case.

Consequences of Noncooperation with CSE

0808.05.17

REV:06/1999

The failure of a parent or caretaker relative 1) to cooperate with the Department of Administration, Division of Taxation - Child Support Enforcement 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.

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The financial sanction is equal to a twenty-five percent (25%) reduction of the entire assistance plan'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.

The Department of Administration, Division of Taxation - Child Support Enforcement notifies the DHS representative of failure to cooperate with that agency and the DHS 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. The Department of Administration, Division of Taxation - Child Support Enforcement notifies DHS of such compliance for appropriate follow-up by the DHS representative.

0808.05.20 Notifying IV-D of Additional Information

REV:05/1997

The DHS representative utilizes E-Mail in INRHODES to notify the Department of Administration, Division of Taxation - Child Support Enforcement to any new information about the absent parent, particularly as regards her/his residence or place of employment.

0808.10 THIRD PARTY LIABILITY

REV:05/1997

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

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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.

Third Party Payments

0808.10.05

REV:05/1997

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.

Responsibility of Third Party Liability Unit

0808.10.10

REV:05/1997

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

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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.

0808.15

FAMILY INDEPENDENCE WORK REQUIREMENTS

REV:05/1998

A nonexempt Family Independence 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 is subject to sanction as described in Section 0812.35.

0808.20

SAVE REQUIREMENTS

REV:05/1997

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.

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PURSUIT OF POTENTIAL RESOURCES

0808.25

REV:05/1997

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 0822.15 for further discussion of cooperation with regard to pursuit of resources.

CHANGE REPORTING REQUIREMENTS

0808.30

REV:12/2004

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 FIP or GPA cash assistance;

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- * 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 0822.10.20; and
- * When cash on hand, stocks, bonds, and money in a bank account or savings institution reach or exceed a total of ONE thousand dollars (\$1,000).

Furthermore, families receiving cash assistance as a supplement to earned income must report such earned income in the sixth month of each certification period. Such cases are identified by INRHODES as having job income (JINC panel(s)) or self-employment income (BUSI, DCIN, RINC, and/or RBIN panel(s)). Earnings reporting requirements and procedures are outlined in Section 0828.15.

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ASSESSMENT

0810.05

REV:01/2002

The assessment of family circumstances and employability for applicants and recipients is conducted by Family Independence Program case workers.

The assessment process begins with the Family Independence case worker collecting 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 to gauge the overall likelihood of the completion and success in a given component/activity and achievement of what specific employment goal is realistically possible in the shortest possible time given the overall family circumstances.

Assessment Requirements

0810.05.05

REV:01/2002

In order to gather information with which to evaluate a parent's employability, an assessment interview must be conducted which covers areas relating to the applicant's and the entire family's circumstances, including, but not limited to the following:

- * Housing;
- * Utilities;
- * Food;
- * Physical and emotional health (including special issues affecting the well-being of the family such as substance abuse and domestic violence);
- * Child issues, relationships;
- * Adult relationships;
- * Education;

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- * Employment;
- * Level of crisis;
- * Motivation; and
- * Coping skills, insight.

The initial assessment is completed for minor parents and pregnant minors by the ASSC case managers in individual interviews. Other applicants undergo a family needs assessment and an employability assessment for each parent.

At the beginning of the assessment process, the Information on the Family Violence Option (Form WVR-1a) is given and the FIP case worker should give a brief summary of its contents in case the individual cannot read. Every recipient must be informed that s/he may be excused from certain FIP 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 0814.10.

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 family 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 FIP case worker must also assess the financial conditions of the family and develop a financial plan. See Section 0810.10 pertaining to the financial plan.

As appropriate, the FIP 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 Family Independence requirements. The Family Independence Program Information for Teen Parents sheet which summarizes these requirements is reviewed with and given to

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the recipient, as appropriate, during the assessment process.

For all adult parents, the FIP case worker informs each individual of the work activity requirements as well as the sixty (60) month lifetime time limit for adults for receipt of benefits from the Family Independence Program. The FIP case worker reviews the Family Independence Program Information sheet which describes the welfare to work process 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.

Assessment initiates the process of developing the individual's Family Services and Support/Employment Plan. The plan must contain the short and long term career objectives of the recipient, must take into consideration the (1) the physical capacity, skills, education, work experience, health and safety and family responsibilities, and place of residence of the individual; (2) local employment opportunities; and (3) the child care and supportive services required by and actually available to the recipient in order to avail herself or himself of employment opportunities and/or work readiness programs. The plan shall include a strategy for immediate employment, as appropriate, and/or for preparing for, finding, and retaining employment consistent, to the extent practicable, with the individual's career objectives.

The Employment Plan is developed 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.

Assessment Recording

0810.05.10

REV:01/2002

The agency representative enters the assessment information in the panels of the ASMT (Assessment) function of INRHODES. The first four ASMT panels comprise Level I Assessment. 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.

During the assessment, the FIP case worker annotates in the Level I Assessment Participant Profile screen whether the individual

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speaks English, and if not, the person's primary language. The Family Independence case worker also determines and annotates the marital status of the participant, whether or not s/he is a military veteran, current employment status, and the last grade of school completed.

After the FIP 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 family member, as appropriate, the school attended, as appropriate, and any current health problems.

The Level I Assessment Family Composition screen reproduces certain household member information from the participant's IV-A STAT (Statement of Need) in INRHODES. When an applicant is not known to INRHODES, there is no corresponding STAT, i.e., no member information to display; the next Assessment panel displayed is the participant Level I Assessment Education History screen. The Family Independence program worker must wait to enter information in the Family Composition panel until after the STAT is entered; however, s/he should record the appropriate information in the CNAR (Case Narrative) in the TOOL function of INRHODES.

In the Level I Assessment Education History screen, all educational facilities attended by the participant, program/course titles, and completion dates are entered; similarly, the worker lists in the Level I 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 Narrative (CNAR).

There are two (2) levels of assessment: Level I and Level II. Level I assessment is completed for all Family Independence program participants. Certain participants must undergo a Level II Assessment when required for specific components (e.g., Community Work Experience, Skills Training, and Post-secondary Education). Level II and/or literacy testing, as appropriate, may be determined necessary to establish reading, mathematics, and skill levels.

In Level II Assessment or to determine an individual's literacy level, a participant is referred by the agency representative for

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formal testing with a testing services provider. After the test results have been returned, the agency representative conducts an in-depth interview with the individual in which the results are discussed and evaluated in light of her/his previous education, training, and employment history. The focus of the interview is to gauge the overall likelihood of the completion and success in a given component/activity and whether achievement of the employment goal is realistically possible. The testing information is recorded in the Level II Assessment panel, i.e., the fifth panel of the ASMT function of INRHODES, and the results are filed in the case record. A summary of each contact with the participant and any appropriate information is recorded in the CNAR (Case Narrative) in the TOOL function of INRHODES.

FINANCIAL PLAN

0810.10

REV:05/1997

The financial plan shall identify all available sources of income and all benefits and services available to the family from state government, local government, from the federal government, and from social service agencies. Sources of income may include: earnings from employment, including self-employment, the earned income tax credit, advance payment of the earned income tax credit, social security, unemployment compensation, temporary disability insurance, supplemental security income assistance, and payment of support obligations by noncustodial parents. Benefits may include: food stamps, school lunch, housing assistance, home heating assistance, as well as cash assistance under the Family Independence 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.

EMPLOYMENT PLAN

0810.15

REV:01/2002

An Employment Plan is developed by a FIP case worker in conjunction with each parent. The plan is derived from the employability assessment of the parent. The employment plan shall identify realistic short and long term career objectives.

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It must take into consideration the physical capacity, skills, education, 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 shall include a strategy for immediate employment and for preparing for, finding, and retaining employment consistent, to the extent practical, with the individual's career objectives. It must also take into consideration the sixty (60) month time limit for the parent's receipt of cash assistance from the Family Independence program.

The Family Services and Support/Employment Plan is established and signed at the end of the assessment. The plan is developed jointly by the FIP case worker and client who has a completed assessment. In their discussion, the case worker and client identify barriers to employment; strategies and dates for resolving them are then devised. If medical or other specific information is sought, a release of information form, DHS-25, is signed by the parent authorizing the agency to obtain that information.

The agency representative describes the programs and activities available to the parent. This information is obtained from current reports and publications from the Department of Labor and Training and other sources pertaining to training and employment. The parent is also provided with information regarding the availability of supportive services; the worker assists the family in obtaining those services needed to participate and authorizes them when appropriate and necessary.

The specific employment goal of the employment plan should be one which is feasible; the goal must be attainable in the shortest time period consistent with the parent's skills level and interests as well as the months remaining in the parent's sixty (60) month lifetime time limit, available program resources, the parent's supportive service(s) needs, local employment opportunities, and to the maximum extent possible, the preferences of the parent.

The worker records a summary of each contact or interview in the CNAR (Case Narrative) section of the TOOL function of INRHODES; if employer or component provider contacts are made telephonically, the dates and appropriate information obtained are recorded in the on-line Narrative as documentation.

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

The employment plan identifies the steps: education, job training, employment search, part-time work and full-time work that the recipient will follow to become financially self-sufficient within the shortest practicable time. In INRHODES, the employment activity schedule is entered and maintained; 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.

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

In order for an employment activity to be approved, the total scheduled hours of the component(s) must be twenty (20) or more hours per week unless the activity is participation on a full-time basis (as defined by the institution) in an educational component activity as outlined in Sections 0812.10.05.

The FIP case worker lists in the employment activity schedule the supportive services determined necessary for participation and which are to be authorized.

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 0808.30. 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 qualitative measure of progress such as a grade point average and a quantitative measure such as a reasonable time limit for completion of an education or training program. (See Section 0812.25.)

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The completed employment activity schedule must be approved by the agency representative before any supportive services can be authorized. When a FIP case worker denies an individual's employment activity, a notice specifying the reasons for the denial must be issued. The notice must also include information regarding conciliation and the parent's appeal rights.

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PARTICIPATION REQUIREMENTS

0812.05

REV:05/1997

All parents who are requesting assistance are required to enter into an employment plan and participate, unless exempt, in appropriate work-related activities. Non-parents are exempt from the work requirement.

One Parent Family: First 24 Months

0812.05.05

REV:07/2002

During the first twenty-four (24) months of the employment plan, the parent 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 appropriate, in order to help the parent obtain stable full-time paid employment:

- * Paid employment, (including on-the-job training);
- * A community work experience in a program as specified in DHS Manual Section 0816.35;
- * 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 as defined in Section 816.25;
- * 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 as defined in Section 0816.30;
- * A supervised individual job search which meets the conditions set forth in Section 0816.45;

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- * 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 (and a parent under the age of twenty (20) who has a high school degree or the equivalent or a parent 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, which the department determines is likely to result in regular full-time employment at wages sufficient to eliminate eligibility for cash assistance under the Family Independence program.

0812.05.10

One Parent Family: Beginning Month 25

REV:07/2002

Beginning with month twenty-five (25) of the employment plan, the parent shall participate in one (1) or more of the following work activities for at least twenty (20) hours per week for parents whose youngest child in the home is under the age of six (6), and thirty (30) hours per week for parents whose youngest child in the home is six (6) years of age or older:

- * Paid employment (including on-the-job training);
- * A community work experience program which satisfies the requirements of Section 0816.35;
- * A training program approved by the Department and conducted at a job site if the program involves supervised participation in work at the site.

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Deferral from Sec. 0812.05.10 Requirements

0812.05.15

REV:01/1999

The following parents shall be deferred from the participation requirements which begin in the twenty-fifth (25th) month:

- * A parent under the age of twenty (20) without a high school diploma or the equivalent who is successfully participating, on a full-time basis, in a program to secure such diploma or the equivalent;
- * A single parent age twenty (20) or older, without basic literacy or English language skills, who (1) is participating in a full-time program but is unable to complete a literacy or language skills program during the first twenty-four (24) months of his or her employment plan, or (2) who the department has determined is unable to secure paid employment without additional language or literacy skills, and who is successfully participating in a program to secure such skills.
- * A parent age twenty (20) years or older, who is successfully participating in a vocational education, skills or job training program, including without limitation, a program of postsecondary education, which the department determines is likely to result in regular full-time employment at wages sufficient to eliminate eligibility for cash assistance under the act; provided, however, that the parent began the program prior to the twenty-fifth (25th) month of his or her employment plan; provided, further, however, that participation shall not be deemed a work activity after the thirty-sixth (36th) month of the employment plan.

Upon completion of any activity in the three (3) categories above prior to the thirty-sixth (36th) month of the individual's employment plan, the formerly deferred parent shall be subject to the work activity requirements in Section 0812.05.10.

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0812.05.20

Exemption from Work Requirements

REV:01/1999

A parent may qualify for a waiver from the work requirements due domestic violence as specified in Section 0814.10. In addition, the requirements under Sections 0812.05.05 and 0812.05.10 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 provision in Section 0814.05.20 for more than twelve (12) weeks from the birth of the child;
- * Sixty (60) years of age or older; or
- * A pregnant woman in her third trimester.

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Two Parent Family Requirements

0812.05.25

REV:01/1999

Notwithstanding the work requirements under Sections 0812.05.05 and 0812.05.10, in the case of a family consisting of two (2) parents, except as noted in Section 0812.05.25.05, beginning seven (7) days following completion of the family financial plan and the individual 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 (1) 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 engaged for 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 (see Section 0806.50) is deemed to have begun when the employment plan is completed, or, if the second parent has chosen not to have an employment plan, the date the assessment is completed.

Moreover, in a two-parent family in which one (1) parent is

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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 (1) 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.

0812.05.25.05 Two Parent Families with a Disabled Parent

REV:01/1999

Unless the second parent is exempt from the work requirement pursuant to Section 0812.05.30, a two (2) parent family that includes a disabled parent shall be considered to be a single parent family for purposes of applying the work requirements in Sections 0812.05.05 and 0812.05.10 and the exemptions listed in Section 0812.05.20.

0812.05.30 Exemptions for Two Parent Families

REV:01/1999

The work requirements in Section 0812.05.25 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 activities specified in Section 0812.05.25 or to provide care for her/his children; or
- * To a parent who is incapacitated by a physical or

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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.

REFERRAL PROCESS

0812.10

REV:05/1997

Referral to the appropriate Family Independence Program personnel for assessment and development of an individual's employment plan takes place for applicants during the screening process at or before Intake; recipients undergo assessment at request for services and/or employment planning, redetermination, or at other times as appropriate.

Recipients may self-refer who are already attending or plan to attend a particular program or school and request supportive services. Their request will be considered for appropriateness of the activity; these individuals must undergo an assessment and develop an employment plan based on Family Independence work program requirements. Criteria for the appropriateness of the activity must be utilized in the approval/denial of the self-referring individual's employment activity schedule.

WORK ACTIVITIES

0812.15

REV:05/1997

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

- * Basic Literacy Education;

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- * English as a Second Language (ESL);
- * Basic Education Programs;
- * High School/High School Equivalency (GED) Programs;
- * Vocational Educational/Post-Secondary Degree Programs;
- * Skills Training;
- * Group and Individual Job Search;
- * Rapid Job Placement;
- * Job Readiness;
- * Work Experience
- * Work Supplementation Program; and
- * Employment (includes 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, the weekly scheduled hours of the activity, the manner and date of verification of enrollment, and other appropriate information.

0812.20

SUPPORTIVE SERVICES

REV:05/1997

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.

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Transportation

0812.20.05

REV:05/1997

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 three dollars (\$3.00) per day. The participant must incur actual out-of-pocket expenses and must not be receiving a transportation stipend or allowance in excess of three dollars (\$3) per day from any other source.

The transportation allowance of no more than three dollars (\$3) 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 Family Independence 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.

Child Care Services

0812.20.10

REV:05/1997

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 0818.

Exclusion from Income

0812.20.15

REV:05/1997

The transportation allowance Section 0812.20.05 is considered a reimbursement for training and employment readiness and is excluded as income and resources for both the Family Independence and Food Stamp programs.

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PROGRESS AND ATTENDANCE REQUIREMENTS

REV:05/1997

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 Family Independence Program requirements.

0812.25.05

Definition of Successful Participation

REV:05/1997

"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 0816.15. 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 sent monthly either to the component provider (for contracted providers) or to the individual. Each report is completed by the provider who annotates the days attended, indicates satisfactory or unsatisfactory progress, and, if the individual has stopped attending the program, indicates the termination date. The report is signed and dated by both the provider and the participant. When the completed and signed report is returned to the Business Office, the days attended, satisfactory or unsatisfactory progress, and termination date information are data entered. Data entry of unsatisfactory/unsuccessful progress and/or termination date information prompt messages on the worker's Daily Report for follow-up.

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When an agency representative's Daily Report contains a Component Noncompliance message indicating Unsatisfactory Progress, the representative initiates Conciliation to determine the reason for the failure to participate. (See Section 0812.35.)

Attendance Requirements

0812.25.10

REV:05/1997

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.

Attendance reports are sent monthly, either to the individual participant or to the component/activity provider when the individual's provider has a contract with the DHS, to monitor both attendance and satisfactory progress. Each report is completed by the provider who notates the days attended, indicates satisfactory or unsatisfactory progress, and, if the participant has ended activity in the program, indicates the termination date. The report is signed and dated by both the provider and the participant. When the completed and signed report is returned to the Business Office, the days attended, satisfactory/unsatisfactory progress, and termination date information are data entered.

When the agency representative receives a message in her/his Daily Report that a participant has terminated component activity, the agency representative sends a component closure notice and/or child care discontinuance notice to close supportive services. (See 0812.25.15.) If appropriate, s/he then begins the conciliation process. (See 0812.35.)

Similarly, when the agency representative's Daily Report contains a Component Noncompliance message indicating that a participant is not attending her/his scheduled days, the agency representative initiates conciliation to determine the reason for the failure to participate. (See 0812.35.)

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0812.25.15 Component Closure

REV:05/1997

When a component activity is about to end or the agency representative learns that a participant has completed or terminated an activity, the representative utilizes the NOTC function to send a Component Closure notice which closes supportive services (but not child care services). Each component notice contains the reason(s) for component closure, the effective date, 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.

0812.30 CONCILIATION

REV:05/1997

A nonexempt parent who fails without good cause to comply with the employment plan causes the amount of cash assistance paid to the family to be reduced by the parent's portion of the family's benefit. The reduction in benefits is preceded by a conciliation process.

Conciliation is a means for a participant to prove good cause for failure or refusal to comply with her/his requirements. Section 0812.35.10 lists examples of overt and de facto refusal which would result in conciliation. Conciliation is offered to all participants through each notice; each notice also includes the participant's appeal rights. A participant who exercises her/his right to file for a fair hearing will be considered to have given written request to terminate the conciliation process.

0812.30.05 Conciliation Process

REV:05/1998

The conciliation process may be initiated by either the participant or the FIP caseworker. The participant may opt to initiate conciliation prior to noncompliance. However, when the FIP caseworker learns of a failure or refusal to comply (either overt or de facto) by the occurrence of one or more of the

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actions like those listed in Section 0812.30.10, s/he must initiate conciliation by either contacting the individual and/or sending a conciliation appointment notice. The conciliation letter must be sent as soon as possible but no later than ten (10) days from the date the caseworker becomes aware of the failure or refusal to participate. The conciliation period is not to exceed fourteen (14) days and begins on the scheduled date of the conciliation conference or the date of the telephone contact.

The FIP caseworker informs the participant that s/he is failing to meet program requirements. When the formal conciliation procedure is utilized, the conciliation notice provides the date of a conciliation conference at the appropriate office for the individual to discuss the act or pattern of behavior in question and to afford the individual an opportunity to prove good cause for non-compliance. The notice must specify the reason(s) for the conciliation appointment, the consequences of failure to keep the appointment, and the end date of the conciliation period. In the informal telephone conciliation process, the reason for conciliation, consequences, and the opportunity to prove good cause must be provided to the individual.

In ALL conciliation (and sanction) processes, the FIP caseworker must keep a complete record of the circumstances and the substance of the individual's refusal/failure to comply in the file and case narrative (CNAR).

During the conciliation period, the FIP caseworker and the participant attempt to resolve the problem by exploring the situation and reason(s) for non-compliance. The individual must provide substantiation of her/his reason(s) for not complying with her/his employment plan in order to establish good cause. A listing of reasons which constitute good cause is given in Section 0812.30.15. Verification must be documented in the case file and recorded in CNAR.

The Domestic Violence Notice (Form WVR-1) must be reviewed with the participant so that s/he is informed about claiming the Family Violence Option as part of the conciliation process. The procedures following an applicant's claiming of this option or disclosure of abuse are outlined in Section 0814.10.

Either the agency caseworker or the participant upon written request may terminate the conciliation period early when either believes the dispute cannot be resolved by conciliation. The

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Family Independence caseworker must advise the participant of the right to terminate the conciliation process and, when necessary, assist in preparing the written request for a hearing. A participant who exercises her/his right to file for a hearing is considered to have given written request to terminate the conciliation process.

Unless the participant requests a fair hearing, the FIP caseworker shall recommend a sanction only after undertaking reasonable efforts to conciliate with the recipient within the allowable time frame.

0812.30.10

Overt and De Facto Refusal

REV:05/1997

Overt refusal to comply occurs when a participant states orally, or in writing, that s/he will not participate or continue to participate in work activities or components. The participant is requested to put oral refusals in writing.

De facto refusal to participate occurs when:

- * A participant fails without good cause to appear for a scheduled workshop/appointment/employment activity;
- * A participant fails without good cause to appear for a job referral or interview that is appropriate to the individual's employment plan;
- * A participant fails without good cause to attend a required educational activity;
- * A participant fails or refuses without good cause to accept a bona fide offer of employment;
- * A participant repeatedly fails to show up for work and/or for a required interview appointment without acceptable excuse;
- * A participant seriously disrupts a work-related activity or the orderly administration of the activity/program, or her/his behavior constitutes a threat or hazard to fellow participants and/or staff;
- * A participant possesses the required education,

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experience or aptitude to perform an assignment but makes no effort to benefit from the activity;

- * A participant quits his/her job without good cause, or is fired for cause during the initial thirty (30) days of employment;
- * A participant refuses without good cause to accept suitable child care which would then preclude participation in the activity; or
- * A participant refuses without good cause to accept other services, such as transportation, which would then preclude participation in work or training.

The preceding list of actions is not all-inclusive. The agency representative makes the determination when an individual is failing or refusing to comply with her or his employment plan.

Good Cause for Failure to Comply

0812.30.15

REV:05/1997

Good cause for refusal to participate must be a verifiable short-term circumstance or an on-going reason for the individual turning down a specific assignment or job offer. 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 be valid, s/he shall be required to continue to participate in the component/activity.

Documentation of good cause must be obtained when possible and included in the case file. The case narrative (CNAR) must include the reasoning used by the supervisor in the determination of good cause when documentation can not be secured, e.g., 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

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representative determines that such child care is unavailable;

- * Child care (or care for an incapacitated individual living in the home) is necessary for an individual to participate or continue to participate in the program or accept employment and such care is not available;
- * Illness of the participant;
- * Illness of another family member sufficiently serious to require the presence of the participant;
- * The individual is experiencing a family or household crisis or change in family circumstances such as the death of a spouse, parent, or child, a housing crisis;
- * Court-required appearance; or
- * Breakdown in transportation arrangements with no readily accessible means of transportation.

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 narrative (CNAR); a description of the supervisor's decision and the reasons for that determination must also be provided.

0812.35

PENALTIES FOR WORK REQUIREMENT NONCOMPLIANCE

REV:08/2004

FIRST TWENTY-FOUR (24) MONTHS OF NONCOMPLIANCE

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, as required under Sections 0812.05.05 and 0812.05.10 or Section 0812.05.25; provided that the reduction shall be applied during the first twenty-four (24) months, whether or not consecutive, of such failure or non-compliance by the parent.

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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).

IN EXCESS OF TWENTY-FOUR (24) 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 twenty-four (24) 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 twenty-four (24) 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. 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 the individual became exempt.

Procedures for Penalty in 2 Parent Families 0812.35.10

REV:08/2004

If, during any month, a parent required to comply with requirements of Section 0812.10.25 fails, without good cause to do so, the family shall be deemed for all purposes under this act to include only one parent. The parent included in the family

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shall be the parent which the department determines has accepted primary responsibility for child care. The parent included in the family, unless exempt, shall be required to comply with Sections 0812.10.05 and 0812.10.10 of this section and shall be subject to the penalties specified in Sections 0812.35, as applicable, if the parent fails to do so.

When the first parent has been sanctioned for noncompliance with the two (2) parent family work requirements for a total of twenty-four (24) months, the case is discontinued, unless the second parent in the family is employed for an average of thirty-five (35) hours per week during a month in accordance with Section 0816.55.05.

0812.40 **FAIR HEARING REQUESTS**

REV:05/1997

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.

0812.45 **ENDING WORK PENALTIES**

REV:08/2004

A penalty for failure or refusal to comply with the employment plan can be ended if the individual complies with her/his employment plan 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 referred;

- * 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 Federal minimum wage multiplied by thirty (30) hours;

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- * Refusal to comply with a FIP Employment Plan assignment, appointment, and/or activity, such as Job Search and employment -- compliance with the 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 for two (2) weeks (and continue to participate thereafter). If the individual successfully participates during that probational time period, the sanction will be considered to have ended as of the day s/he began to participate. If no such activity is available, the sanction will end on the day s/he agrees to participate.

If the family's benefit has been reduced in accordance with paragraph one of Section 0812.35 for less than twenty-four (24) 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 in accordance with paragraph three of 0812.35 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.

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0812.50

WORK CLOSURE

REV:01/2002

The agency representative is notified automatically via D206 in her/his Daily Report when a participant is no longer eligible for cash assistance and her/his needs have been removed from the payment and/or the case has been closed. The agency representative determines from INRHODES the reason for the participant's removal from the cash payment or case closure.

If the client is active in a component activity, the agency representative sends a Component Closure Notice (see Section 0812.25.15) and, if applicable, a Child Care Discontinuance Notice. The agency representative then closes the case through the CLOS function of INRHODES.

If the case is closed to employment, the participant's job title, employer's name and address, hire date, and work schedule information is recorded in the Job Entry (JOBE) panels.

When the FIP 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

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no current application in the case record, the FIP 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 FIP 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.

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MINOR PARENT AND PREGNANT MINOR REQUIREMENTS **0814.05**

REV:05/1997

PL 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and RIGL 40-5.1-8(f)(1), the Family Independence Act, require that a pregnant minor or a minor parent with a dependent child(ren) in her/his care to reside in the household of a parent, legal guardian, or adult relative with certain exceptions. In those situations, the minor must reside in an adult-supervised supported living arrangement to the extent such arrangement is available and appropriate.

Goal

0814.05.05

REV:05/1997

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.

Eligibility Criterion

0814.05.10

REV:05/1997

- o A family consisting of a parent who:
 - * is under the age of eighteen (18) (minor parent); and
 - * has never been married; and
 - * has a child; or

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

shall be eligible for cash assistance only if such family resides in the home of a parent, legal guardian, or other adult relative. A relative for purposes of this section is defined in the listing in Section 086.15.05 of this Manual. Such assistance will be provided to the parent, legal guardian, or adult relative on behalf of such individual unless otherwise determined by the agency representative.

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Exceptions

REV:05/1997

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

1. Has no parent, legal guardian, or other adult relative who is living or whose whereabouts are unknown; or
2. Whose physical or emotional health or safety (or of her/his child) is determined by the Department of Children, Youth and Families to be jeopardized if s/he was required to live in the same residence as her/his parent, legal guardian, or other adult relative. Refusal of a parent, legal guardian, or other adult relative to allow the minor parent and her/his child, or a pregnant minor, to live in her/his home shall constitute a rebuttable presumption that the minor parent's health or safety would be so jeopardized; or
3. Has lived apart from her/his own parent or legal guardian for a period of at least one (1) year before either the birth of any such minor parent's child or beginning of the pregnant minor's pregnancy; or
4. Has good cause as outlined in Section 0814.05.20; AND
5. Resides in an approved adult-supervised supportive living arrangement to the extent available. An adult-supervised supportive living arrangement is defined in Section 0814.05.25.

0814.05.20

Adult-Supervised Living Arrangement

REV:05/1997

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. "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

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- * To participate in an adolescent parenting program as established in RIGL 40-19; and
- * To undergo routine adult supervision as defined in 0814.05.20.05.

Routine Adult Supervision

0814.05.20.05

REV:05/1998

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

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

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

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child in jeopardy, s/he must immediately report the situation to the Department for Children, Youth and Families (DCYF) as described in Section 0118. The ASSC in cooperation with DCYF will assist the minor parent in locating and moving to an appropriate adult-supervised living arrangement or in making the current arrangement safe and healthy.

If the ASSC representative learns that the physical or mental health of the minor parent and/or her child is in jeopardy due to domestic violence, after the mandatory report to DCYF, s/he may opt to conduct the Family Violence Option Assessment alone, refer the parent to the domestic violence advocate for that assessment, or collaborate with the domestic violence advocate in the assessment process as needed, following the procedures outlined in Section 0814.10.

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

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

0814.05.25

Approvable Living Arrangements

REV:05/1997

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

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

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DOMESTIC VIOLENCE WAIVER PROCESS

0814.10

REV:05/1998

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

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

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

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

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

In the case of an adolescent parent/pregnant adolescent, if an

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ASSC worker did not conduct or collaborate in the Family Violence Option Assessment, a copy of the final Findings document is forwarded to the appropriate ASSC.

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

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

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

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

REV:12/2004

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

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

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otherwise be entitled during the six (6) month period beginning with the date of application for payment of the lump sum; and

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

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

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

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

Criteria for Alternative Cash Assistance

0814.15.05

REV:12/2004

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

- The family would otherwise be eligible for FIP cash assistance;
- The family has not received alternative cash assistance

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before;

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

The assessment and evaluation is completed with the FIP case worker.

0814.15.10

Evaluation for Suitability for ACA

REV:12/2004

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

The assessment process should reveal any underlying issues, such as health, which could affect the applicant's retention of employment. Through an examination of the adult member's education history, employment history, current skills, and consideration of the likelihood of the applicant obtaining

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immediate full-time employment (if unemployed) and the applicant's general prospect for obtaining full-time employment, the FIP caseworker must consider whether the applicant is going to keep the job, or if it would be preferable for the family to receive regular FIP supplemental cash assistance since the offered wages appear relatively low in view of the size of the applicant's family, etc. Especially if the adult member is or will be working thirty (30) hours or more per week, the adult member should be informed that months in which FIP supplements are made to recipients who are employed in excess of thirty (30) hours/week (or thirty-five (35) for two-parent families) do not count towards the adult member's lifetime time limit.

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

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

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

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Some Valid Reasons for ACA

REV:12/2004

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

- Job-specific expenses, such as licensing fees, tools of the trade, and uniforms required to obtain a job;
- Shelter-related expenses, including rent, mortgage, insurance, utilities;
- Transportation, including vehicle repair, vehicle payment, driver's license fees, gas, and vehicle insurance.
- Other expenses, as determined appropriate, after consultation with the FIP Supervisor, Chief Supervisor, and/or Regional Manager.

0814.15.20

ACA Waiver Contents

REV:12/2004

The waiver includes the following statements:

- * A one-time lump sum payment of alternative assistance will resolve the family's current situation, which does not require on-going assistance, and will meet the family's need for assistance at this time.
- * The lump sum will help the family obtain or retain employment.
- * The family accepts the lump sum payment voluntarily to meet its immediate needs instead of receiving on-going cash assistance from the Family Independence Program (FIP).
- * The family has been informed of and has compared the amount of the regular FIP benefit amount that it could receive AND the amount of the one-time Alternative Cash Assistance which it has instead chosen to receive. The waiver form also includes those dollar amounts.

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- * The family waives any cash assistance to which it would otherwise be entitled during the six (6) month period beginning with the date of application.
- * The family understands that it will receive Medical Assistance and Food Stamps for six (6) months as though it were receiving FIP cash assistance.
- * The family understands that, if otherwise eligible for Child Care Assistance Program, the family would not be subject to a Child Care co-payment for six (6) months.
- * The adult member's rights and responsibilities were explained clearly, and the waiver was described in a clear and concise manner during the adult member's interview and that the information presented was understood and all the adult member's questions were answered.

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

Rescinding of Waiver

0814.15.20.05

REV:12/2004

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

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COMPONENT/PROGRAM ACTIVITIES

0816.05

REV:05/1997

The goal of the Family Independence Program is to facilitate the entry or re-entry of the adult members of the family into employment with necessary supports such as financial assistance, child care, and medical coverage while they obtain the skills necessary for employment.

EDUCATION COMPONENT ACTIVITIES

0816.10

REV:05/1997

Education program activities may be appropriate as a part of the employment plans of certain individuals as outlined in Section 0812.10. This section discusses various types of educational activities, e.g., Basic Education, ESL, and Postsecondary which may be included in an individual's employment plan.

Education Activities Below Postsecondary

0816.10.05

REV:05/1997

Basic education means the necessary reading, writing, and mathematics skills to function in society. These practical abilities improve the individual's employment skills and help her/him to become self-supporting. Through the assessment process, the Family Independence case worker determines whether attendance and participation in activities such as English Language instruction either through English as a Second Language (ESL) or placement in work-based English Language Education is more suitable for the individual. Placement in Basic Literacy, High School, General Equivalency Diploma, Remedial Assistance, or the Comprehensive Competencies programs may be an appropriate activity(ies) to be included as a part of an individual's employment plan, in combination with work readiness (for those with special educational deficiencies or requirements) or other activities.

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0816.10.05.05

Basic Education Activities

REV:05/1997

Basic education activities are available for those individuals for whom they are found appropriate as follows:

- * Basic literacy programs;
- * Adult basic education programs;
- * English as a Second Language (ESL) programs; and
- * Remediation.

0816.10.05.10

Secondary Education Activities

REV:05/1997

Secondary education activities are available for those individuals for whom they are found appropriate as follows:

- * Traditional high school setting;
- * Alternative high school setting;
- * High school equivalency (GED) programs; and
- * Home-based tutoring; and
- * Non-postsecondary vocational education, skills, or job training programs.

0816.15

POSTSECONDARY EDUCATION

REV:05/1997

When it is determined appropriate, i.e., likely to result in regular full-time employment at wages sufficient to eliminate eligibility for cash assistance under the Family Independence Program, an individual's employment plan may include postsecondary courses leading to an associate's or bachelor's degree.

Accordingly, the course of study comprising a component in an employment plan must be occupation specific in order for the plan to be approved by the Department. Agency approval of such plan

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activities must, in part, be guided by the conclusions of a labor market analysis and be directly related to the employment goal defined in the individual's employment plan.

In order to have a postsecondary plan activity approved, each participant must undergo a Level II assessment during her/his Family Options and Employment Planning workshop to establish various skills levels and ascertain his/her range of interests and aptitudes. The test results are discussed with the participant; the Family Independence case worker and participant review his/her skills and interests as related to labor market information to help guide the participant toward appropriate postsecondary programs. During the review of the Level II test scores, the Family Independence case worker and participant should also explore the participant's expectations of a specific career or occupation before it is selected as an employment goal in relation to the actual activities and functions of the job, as well as the skills, knowledge, and abilities needed to accomplish the tasks specific to the job, and how much the individual can expect to earn.

After Level II assessment test results have been received, the Family Independence case worker must annotate in INRHODES the grades for Testing of Adult Basic Education (TABE), Adult Basic Education Level (ABEL), General Aptitude Test Battery (GATBE), APTICOM, or equivalent testing medium; Scholastic Aptitude Testing Services (SATS) and Interest Inventory Evaluation, Harrington O'Shea, or comparable instrument.

Other options for those with skill levels appropriate for postsecondary are prevocational training programs which provide participants with intensive assistance in determining the type of career for which to prepare; they also help participants build confidence in their ability to prepare for, find, and keep good jobs.

The remaining criteria for approval or reapproval of an employment plan with a postsecondary component are:

- 1) Reading level at or above 9.0 (comprehensive language);
- 2) Math level at or above 9.0;
- 3) Language skills at or above 9.0;
- 4) The participant must attend postsecondary at twelve

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(12) or more credit hours (full time).

- 5) For any postsecondary education plan, participation is limited to no more than twenty-four (24) full time months in a three year period from the beginning of a postsecondary education plan, or twelve months added to the number of semesters (one semester is defined as 4.5 months) needed to complete the degree (for individuals who have at least one semester's credit {minimum of twelve (12) credits} toward the degree), whichever is shorter.

No payment shall be made for supportive services under an approved postsecondary employment plan activity for any period prior to the date the individual completes a Family Options workshop for assessment and establishes her/his employment plan under Sections 0810.05 and 0810.15.

When an individual's serious illness or a family emergency which is beyond her/his control makes it necessary to withdraw from school for at least one semester, the time period during which the individual is not enrolled shall not be counted against the postsecondary time limit.

- 6) Verification of the course of study and class schedule with total credit hours, days of week, and work hours must be provided prior to approval of the plan.
- 7) The participant must maintain a cumulative grade point average of 2.0 points or more.

Postsecondary education employment plans shall not be approved when the individual already has a bachelor's degree. A one-year exception is allowed for individuals returning to school for professional certification in an approved vocational goal. This does not include graduate-level degrees obtainable in one year.

Approvals of postsecondary employment plans are made semester by semester; at the end of each semester completed, the Family Independence case worker evaluates the individual's progress and grade point average before approving the next semester's continuation of the postsecondary activity, including any appropriate supportive services. The case file must contain a copy of the grades for each semester as well as a course

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schedule.

The Family Independence case worker should refer the potential candidate for postsecondary to the educational institution as early as possible prior to the start of each term. This will allow the participant sufficient time to register for any remedial courses which might be required, to obtain help with admission requirements, and to complete financial aid applications prior to the beginning of the term. An adequate period of "lead time" also facilitates the completion of the employment plan activity approval process.

After a participant has successfully completed her/his Postsecondary program, s/he is considered job ready. The individual must be assigned to Job Search, Rapid Job Placement, or Work Supplementation components.

SKILLS TRAINING

0816.20

REV:01/2002

Skills training activities are programs providing training in skills which are job-specific for entry level positions. These vocational programs are operated by trade, vocational, and business schools, as well as other providers. They offer programs which combine education and training; participants may be taught in the classroom and/or on the job. Each provider has its own academic prerequisites; some providers may or may not require a high school diploma. These non-degree programs, whose training periods vary in length of time, are usually designed to be completed in one year or less. Any program selected must lead to a diploma or certificate. All participants in Skills Training must undergo a Level II assessment to establish various skills levels and range of interests and aptitudes.

During assessment a participant may indicate that s/he has no particular employment goals or vocational interests, and also indicates that s/he prefers not to spend a long period of time in the classroom. The participant is referred to a testing services provider for Level II testing. After the results are returned, the FIP case worker schedules a conference whose focus is in what areas the tests indicate the participant might be successful. The discussion also explores the participant's expectations of an occupation in relation to what it actually entails. In addition, current labor market conditions, rates of pay, and the duration of the training period are considered before the FIP case worker

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and participant establish a specific employment goal for the employment plan. If it is determined that vocational or skills training is appropriate for the individual, a list of resources offering training for the chosen type of employment is given to the individual to follow up and make application, or a direct referral is made if such a resource is known to the FIP case worker.

When a participant expresses an interest in training for a specific vocation, referral is made for Level II testing. After results are returned to the agency, they are evaluated to determine whether vocational or skills training is appropriate. The test results are discussed with the participant; the FIP case worker and participant explore the participant's expectations of a specific career or job in relation to what it actually involves before the employment goal and the employment plan are established.

If skills training is found to be appropriate for the individual, s/he may be referred for academic remediation before placement in a training program. If the testing service finds that vocational training is unsuitable for the individual, it will refer her/him back to the FIP case worker with specific recommendations for remedial assistance, such as ESL, GED, work-based English Language Education, or work readiness for those with special educational requirements.

After a participant has successfully completed his/her vocational skills program, s/he may be referred to appropriate Job Readiness activities. If determined job ready after completion of the Skills Training, s/he must be assigned to Job Search, Rapid Job Placement, Work Supplementation, or Work Experience components.

0816.25

JOB READINESS

REV:06/2003

Job Readiness activities are available to participants through a number of state and community service agencies. Often these services are provided in the context of another employment related service such as Group Job Search. Job readiness activities include counseling and other activities which prepare a participant to become and remain employed. This is accomplished through classroom teaching, role playing and, in some cases, unpaid work experience.

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The Job Readiness component is designed for persons who have: no recent work history; no clearly defined vocational goals; few or no appropriate work habits; poor self-esteem and lack of self-confidence; or homelessness (or in immediate danger of becoming homeless), transportation, child care, or educational difficulties that are barriers to employment.

After assessment and evaluation conducted by DHS or an agency under contract with DHS, the participant is prepared for the transition into other components/activities. The process may include:

- * Identification of strengths and abilities;
- * Counseling concerning appropriate work habits and work place expectations;
- * Acquisition of educational skills through remedial and other education activities as appropriate needed to assure successful completion of supportive work;
- * Short-term placement to assess and improve a participant's basic employability skills (attendance, punctuality, attitude, co-worker relationships, etc.).

The agency may place some participants in work-experience internships which provide an opportunity for developing work skills and proficiencies which will ultimately increase their employability. Some individuals are assigned to participate in training and education programs offered through the R.I. Departments of Education, Labor and Training, Community College of Rhode Island, and other programs funded by state and/or federal resources. Other clients may participate in training and education programs which take place at work sites.

Housing Search as Employment Plan Activity

0816.25.05

REV:06/2003

Individuals who are identified as homeless (or about to become homeless) as defined below may include housing search as an approvable activity in their Employment Plan. Such individuals may be identified at screening, or may present themselves as homeless at assessment or at another time.

A homeless individual is defined as an individual who lacks a

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fixed and regular nighttime residence or an individual whose primary nighttime residence is:

- * A supervised shelter designed to provide temporary accommodations, for example, an emergency shelter or shelter for victims of domestic violence;
- * A halfway house or similar institution which provides temporary residence for individuals who would otherwise be institutionalized;
- * A temporary accommodation, e.g., a hotel/motel, or in the residence of another individual for not more than ninety (90) days; or
- * A place not designed for, or ordinarily used, as a regular sleeping accommodation, such as a bus station, a lobby, or similar places.

The individual may provide, with the assistance of the Housing Services social caseworker, 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 one hundred eighty (180) days for the housing search activity. In a two-parent family, the second parent must sign an Employment Plan and conduct the housing search unless one parent is exempt due to disability. (See Two Parent Family Requirements, Sections 0812.05.25. and 0812.05.25.05)

When the parent is conducting a self-directed housing search, s/he provides the FIP caseworker with a log of her or his housing contacts 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 (FIP-11) 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

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with a structured program, the individual must still meet Employment Plan activity participation requirements (as outlined in Sections 0812.05.05 and 0812.05.10, or 0812.05.25). Some agencies or organizations may enter into formal agreements with DHS to provide job readiness services, including supervised housing search, for DHS clients. Parents who are referred to these entities (via the FIP-102) must meet the required hours of approved Plan activities, including housing search as well as GED, ESL, Job Search, and OJT or other activity, as appropriate in order to have a job readiness activity approved. A parent's progress (in ESL, for example) is monitored by the certified vendor or contract provider, as appropriate, and the housing search by the FIP caseworker in consultation with a Housing Services social caseworker. Individuals are referred to shelters via the FIP-102 form.

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 FIP Employment Plan activity participation requirements (as outlined in Sections 0812.05.05 and 0812.05.10, or 0812.05.25) 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 FIP-102 form, and the shelter communicates the individual's progress with the FIP caseworker via the FIP-103 on a biweekly basis.

RAPID JOB PLACEMENT

0816.30

REV:01/2002

Rapid Job Placement is an appropriate employment plan component for 1) those individuals who wish to enter employment as soon as possible but need short-term remediation, job readiness activities including counseling, resume writing, and other activities, job search placement, and/or retention counseling and 2) other individuals as appropriate.

Individuals will be assigned to appropriate time-limited

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activities as described above and/or be referred for job placement. Once an individual is employed, employment retention counseling services are provided for a four (4) month follow-up period. After the individual has been employed for four (4) months, the individual's Rapid Job Placement component will be terminated and a regular employment component established in her/his employment plan.

0816.35

WORK EXPERIENCE

REV:05/1997

The objective of the Work Experience (WEXP) component is to improve the employability of individuals not otherwise able to obtain employment by providing unpaid work experience and training to assist them to move promptly into regular public or private employment. A participant assigned to Work Experience is engaged in productive activity while continuing to receive her/his Family Independence benefits; moreover, it is expected that s/he will get a better paying job or more hours of work after being placed in a Work Experience job.

Participants may be assigned to participate in a Community Work Experience Program (CWEP) or a training/work readiness program conducted at a job site with supervised participation in work on-site. Assignments in CWEP are with public and non-profit agencies; the supervised job site placements described above may be with private firms.

Recipients such as those whose latest employment plan component activities are ending, individuals whose employment plans contain a job readiness component, individuals who are unemployed to the extent program participation does not interfere with their participation in rapid job placement programs or individual job search activities, and parents who are currently not participating will also be referred as appropriate either to a Community Work Experience activity or supervised job site work experience.

The maximum number of hours which an individual must participate in a Community Work Experience activity is the result of dividing the family's monthly grant by the greater of the federal or state minimum wage. Placements in CWEP are of three (3) or six (6) months' duration.

Individuals assigned to supervised job site work experience must

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participate no less than twenty (20) hours per week. These placements are for six (6) to nine (9) months.

Both a Level I and II assessment must be completed for a work experience component activity to be approved. The results of the latter evaluation aid the Family Independence case worker in better matching the individual with the available positions.

After assessment, if the client is to be placed in supervised job site work experience, the Family Independence case worker consults with her/his supervisor for the listing of positions. After the determination of the specific assignment, an appointment is scheduled in which the participant is given an information packet describing the assignment. This packet as well as the rights and responsibilities of the participant are thoroughly reviewed to ensure complete understanding prior to signing the Work Experience Statement of Understanding. The Family Independence case worker then obtains and gives the participant the date and time of the Work Experience Orientation prior to the actual placement.

Alternatively, after assessment, if the client is placed in CWEP, the Family Independence case worker consults with her/his supervisor for the listing of openings. After the determination of the specific assignment, an appointment is scheduled in which the participant is given an information packet describing the assignment. This packet, the rights and responsibilities of the participant, including an overview of the regulations pertaining to confidentiality are thoroughly reviewed to ensure complete understanding prior to signing the Work Experience Statement of Understanding. The Family Independence case worker then obtains and gives the participant the date and time of the Work Experience Orientation prior to the actual placement. Part of the orientation will be committed to a discussion on confidentiality and applicable laws.

Every three (3) months the participant's circumstances are evaluated. A revised employment plan must be completed at the end of six (6) months and at the termination of each assignment. The participant is assigned to a one month individual job search the month before the end of each work experience assignment. Job placement has priority over participation in Work Experience if an appropriate job opportunity is available.

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0816.40

WORK SUPPLEMENTATION

REV:01/2002

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

The duration of a subsidized position varies from three (3) to nine (9) months depending upon the nature of the work assignment and the needs of the individual participant. While participating in the program, a FIP recipient receives wages from the employer. All or part of the cash assistance grant is diverted to a wage pool from which 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 FIP recipient will remain employed in an unsubsidized job and no longer be in need of cash assistance.

A recipient assigned to participate in the Work Supplementation program must agree to receive the wages from the subsidized job, and a residual grant, if appropriate, in lieu of the regular FIP grant. Participants in Work Supplementation are considered FIP recipients and thus remain eligible for Medical Assistance (MA).

FIP case workers provide case management and authorize necessary supportive services. Supportive services may include child care services in accordance with the policies and procedures governing such services found at Section 0850.02.

0816.40.05

Criteria for Participation in WSUP

REV:05/1997

In order for a Family Independence program recipient to participate in the Work Supplementation Program, the participant must have been in continuous receipt of Family Independence program for the three (3) month period prior to placement in WSUP. WSUP participants are subject to the basic eligibility requirements of the Family Independence program. Child support received directly from an absent parent must continue to be sent to Department of Administration, Division of Taxation - Child Support Enforcement while the recipient is participating in WSUP. The wages received by the WSUP participant from the subsidized job are considered earned income and the participant is subject

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to the provisions of retrospective budgeting and monthly reporting. Earned income disregards are applied to the wages paid while the recipient is participating in WSUP.

If a participant becomes ineligible for the Family Independence program for any reason other than earnings from the subsidized job, the Family Independence case is closed, but s/he may continue in the subsidized job for the duration of the placement.

Policies and procedures for determining eligibility for Extended Medical Assistance benefits are located in Section 0348 and for Child Care services in Section 0818.

WSUP Activities and Terminology

0816.40.10

REV:05/1997

Candidates for the Work Supplementation Program (WSUP) may become known to agency representatives during the normal assessment process and development of a client's individual employment plan, or a referral may originate from the Department of Labor and Training (DLT) or agency which is under contract with DLT to perform job development and placement.

The employment plan of a participant in the program contains a Work Supplementation Component. A participant in a direct supplemented position performs the same tasks as non-WSUP employees with similar job descriptions.

A WSUP participant should complete a Job Readiness component before progressing into the subsidized employment component.

Terminology

Definitions of terms used in the Work Supplementation Program (WSUP):

- * **Subsidized Employment:** this means a job for which Family Independence funds are used to reimburse employers for part of wages paid to the WSUP participant. Subsidized employment consists of a direct supplemented job (as described above).

- * **Diverted Grant:** this means the amount of the Family Independence grant which a participant would otherwise receive but which is transferred to the wage pool while

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the participant participates in WSUP.

- * Residual Grant: this means the reduced Family Independence grant for which a participant qualifies after considering the income from the subsidized position and any other sources.

- * Wage Pool: this means the pool of diverted Family Independence grants which is used to subsidize the wages paid by the employer to the WSUP participant.

0816.40.15 Agency Staff Responsibilities

REV:01/2002

The FIP case worker functions as the liaison between the Job Retention Unit (JRU) and the eligibility technician responsible for the recipient's FIP case. The FIP case worker is responsible for determining that the individual meets the criteria for participation in WSUP as discussed in Section 0814.25.05. The FIP case worker must discuss the WSUP with the FIP recipient prior to referring her or him for service to the JRU, a contract provider, or a vendor, explaining how the program is used, and how the client benefits by becoming involved in the program. Prior to approval of the employment plan, the Letter of Understanding (FIP-207) is discussed in detail with the recipient. After its contents have been reviewed, it is completed and signed by the recipient.

The FIP case worker is responsible for controlling the completion and approval of the individual's employment plan containing the WSUP component and appropriate supportive services. The JRU is responsible for providing the FIP case worker with the particulars of the job placement as soon as possible, but no later than five (5) working days prior to the client's starting date in the job. Signed copies of the Letter of Understanding (FIP-207) and the Letter of Program Information (FIP-208) are distributed according to instructions printed on each form. INRHODES automatically transmits a D206 to the eligibility technician in the INFC function of INRHODES (after the FIP case worker completes the WSUP component screen and component hours into the employment activity schedule) with the subsidized job data. The D206 provides the employer name, address, and Tax ID number, the gross weekly wage, the hourly rate, hours per week, first pay date, and start and end dates of the subsidized employment. The eligibility technician utilizes this data to

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adjust the recipient's cash assistance.

INRHODES calculates the amount of funds to be diverted to the wage pool. The amount of funds (Diverted Grant) diverted to the wage pool is calculated by subtracting the new monthly FIP grant (Residual Grant), or zero if there is no residual grant, from the monthly FIP grant that would be paid to the family if there was no WSUP participation. The remainder is the Diverted Grant. This calculation is performed for every month of WSUP participation.

The FIP caseworker notifies the eligibility technician via D206 through the TOOL function of INRHODES when a recipient has terminated and/or completed the WSUP assignment and whether or not s/he will continue in an unsubsidized job. The eligibility technician updates the case based on the information in the the D206 (located in the INRHODES IV-A INFC function). Proper recording of this information in INRHODES is necessary to provide an accurate accounting of FIP funds diverted to the wage pool and to allow eligibility determinations for extended Medical Assistance benefits and Child Care services to be completed.

The wages of recipients in the Work Supplementation component are treated as earned income for any provision of law including Federal and State income tax withholding, FICA withholding and the Earned Income Tax Credit, if requested. WSUP recipients must submit Earnings Report Forms. Earned income disregards are applied in accordance with the policies and procedures in Section 0824.

The WSUP recipient is identified on the INRHODES Job Income (JINC) panel by use of the letter "W" in the CASH Countable field. This code causes INRHODES to treat a WSUP case as a cash assistance case even if the household is not receiving a residual grant; it keeps the case in the Earnings Reporting system regardless of the number of months the case is in suspension status.

When notified by the FIP case worker that a recipient has terminated and/or completed the Work Supplementation assignment, the eligibility technician changes the CASH Countable code from "W" to "Y" the JINC panel.

Continuing eligibility for FIP and MA benefits is then determined based upon the current available information.

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WORK ACTIVITIES

0816.45

Job Search

REV:05/1997

The Job Search component is designed to help Family Independence Program participants enter gainful employment by providing a range of counseling and support services as well as structured activities for Job Search participants. The goal of Job Search is full-time gainful employment of the participant resulting in independence from public assistance. It is operated with the assistance of Department of Labor and Training (DLT) staff.

Any Family Independence Program participant determined to be work-ready may be assigned to the Job Search component.

The goals for each participant are: enhancement of job-seeking and job-attainment skills; reduced dependence upon and ultimately independence from public assistance.

Participants usually engage in either Group Job Search or Individual Job Search. However, in some cases, a combination of the two may be tailored to the particular needs of a participant.

Each Job Search participant is required to attend all group sessions and any scheduled individual conferences. All participants are subject to the attendance requirements. If the participant proves good cause for her/his absences from Job Search during the conciliation process, s/he must either complete or repeat the program.

0816.45.05

Group Job Search

REV:05/1997

Group Job Search is a service provided by the Department of Labor and Training and other contracted providers such as CCRI Project Reach in a structured workshop setting. It includes training in the use of canvassing to obtain job interviews; instruction in completing job applications and writing resumes; assistance in developing job interview skills; and advice on dressing for interviews. Peer group support and exploration of individual career interests are among the methods used. Each participant develops his/her own actual employment interviews obtained through the Job Bank or through other sources of job leads.

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Individual Job Search

0816.45.10

REV:05/1997

Supervised individual Job Search includes, as appropriate, the elements specified in Group Job Search, but is conducted on a one-to-one basis between the agency representative and the participant.

Actual job interviews comprise a significant part of the search. No participant in Individual Job Search is determined to have completed the program unless and until five (5) verified face-to-face contacts with five (5) different prospective employers per week have taken place throughout the assigned time period. If the participant demonstrates good cause for not completing the five (5) contacts per week in the specified period, the period may be extended.

ON THE JOB TRAINING (OJT)

0816.50

REV:01/2002

On the Job Training (OJT) provides participants with occupational skills training and a wage at the same time. Participants who are referred to this service have some work experience but do not possess occupationally oriented skills. Payments are made to employers to subsidize the extraordinary costs incurred in providing the training and additional supervision to the participant. OJT is available to FIP participants primarily through Workforce Development boards.

EMPLOYMENT

0816.55

REV:05/1997

The employment plans of employed recipients of the Family Independence program may contain, along with an employment component, child care services as required. The financial plans of these recipients will identify obtaining advanced earned income credit and any other measures to be taken to maximize the family's income with the ultimate goal of self-sufficiency.

The same procedures are followed as for any other employment plan component/activity, from assessment through the minimum number of hours of activity to approval of the plan. The plan must be approved before child care services can be authorized.

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0816.55.05

Employed Thirty or More Hours

REV:01/2000

A month shall not count against the sixty (60) month lifetime time limit established in Section 0806.50 when the following conditions are met:

- (1) a recipient is employed an average of thirty (30) or more hours per week in a single parent family during a month, or an average of thirty-five (35) hours for a parent in a two parent family during a month, and
- (2) the income earned by the recipient is from a job, child care, or other self-employment, as qualified below.

Income from rent or room and board is not considered allowable self-employment under this provision. An individual's monthly earned income, or net income if self-employed, must equal at least one hundred thirty (130) times the greater of the federal or state minimum wage for a single parent family, or one hundred fifty-two (152) times the greater of the federal or state minimum wage for a two parent family.

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NONEXEMPT RESOURCES

0822.05

REV:05/1997

No family shall be eligible for cash assistance if the combined value of its available resources (reduced by any obligations or debts with respect to such resources) exceed one thousand dollars (\$1,000). Eligibility is denied or terminated if the value of available non-exempt resources exceeds the one thousand dollars (\$1,000) limit.

Resources are considered available both when actually available and when the applicant/recipient has a legal interest in a liquidated sum and has the legal ability to make such sum available for support and maintenance. However, in the event of joint ownership of an asset, there is an opportunity to rebut the presumption of ownership of the resource. (Refer to DHS Manual Section 0356.10.20-26.)

The applicant's resources include those of the spouse in the home (with the exception of persons applying in loco parentis and not applying for assistance for his/her own needs). A child's resources include his/her own and those of the eligible or ineligible parent(s) and stepparent with whom s/he is living. The sponsored alien's resources include the deemed resources of the sponsor and sponsor's spouse (see Section 0824.60).

However, in a joint Family Independence program/SSI household, the resources which are solely the SSI recipient's are not counted for Family Independence purposes.

The information the individual supplies on the DHS-2 both at application and redetermination about his/her current or terminated resources is documented through bank books, property records, and other similar documentary sources. Potential resources, which the individual will, or may, acquire before the time of the next redetermination are controlled by using SPEC/Tikl to ensure that the agency knows when the resource becomes available or that a case review verifies it is not available.

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

If resources are found to be beyond the amount retainable, the application is rejected or assistance is discontinued.

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The Regional Manager is consulted when there is a question of ownership of resources that cannot be otherwise resolved.

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

0822.10 EXCLUDED RESOURCES

REV:07/2001

The amount of real and personal property that can be retained by each assistance unit may not be in excess of one thousand (\$1,000) dollars equity value excluding the resources detailed in Sections 0822.10.05 through 0822.10.40.

0822.10.05 Real Property That Is the Home

REV:05/1997

Real property that is excluded includes:

- the home owned and occupied by a child, parent, relative or other individual. The home exclusion applies to any land that appertains to the home and any other buildings located on such land, for example, a barn or a shed. To appertain to the home, the real property must adjoin the plot on which the home is located and not be separated from it by intervening real property owned by others. The agency representative must complete a STAT/Prop panel for each property.

- owned by a husband and wife (1) if the deed indicates the property is held by them as tenants by the entirety and (2) if the property is not the home of the assistance unit (as defined above) and (3) if the spouse of the applicant/recipient refuses to sell his/her interest in the property. To ascertain if these conditions are met, the eligibility technician must verify, by examination of the deed, that the parties own the property as tenants by the entirety and determine if the parties are still married because a divorce (but not a legal separation) automatically

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

Real Property Other Than the Home

0822.10.10

REV:05/1997

Real property, except for the home in which the assistance unit is living or otherwise excludable as specified in Section 0822.10.05, is excludable subject to the following provisions:

- The family must make a good faith effort to sell the property, generally by listing it with a licensed realtor. The realtor must indicate in a signed statement that the asking price is consistent with the property's current Fair Market Value (FMV). If the family chooses to sell the property independently, they must demonstrate a good faith effort, for example, by adequate newspaper advertising of the property for sale. Any method of disposal other than listing with a realtor is subject to review and approval by the Regional Manager before it can be excluded.

The status of said property and the family's good faith effort to sell it must be reviewed on a quarterly basis.

- Any aid payable to the family for any such period shall be conditioned upon such disposal and any payments of such aid for that period shall be considered overpayments to the extent that they would not have occurred at the beginning of the period for which such payments were made.
- The family must notify the agency upon executing a purchase and sale agreement, a copy of which is submitted to the eligibility technician. Further, within five (5) days of the closing, the family must provide the eligibility technician with a copy of the closing or settlement sheet.

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- The amount of assistance to be repaid cannot exceed the net proceeds from the sale. After ascertaining the amount of cash and medical assistance expended and the net proceeds from the sale, the eligibility technician, in consultation with the supervisor and, as needed, the Regional Manager, determines the amount of the overpayment, if any, to be repaid and whether continuing eligibility exists.

- If repayment is necessary, a certified check made payable to the Rhode Island Department of Human Services must be given to the agency representative. The agency representative transmits the check attached to an AP-87.2 receipt form to the Collections, Claims, and Recoveries Unit.

- If the net proceeds from the sale of the property, together with all other resources at the beginning of the disposal period, are within the allowable resource limit, no repayment is warranted.

0822.10.15 Other Income-Producing Property

REV:05/1997

Income-producing property other than real estate is excluded. Examples include but are not limited to equipment such as farm tools, carpenter's tools, and vehicles used in the production of goods and services necessary for the family to earn a living. If the property has been used by the applicant/recipient to generate income and the reasonable expectation exists that it will be used for that purpose in the foreseeable future, the property is not subject to the one thousand dollars (\$1,000) resource limitation.

0822.10.15.05 Factors Determining Exclusion

REV:05/1997

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

- the client's present or future capacity to utilize the property to become self-supporting;

- the suitability of the property to serve as one of the

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means to this goal; and

- the length of time expected to elapse before the property might be put to use in the individual's employment plan.

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

Examples of Determining Exclusion

0822.10.15.10

REV:05/1997

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

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

EXAMPLE TWO: A house painter sustains serious injury in an automobile accident. Although medical prognosis allows for eventual partial recovery and job retraining, she is not expected to function again in her former occupation. Her ladders, scaffolding, and various tools of the painting trade are of no further use to her as a means of producing income. Their estimated current Fair Market Value (FMV) is five hundred dollars (\$500) and counts toward the assistance unit's one thousand dollars (\$1,000) limit for non-excluded resources.

EXAMPLE THREE: A seasonally unemployed fisherman owns a boat, fishing nets and other equipment necessary for his occupation. He expects to

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return to employment on his fishing boat in five (5) months. Since the reasonable expectation exists of a resumption of his usual occupation, the boat and fishing equipment are excluded from consideration as a resource.

0822.10.20

Income-Producing and Other Vehicles

REV:02/2004

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

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

0822.10.25

Exclusion of Household Furnishings

REV:05/1997

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

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Exclusion of Burial Plot

0822.10.30

REV:05/1997

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

Exclusion of Funeral Agreement

0822.10.35

REV:05/1997

A bona fide funeral agreement, not to exceed one thousand dollars (\$1,000) of equity value for each member of the assistance unit, is excluded. A bona fide or good faith funeral agreement is a cash resource reserved authentically and solely to meet the funeral expenses of the beneficiary. It must not constitute a mere shelter for funds that would otherwise count toward the one thousand dollars (\$1,000) resource limit.

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

Resources Excluded by Law

0822.10.40

REV:05/1997

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

- for the month of receipt and the following month, any portion of the refund of federal income taxes, made to the family by reason of Section 32 of the Internal Revenue Code relating to the earned income tax credit, and any advance payment of such earned income credit made to such family by an employer;
- the resources of any family member receiving

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SSI;

- funds awarded under PL 98-123 to the Red Lake Bank of Chippewa Indians.
- Funds awarded under PL 98-124 to the Assiniboine Tribe of the Fort Belknap Indian Community, and the Assiniboine Tribe of the Fort Belknap Indian Reservation.

0822.15

DETERMINATION OF RESOURCES

REV:05/1997

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

An income tax refund (but not the earned income tax credit portion) is treated as a resource and counts toward the assistance unit's one thousand dollars (\$1,000) resource limit.

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

0822.15.05

Real Property

REV:05/1997

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

In determining the value of the resource, equity value is defined as the current Fair Market Value (FMV) minus encumbrances. (If the value of the real property, when added to that of the unit's other resources, raises their total value above the one thousand dollars (\$1,000) limit, see Section 0822.10 for conditions under which the property may be excluded.)

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

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

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

Personal Property

0822.15.10

REV:05/1997

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

Liquid Resources

0822.15.10.05

REV:05/1997

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

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

Medical Insurance

0822.15.10.10

REV:05/1997

If a family has any medical insurance, such as Blue Cross/Blue Shield, Major Medical, Harvard/Pilgrim Health Plan of New England, Federal Medicare (Part A, Part B), Delta Dental or any other medical insurance, this is identified as a resource for medical payment, but is not considered an eligibility factor in the determination of eligibility.

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

0822.15.10.15 Valuation of Vehicles

REV:02/2004

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

Each vehicle owned by the household is handled as follows. First, determine if the motor vehicle is excluded under Section 0822.10.20. If the vehicle(s) is excluded, no further action is required. If the vehicle is not excluded, count the vehicle's equity value (which is fair market value less encumbrances) towards the household's resource limit of one thousand dollars (\$1,000).

0822.15.10.20 Nonessential Items

REV:05/1997

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

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

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

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

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

Resources of Ineligible Parent of Children **0822.15.10.25**

REV:02/2004

The non-excluded resources of statutorily barred parents and other assistance unit members ineligible because they have reached their FIP lifetime time limit are counted in determining the assistance unit's eligibility.

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

TRANSFER OF RESOURCES

0822.20

REV:05/1997

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

Resources Transferred in Application Month

0822.20.05

REV:05/1997

Receipt of monies from resources disposed of by an applicant in the month of application is treated as a resource. The proceeds are verified and a determination made as to whether the proceeds are within the eligibility limit for that particular resource. If it exceeds the limit, eligibility does not exist in that month. In any questionable case, the case is referred to the FRED Unit for investigation (Section 0802.25).

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

0822.25 ASSETS ACQUIRED AFTER RECEIPT OF FIP

REV:05/1997

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

0822.30 RECOVERY OF RESOURCES AFTER DEATH

REV:01/2002

Assistance provided to a recipient is not subject by policy to recovery after the death of a recipient. However, in certain situations, the law provides for recovery by the Department. These situations must be referred to the Regional Manager and forwarded to the Third Party Liability Unit for a decision on action.

Refer to Section 0830 for further information.

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DEFINITION OF INCOME

0824.05

REV:05/1997

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

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

Child's Income

0824.05.05

REV:05/1997

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

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

Documentation

0824.05.10

REV:01/2002

The information the client supplies on the Statement of Need, DHS-2 form, and/or the Earnings Report, DHS-3E form, about income must be verified. Sources of verification include business records, wage stubs, income tax returns, award letters, other documents, as well as reports from Social Security, the Veterans' Administration, and other agencies. In some instances, when the individual is unable to obtain the information requested, the DHS

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agency representative utilizes the agency's forms (Wage Report, AP-50; Bank Clearance, AP-91; Clearance with VA, AP-150 and AP-151) to obtain such information. When there appears to be potential eligibility for a benefit for which the individual has not yet filed, such as RSDI, ESB, TDI, or VA benefits, the individual is required to file for such benefit; the DHS representative assists the individual in applying for other potential sources of income. The individual is advised that s/he must inform the agency of the results.

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

0824.10

DETERMINING ELIGIBILITY

REV:05/1997

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

- Exclude any income identified in Section 0824.15.
- Determine the gross earned income of all persons in the assistance unit (except the earnings of a dependent child).
- Apply the earned income disregard to the earned income, if any.
- Determine the unearned income of all persons in the assistance unit.
- Total the earned income after disregards and unearned income; compare with the appropriate assistance standard for the unit.

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EXCLUDED INCOME

0824.15

REV:01/2002

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

- The value of assistance provided by state or federal government or private agencies to meet nutritional needs including: value of USDA donated foods; value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended; the special food service program for children under Title VII; Nutrition program for the Elderly of the Older Americans Act of 1965, as amended; and the value of food stamp benefits;
- The value of certain assistance provided to undergraduate students including: any grant or loan for an undergraduate student for educational purposes made or insured under any loan program administered by the U.S. Commissioner of Education (or the Rhode Island board of governors for higher education or the Rhode Island higher educational assistance authority);
- foster care and adoption assistance payments are excluded when the adopted child is not included in the FIP household;
- home energy assistance funded by state or federal government or by a nonprofit organization;
- payments for supportive services or reimbursement of out-of-pocket expenses made to foster grandparents, senior health aides or senior companions, and to persons serving in SCORE and ACE and any other program under Title II and Title III of the Domestic Volunteer Service Act of 1973.
- payments to volunteers under VISTA;
- certain payments to native Americans; payments distributed per capita to, or held in trust for, members of any Indian tribe under PL 92-254, PL 93-134 or PL 94-540; receipts distributed to members of certain Indian tribes which are referred to in section 5 of PL 94-114 that became effective October 17, 1975.

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- the federal earned income tax credit;
- the state earned income tax credit;
- the value of any state, local, or federal government rent or housing subsidy, provided that this exclusion shall not limit the reduction in benefits provided for in Section 0826.

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

Also, in determining what is income to meet need, the following are also excluded as income:

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

0824.15.05 Exclusion of First \$50 of Child Support

REV:12/2004

The first fifty dollars (\$50) in child support received in any month from each noncustodial parent of a child plus any arrearages in child support (to the extent of the first fifty dollars (\$50) per month multiplied by the number of months in which the support has been in arrears) which are paid in any month by a noncustodial parent of a child are excluded from the family's income.

The exclusion shall be applied in the initial month of eligibility. Support payments received in subsequent months are covered by the assignment as described in Section 0824.40.05.

The exclusion shall also be applied to payments for child support owed and collected that are in excess of the FIP grant and are issued to the family. See Section 0824.40.10 for more information.

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EARNED INCOME

0824.20

REV:05/1997

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

Earned Income from Wages

0824.20.05

REV:07/1999

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

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

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

Earned Income from Self-Employment

0824.20.10

REV:05/1997

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

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When a business is carried on at home, no part of the overhead is considered a business expense, except as specified in Section 0824.20.10.05. Those self-employed work expenses directly related to producing the goods or services and without which the goods or services could not be produced shall be excluded.

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

The Regional Manager is available to assist staff in determining income from self-employment. In a memorandum directed to the Regional Manager, the agency representative must identify the type of assistance needed along with the necessary information on the business (for example, last year's income tax return, current bookkeeping records, and check books).

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

0824.20.10.05

Child Care Service Providers

REV:05/1997

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

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

Expenses of Providing Child Care

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

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

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

Income from Roomer or Boarder

0824.20.10.10

REV:05/1997

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

Monthly Cost
of Maintenance

Roomer:	\$ 25.00
Boarder:	124.00

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

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

Rental Income

0824.20.10.15

REV:05/1997

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

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

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

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

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

0824.25

INCOME DISREGARDS

REV:05/1997

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

Exclusion of Earnings of a Dependent Child

Disregard all the monthly earned income of each dependent child from the assistance unit's income.

\$170 and 1/2 Income Disregard

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

Dependent Care Disregard

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

This disregard may not exceed one hundred seventy-five dollars (\$175) per month per child age two (2) and older or an incapacitated adult. For a child under the age of two, this disregard may not exceed two hundred dollars (\$200) per month. Payments actually made for dependent care must be verified.

Consideration of the dependent care expense is only given when the care is provided by a person not living in the child's or incapacitated adult's household.

OTHER SOURCES OF INCOME

0824.30

REV:05/1997

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

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

Federal and State Insurance - ESB & TDI

0824.30.05

REV:05/1997

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

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0824.30.10

RSDI Income

REV:05/1997

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

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

0824.30.10.05

Identifying Potential Beneficiaries

REV:05/1997

Retirement Benefits can be paid to:

- The insured wage earner or self-employed person who is eligible or can elect to receive actually-reduced benefits at age sixty-two (62). Although the Social Security Act makes this provision elective (receipt of benefits age sixty-two (62)), eligibility for cash assistance is dependent upon acceptance of this source of income at age sixty-two (62).
- The spouse of a retired or disabled worker who:
 - is age sixty-two (62) or over; or
 - has in her/his care a child under age sixteen (16) or over age sixteen (16) and disabled who is entitled to benefits on the worker's Social Security record.

A spouse is eligible, if the marriage has been in effect for one (1) year and in some instances, less than a year. Spouses of defective ceremonial marriages entered into in good faith are also eligible.

- The divorced spouse of a retired or disabled worker if age sixty-two (62) or over and married to the worker for at least ten (10) years.

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- The divorced spouse of a fully insured worker who has not yet filed a claim for benefits if both are age sixty-two (62) or over and have been finally divorced for at least two (2) continuous years.
- The dependent, unmarried child of a retired or disabled worker entitled to benefits, if the child is:
 - Under age eighteen (18); or
 - Age eighteen (18) or over but under a disability which began before age twenty-two (22).

This includes children born of natural parents, adopted children, step-children or children born out of wedlock.

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

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

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disability which began before age twenty-two (22).

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

Disability Benefits

A worker who becomes severely disabled before age sixty-five (65) may qualify for disability checks. The disability must be a severe physical or mental condition which prevents employment and is expected to last (or has lasted) for at least twelve (12) months, or is expected to result in death.

Benefits may begin as early as the sixth (6th) full month of disability and continue as long as the disability exists. If a person is severely disabled, benefits can be paid even though the person can do some work.

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

0824.30.15

Veterans Administration Benefits

REV:01/2002

All applicants and recipients who have been other than dishonorably discharged from any branch of the armed services should apply for VA benefits and/or services. An individual may be eligible as a veteran who served during wartime or specific periods of qualifying peacetime, who is disabled or non-disabled, or has a disability that is service-connected or not. Dependents and survivors of the veteran may also be eligible. Stepchildren, if living with the stepparent, may receive an allowance based on the stepparent's benefits.

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

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

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Workers' Compensation

0824.30.20

REV:05/1997

Under the Workers' Compensation Act, benefits are payable if an employee sustains a personal injury arising out of or in the course of employment or develops an occupational disease. The possibility of this resource should be discussed with the injured client and follow-up made if this is a potential source of income. Based on probable third party liability, Workers' Compensation benefits are subject to the assignment and reimbursement provisions described in Sections 0802 and 0808.

Insurance Settlement

0824.30.25

REV:05/1997

Money received from an insurance settlement is considered as lump sum income except when the insurance settlement results from a fire, flood, lightning or severe wind, and if it is used to repair or replace the property lost because of the fire, flood, lightning or severe wind. For treatment of lump sum income, see Sec. 0824.35

Money or Goods from Other Agencies

0824.30.30

REV:05/1997

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

Non-Legally Liable Relative Contribution

0824.30.35

REV:05/1997

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

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0824.30.40 Income-In-Kind

REV:05/1997

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

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

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

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

0824.30.45 Interest and/or Dividends

REV:05/1997

When a recipient who is allowed to retain resources, in accordance with Section 0822.15, receives interest or dividends, the amount received is considered as income.

0824.30.50 Income from Legally Liable Relatives

REV:05/1997

When an absent parent pays support directly to the applicant, recipient or child, this income must be forwarded to the Department of Administration, Division of Taxation - Child Support Enforcement in accordance with the policy and procedures in Sections 0808.15 and 0824.40.

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Also see Section 0824.55 for the treatment of the income of a legally liable relative.

For the treatment of the income of a parent of a minor unwed parent, see Section 0824.55.10.

Income of Joint FIP/SSI Household

0824.30.55

REV:05/1997

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

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

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

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

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

TREATMENT OF LUMP SUM INCOME

0824.35

REV:01/2002

Nonrecurring earned or unearned lump sum income must be treated as income and applied to the assistance plan beginning with the month of receipt. Receipt of lump sum income may render the family ineligible. Proceeds from the sale of any real or personal property or other resources or assets are considered lump sum income.

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Lump sum income may include, but is not limited to, RSDI, VA, TDI, ESB, retirement, disability insurance, gifts, insurance or lawsuit settlements, inheritances, or lottery winnings received in a lump sum payment.

Excludable lump sum income is that which the recipient receives from a third party for payment of medical bills for which there is no lien by the Department, funeral and burial costs, or replacement or repair of real or personal property as long as the income is used only for that purpose.

Where the nonrecurring earned or unearned lump sum income is received from any non-excludable source by a member of the assistance plan (including a natural or adoptive parent who might not be in the plan, e.g., a parent sanctioned due to noncompliance with Child Support Enforcement), the money, together with any unearned income and/or net earned income (after application of appropriate disregards), is treated as income. To determine eligibility, compare the total above with the assistance standard of need applicable to the family. If the income exceeds that standard, the case is ineligible. Further, the case is ineligible for the time period (in full months) derived by dividing the total of the lump sum income and other income by the monthly amount of one hundred percent (100%) of the Federal Income Poverty Level (FIPL) for the family size starting in the first payment month following receipt of the lump sum.

Where there is an addition to the family during a period of ineligibility following receipt of a lump sum, e.g., a baby born during the period of ineligibility, the lump sum provision applies only to individuals receiving cash assistance the month in which the lump sum income was received. Other family members may be eligible to apply as a separate assistance unit.

0824.35.05

Income Exceeds Standard

REV:05/1997

When the assistance unit's income, combined with (1) any unearned income regularly received, and/or (2) any earned income remaining after applying allowable disregards, exceeds the appropriate monthly standard of need for the family because of receipt of non-recurring lump sum income, the family is ineligible for a payment.

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In addition, the period of ineligibility (in full months) is calculated by dividing the total of the lump sum income and other income by the monthly amount of one hundred percent (100%) of the Federal Income Poverty Level (FIPL) for the family size starting in the first payment month in which the change could be effected after receipt of the lump sum.

Any income remaining after the calculation is treated as income received in the first month following the last full month of ineligibility.

EXAMPLE: A family of six (6) receives retroactive Social Security income of \$3,400 on May 15th (payment month is June), has unearned income of \$100, and net earned income of \$200 after the application of allowable disregards. The monthly FIPL amount for a family size of six (6) is \$1689. The period of ineligibility is determined as follows:

\$ 3,400 - lump sum
 100 - unearned income
 200 - net earned income
\$ 3,700 - total income divided by \$1689
= two (2) full months of ineligibility.

Since the combined amount of income in May is \$3,700, and the monthly FIPL amount for a family size of six (6) is \$1689, the family is ineligible for the two (2) full months of June and July. Since $\$1689 \times 2 = \3378 , there is a remainder of \$322 which must be treated as income received in the first month following the period of ineligibility (August) and is considered available for use at that time.

In every situation where a case is discontinued due to the lump sum provision, a notice must be mailed at least ten (10) days prior to the effective date of the closing. The case is also reviewed for possible eligibility for Medical Assistance. The recipient must be advised of the period of ineligibility, and the consideration of the balance of the income if application for assistance is made in the month following the period of ineligibility.

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0824.35.10

Shortening of Ineligibility Period

REV:05/1997

If, during the period of ineligibility, the ineligible members reapply for assistance, the period of ineligibility may be shortened when one (1) or more of the following conditions apply:

- If a life-threatening circumstance (e.g., a medical emergency, fire, flood, or other natural disaster) is found to exist and the nonrecurring income causing the period of ineligibility has been, or will be, expended in connection with the life-threatening circumstance. Further, the nonrecurring income must have been used to meet current essential needs and the assistance unit must have received no additional income or resources sufficient to meet the life-threatening circumstance;
- The lump sum income or a portion thereof becomes unavailable to the family for reasons beyond the control of the family, for example, theft of income that is reported to the police and is documented with a copy of the police report;
- The family incurs, becomes responsible for, and pays medical expenses allowable within the agency's Medical Assistance program in a month during the period of ineligibility caused by receipt of a lump sum; or
- The lump sum or a portion thereof is spent on an expense leading to employment. This expenditure must be annotated in the parent's employment plan and approved by the supervisor and Regional Manager. The expenditure must also be documented before the period of ineligibility can be shortened.

To determine the appropriateness of any situation that may shorten the period of ineligibility, referral must first be made to the Regional Manager for a decision. Substantiation must be provided for the case record.

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CHILD SUPPORT INCOME

0824.40

REV:05/1997

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

Direct Support

0824.40.05

REV:12/2004

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

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

Treat Direct Payments as Income

Except for the first fifty dollars (\$50) in child support received in the application month from each noncustodial parent of a child, the agency representative must consider the support payments as income for determining eligibility. If the family is eligible for assistance, any child support (over and above the amount of the excluded support as outlined in Section 0824.15.05) received in the month of application, or until the end of the month in which the payment is authorized, must be budgeted as income.

The purpose of treating direct payments as income in this initial determination period is to provide sufficient time for the referral of the case to the Department of Administration, Division of Taxation - Child Support Enforcement before child support payments are directed there. In subsequent months, direct support payments that are covered by the assignment and paid to the Department of Administration, Division of Taxation - Child Support Enforcement, as required, are not considered as income in computing the amount of the assistance payment for which the recipient is eligible (see Section 0824.40.10 concerning the child support pass through).

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Inform the Applicant/Recipient

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

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

Recipients of direct support must also be advised:

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

It is especially important to convey the above information when an applicant is receiving direct support payments around the time of application. Applicants/recipients must also be informed that failure to forward direct support payments to Rhode Island Family Court may result in the sanction of the uncooperative recipient in accordance with Section 0808.05.17.

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Support Paid through Family Court

0824.40.10

REV:07/2004

When support is paid through the Department of Administration, Division of Taxation - Child Support Enforcement or its agents, a check is issued up to the fifty dollar (\$50) pass through amount to which the recipient is entitled. Any amount collected during the month which represents payment on the required support obligation for that month, and is in excess of the pass through, shall be retained by the State to reimburse, in whole or in part, the assistance payment for the month in which the support was collected, for unreimbursed assistance for prior months, if child support arrears exist, or for future support. If the monthly amount owed and collected is greater than the assistance payment for the month, DHS authorizes payment to the family an amount equal to the difference between the assistance payment for the month and the court ordered amount for that month. Any such checks issued to recipients in excess of the pass through payments and cash assistance reimbursements must be counted as child support income for FIP cash assistance purposes.

The recipient need not report the receipt of CSE-issued child support to the DHS local office. However, the Department of Administration, Division of Taxation - Child Support Enforcement notices advise recipients that the amounts received are being recorded in INRHODES.

When the agency representative learns of the payment of excess of grant monies, s/he compares CASE/DISD panel in INRHODES which displays both the pass through and child support income paid. The agency representative must reconcile any discrepancies by contacting the recipient, checking the INRHODES case through the Child Support Enforcement (IV-D) Interface and, if necessary, contacting the Department of Administration, Division of Taxation - Child Support Enforcement for clarification. If the agency representative ascertains that the total CSE-issued (along with any direct) support to the recipient exceeds the pass through bonus amount, s/he completes a STAT/UNEA panel with the payment amount in excess of the pass through amount and codes it as excess of grant. If the agency representative determines that a check reportedly issued by the Department of Administration, Division of Taxation - Child Support Enforcement which included child support income was evidently not received by the recipient, then no income from that check is counted.

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0824.40.15

Payment of Child Support Pass Through

REV:07/2004

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

The pass through payment is excluded from income in calculating the family's FIP cash assistance amount in accordance with Section 0824.15.05. However, the fifty dollars (\$50) pass through is counted as income in the Food Stamp Program.

0824.40.20

Distribution of Child Support of SSI Child

REV:05/1997

When one of the children in a family in receipt of benefits from the Family Independence Program receives Supplemental Security Income (SSI), the Department of Administration, Division of Taxation - Child Support Enforcement shall distribute to the custodial parent all child support collected on behalf of the minor SSI child. Distribution of support must occur within thirty (30) days of receipt by the Department of Administration, Division of Taxation - Child Support Enforcement according to the requirements outlined below.

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

If the SSI child is not the only person covered by the child support order, a pro rata portion of the amount collected shall be paid to the custodial parent, unless otherwise

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specified in the Family Court order. Child support distributed to a custodial parent on behalf of an SSI child is not considered income for purposes of determining cash assistance eligibility or payment level for members of the cash assistance family. However, child support distributed to a custodial parent on behalf of an SSI child is considered unearned income for the Food Stamp Program.

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

STUDENTS' INCOME

0824.45

REV:05/1997

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

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

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

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

Federally or Non-Federally Supported Sources

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

See also Section 0824.15, Excluded Income.

0824.50

DEEMED INCOME

REV:05/1997

In certain instances, income must be deemed to the members of the assistance unit and counted in the determination of eligibility for and the amount of cash assistance. Deemed income means income that is counted as available and received, even if it is not in fact received by the assistance unit. There are three (3) groups of individuals whose income must be deemed available to the assistance unit. These are:

- Parent(s) of a minor parent or pregnant minor when s/he is living in the same household;
- Sponsors of aliens; and
- Parent(s) of a child(ren) who is (are) ineligible to receive cash assistance themselves.

0824.50.05

Income of Parent(s) of Minor Parent

REV:05/1997

The income of the parent(s) of a minor parent or pregnant minor (under age eighteen (18)) who applies for or receives cash assistance is deemed available to the minor parent's assistance unit when:

- The minor parent lives with his/her own parent(s); and
- The parent(s) is(are) not receiving assistance themselves.

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The income of such parents, less appropriate disregards, is counted in the determination of eligibility for and the amount of cash assistance for the minor parent and his/her dependent child(ren). The policy and the method for calculating the amount of deemed parental income are found in Section 0824.55.

Income of Alien Sponsor

0824.50.10

REV:05/1997

The income of the sponsor and sponsor's spouse of an alien applying for or receiving cash assistance is deemed available to the assistance unit for a period of three (3) years after the alien's entry into the country unless the alien is exempt from the sponsorship deeming provisions.

A sponsor is anyone who executed an affidavit of support or similar agreement on behalf of an alien as a condition of the alien's entry into the United States. This provision does not apply to aliens who were sponsored by private or public organizations. The policy and the method for calculating deemed alien sponsorship income (and resources) are found in Section 0824.60.

Ineligible Parent of Children

0824.50.15

REV:05/1997

In most cases, the parent of a child is required to be included in the assistance unit. (Refer to Section 0804 for a complete discussion of the Standard Filing Unit rules.) However, in certain instances a parent cannot be included in the filing unit. This occurs when the parent is either statutorily barred from cash assistance eligibility or disqualified from the cash assistance program.

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

Examples of a parent disqualified from cash assistance include a parent sanctioned because of refusal or failure to cooperate with child support enforcement.

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0824.50.15.05

Income of Statutorily Barred Parent

REV:03/2002

STATUTORILY BARRED PARENT

A ninety dollar (\$90) disregard and any applicable dependent care disregard are applied to the earned income of a statutorily barred parent. In addition, an amount is allocated to meet the parent's own needs. This is done by subtracting the cash assistance standard for a plan size excluding the parent from the cash assistance standard for a plan size including the parent. If the ineligible parent has dependents also ineligible solely because they do not meet program requirements but are not sanctioned individuals, an amount is allocated to meet their needs by using the method specified above. The net income of the ineligible parent is then counted as unearned income to determine eligibility for and the amount of cash assistance.

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

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

PARENT WHO HAS REACHED THE FIP TIME LIMIT

A ninety dollar (\$90) disregard and any applicable dependent care disregard are applied to the earned income of a parent who has reached her or his FIP lifetime time limit. In addition, an amount is allocated to meet the parent's own needs. This is done by subtracting the cash assistance standard for a plan size excluding the parent from the cash assistance standard for a plan size including the parent.

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Income of a Disqualified Parent

0824.50.15.10

REV:05/1997

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

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

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

SUPPORT OF DEPENDENT CHILDREN

0824.55

REV:05/1997

DHS requires spouses to contribute to the support of each other and also requires that parents, either singly or jointly, support their children under eighteen (18) years of age or (nineteen (19), if eligible for cash assistance). The parent(s) and stepparent of a dependent child for whom assistance is sought or received must be included in the assistance filing unit if they live in the same household as the child. The parent(s) and stepparent of a minor unwed parent in need of assistance and living in the same household in most cases need not be included in the filing unit. However, the income of a parent(s) and stepparent of a minor unwed parent living in the household is subject to the deeming provisions specified in 0824.55.05.05.

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Responsibility for Unwed Minor Parent

REV:05/1997

By federal court order, unwed parents under eighteen (18) years of age are eligible to apply for assistance and to receive cash assistance, if otherwise eligible. Therefore, age by itself is not a barrier to eligibility for cash assistance from the Family Independence Program. For additional eligibility requirements for minor parents and pregnant minors, see Section 0814.

In the determination of eligibility of an assistance unit headed by an unwed minor parent or pregnant minor, it is necessary to deem to said minor parent and to her/his dependent child(ren) the available income of her/his parent(s) and/or stepparent living in the same household. If income is deemed from a parent and/or stepparent to an assistance unit headed by a minor, the deeming procedure specified in Section 0824.55.05.05 is followed. Thus, an amount, based upon assistance payment standards, is disregarded to meet the parent's own needs.

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

0824.55.05.05

Minor Parent Living in Parental Home

REV:05/1997

When a unwed minor parent is living in the home of her/his parent(s) and/or stepparent, the income of the parent(s) and/or stepparent must be determined first. This determination is made by following the procedures set forth in Section 0824.55.05.05.

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

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Deeming of Grandparent's Income

0824.55.05.10

REV:05/1997

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

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

- Earned Income

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

- Net Earned and Unearned Income

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

The amount disregarded must equal the cash assistance parent(s) and/or stepparent's standard for a plan size of the same composition as the parent(s) and/or stepparent's family group but excluding any person included in the minor parent's family.

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

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

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

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

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

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

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

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

0824.60

INCOME OF ALIENS WHOSE SPONSORS ARE LIABLE

REV:05/1997

When determining financial eligibility for cash assistance, it is necessary to consider the resources and income of a sponsor of a legally admitted alien. Those resources and income of a sponsor which are deemed (taken for granted as available) as the resources and unearned income of an alien are used in making the determination of eligibility for and amount of cash assistance.

Those aliens who meet the date of entry criteria and are not

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exempt as outlined in Section 0824.60.05 must cooperate in obtaining and documenting their sponsor's income and resources in order to determine their sponsor's liability. If such information and documentation are not provided, the agency representative is unable to determine eligibility for cash assistance.

The applicability of sponsorship deeming affects applications for assistance made by the legal alien only during the period of three (3) years following the alien's entry into the United States. The alien's date of entry is the date established by the Immigration and Naturalization Services (INS) as the date the alien was admitted for permanent residence.

Aliens Exempted from Sponsor Liability

0824.60.05

REV:05/1997

The policy of sponsorship liability does not apply to aliens who are exempted because they are:

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

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0824.60.10 Sponsor Definition and Responsibility

REV:05/1997

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

The income and resources of a sponsor and the sponsor's spouse, which are deemed as unearned income and resources to the alien, must be considered available to the alien for the period of three (3) years following entry into the United States.

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

The income and resources of a sponsor who signed a support agreement for an alien are still considered in the determination of the alien's eligibility for assistance even if the sponsor claims to have given up sponsorship responsibility.

0824.60.10.05 Considerations Relating to Sponsoring Agency

REV:05/1997

The responsibilities of a sponsoring agency or organization are the same as those of an individual sponsor. It is the obligation of the sponsoring agency to support the alien, if necessary to prevent the alien from becoming a public charge, during the three (3) years following entry into the United States for permanent residence. However, the obligation to support is considered to have ceased if the agency:

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

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

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

Responsibility of Alien

0824.60.15

REV:05/1997

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

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

If the alien is unable to supply a copy of the Alien Sponsorship Affidavit, or further verification or information is needed from the Immigration and Naturalization Service, the agency representative may assist the applicant in obtaining such information. INS form G-639, Freedom of Information/Privacy Act Request, is used for this purpose.

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

The form may be hand delivered by the applicant or mailed to:

Immigration and Naturalization Service
200 Dyer Street
Providence, RI 02903

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0824.60.15.05

Calculation of Income Deemed to Alien

REV:05/1997

The monthly income of the sponsor (and of the sponsor's spouse) deemed available to the alien is computed in the following way. It should be noted that income from a sponsor receiving SSI, GPA, or cash assistance from the Family Independence Program is not considered available to the alien.

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

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

EXAMPLE: Procedure for deeming income of a sponsor to an alien:

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

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

0824.60.15.10

Calculation of Resources Deemed to Alien

REV:05/1997

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

In determining the resources of a sponsor to be deemed to the legal resident, the resource exclusions in Section 0822.10 shall be applied and the value in excess of one thousand five hundred dollars (\$1,500) shall be considered available to the legal

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resident.

EXAMPLE: Procedure for deeming resources of a sponsor to an alien:

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

Considered resource value of:

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

A total of \$400 is deemed as a resource to the alien applying for or receiving assistance.

Prorating Income and Resources of Sponsor

0824.60.20

REV:05/1997

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

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

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

Income and resources deemed to a sponsored alien are not

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considered in determining the needs of other unsponsored members of the alien's household. An exception occurs when the deemed income and resources are actually available to members of the alien's family such as the alien's spouse and/or children.

0824.60.25

Overpayments

REV:05/1997

When overpayments are made to an alien because a sponsor failed to provide correct information, both the sponsor and alien are held responsible. Refer to policy on overpayments in Section 0834 for procedures.

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FAMILY INDEPENDENCE STANDARDS OF ASSISTANCE

0826.05

REV:07/1999

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

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

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

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0826.05.05 Adjustment to Standard - Subsidized Housing

REV:05/1997

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

0826.05.10 Adjustment to Standard - In-Migrants

REV:05/1997

The amount of cash assistance to which a family is entitled shall be reduced by thirty percent (30%) until the family has been a resident of the state for twelve (12) consecutive months. This applies only to families moving to Rhode Island after May 1, 1997. However, no member of the family who has been a resident of the state for twelve (12) consecutive months or longer shall have her/his benefit reduced for this reason.

0826.05.15 Determination of Assistance Plan Size

REV:05/1997

The unit of eligible family members consists of and includes the persons listed below when they are required to be included in the assistance unit (as specified in Section 0804) and are otherwise eligible or when a request for their support is made, they are in need, and are otherwise eligible.

Eligible Child(ren)

An eligible child who meets the eligibility factor of age as defined in Section 0806.10, and who is living with a relative, as defined in Section 0806.15, is included in the assistance unit.

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

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Eligible Relative(s)

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

For an unwed natural father (or one of his relatives) to qualify as an eligible relative, his paternity must have been established under applicable state law (see Section 0806.15).

Pregnant Woman

A needy pregnant woman is included; if the unborn child had been born and was living with her in the month of the payment, she is eligible for cash assistance for a plan size of one (1), but only when she reaches the sixth month of pregnancy (see Table in Section 0806.40.10) and when the pregnancy is verified.

Non-Needy Relative

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

Parent or Child Receives SSI

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

Persons Not Married

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

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common eligible child, all members of the conjoint family must be consolidated into a single unit receiving one payment.

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

0826.05.20 Children in Custody of DCYF

REV:05/1997

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

0826.05.20.05 Children in Placement with Relatives

REV:05/1997

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

0826.05.20.10 Suspected Child Abuse or Neglect

REV:05/1997

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

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MINIMUM MONTHLY PAYMENT

0826.10

REV:07/1999

Pursuant to RIGL 40-5.1-14, no payment of cash assistance shall be made for any month if the amount of such payment would be less than ten dollars (\$10).

Monthly Deficit Less Than Ten Dollars (\$10)

If the monthly deficit in a cash assistance grant is less than ten dollars (\$10) after eligibility is determined and appropriate income applied, no cash payment can be made for that month. Families denied payment solely because of this limitation are considered recipients of cash assistance for all other purposes.

An adverse notice must be mailed at least ten (10) days prior to the effective date, informing the recipient that no cash payment can be made because the deficit is less than ten dollars (\$10) per month but that eligibility for cash assistance continues. In all other respects, except for a cash payment, this case remains an active case. This also includes those situations where payment is reduced to zero due to rounding, e.g., ninety-nine (99) cents rounded down to zero.

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

Monthly Deficit Ten Dollars (\$10) or More

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

Changes in Family Composition or Income

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

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0826.13 **CLOTHING ALLOWANCE**

REV:05/1997

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

0826.15.15.10 **Undelivered, Lost, or Stolen CSE Checks**

REV:05/1997

See the Child Support Manual for procedures for replacement of checks issued through the Department of Administration, Division of Taxation - Child Support Enforcement.

0826.20 **PAYMENT OF BURIAL EXPENSES**

REV:05/1997

When a member of a family active on cash assistance dies and the family requests payment to meet funeral and burial expenses, the agency representative determines from information in the case record whether any income or resources of the deceased or of legally liable relatives are available to meet burial expenses. The agency representative records the pertinent information on an AP-48 referral form and transmits it, attached to a copy of the most recent DHS-2, to the GPA Unit for determination of eligibility for payment to meet burial expenses. If eligibility exists, the GPA caseworker authorizes a payment through GPA funds pursuant to policy in Section 0622.

0826.25 **EMERGENCY ASSISTANCE**

REV:12/1999

To the extent that the Department has allocated resources for this purpose, DHS may provide assistance to individuals in families who are FIP recipients to meet certain emergency needs as defined within this section which cannot be met with the cash resources available to the family.

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Catastrophic Assistance

0826.25.05

REV:12/1999

In the event of a catastrophe caused by fire, flood, lightning, severe wind, or other act of nature, DHS may authorize catastrophic assistance funds not subject to the two hundred dollar (\$200) limit specified in Section 0826.25.10.

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

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

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

Criteria for Catastrophic Assistance

0826.25.05.05

REV:12/1999

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

- To be considered, the incident must be reported immediately by the recipient to the agency at the district office.
- The incident must be a catastrophe caused by fire, flood, lightning, severe wind, or other act of nature.
- The catastrophe or disaster must have occurred at the address recorded in the case record. However, if it occurred at a different address, the recipient must demonstrate that s/he had moved and was living there

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prior to notifying the agency. Acceptable evidence of residence may include, for example, a moving bill, rent receipt, or statement from a utility company attesting to the recipient's responsibility for service on the date and at the address in question. When the catastrophe occurred at an address other than the address of record, the facts of the situation along with verification of residence are presented to the Regional Manager for a decision on whether this condition for emergency assistance has been met.

- Coverage is limited to possessions of the recipient or those of other member(s) of the FIP assistance unit.
- Whenever possible, community resources must first be explored and utilized.
- Whenever reasonable, a partially destroyed item of household goods or furnishings must be repaired rather than replaced. If replacement is required, the purchase of used items must be considered before funds for new items can be authorized.
- Any repairs to the basic structure of a recipient-owned dwelling, such as roof, stairs, septic systems, plumbing, wiring, siding, etc., are specifically not covered regardless of the reason for the repair.
- Thefts of clothing and household furnishings and equipment are specifically not covered.
- If repeated emergencies occur for one case, or the circumstances are questionable, payment may be denied.

0826.25.05.10

Agency Responsibilities

REV:12/1999

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

The HSU is responsible for determining at once the need for immediate replacement of clothing which is provided through FIP

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funds. If an individual recipient's clothing has been destroyed, funds for immediate replacement of clothing can be authorized up to the maximum of one hundred twenty-three dollars (\$123) per person.

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

The HSU caseworker is responsible for verifying and documenting the need for repair or replacement of essential household items. A home visit to the site must be made within two (2) working days of the recipient's notification of the catastrophe to document the facts related to Section 0826.25.05.05, if repair or replacement of essential household items is requested.

A written report must be prepared by the HSU caseworker for review by the Regional Manager as the final approving authority for authorization of payment for such items. The contents of the report must follow the sequence of conditions or requirements listed in Section 0826.25.05.05. It must contain firsthand information and documentation required to support and verify the recipient's request for repair or replacement.

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

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

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The maximum amount of catastrophic assistance which can be authorized for clothing per recipient is one hundred twenty-three dollars (\$123). The HSU caseworker may recommend that the ET authorize up to this amount, as necessary, less any amount previously authorized, if the individual recipient's clothing was destroyed.

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

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

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

0826.25.05.15 Denial of Catastrophic Assistance

REV:12/1999

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

0826.25.10 Moving Expenses

REV:12/1999

Emergency assistance for moving expenses shall be limited to the lesser of actual cost or the sum of two hundred dollars (\$200). No expense shall be reimbursable unless DHS has pre-approved the expenditure. Such assistance is limited to payment of in-state moving expenses for families who are forced to move their place of residence.

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

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limited to:

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

Criteria for documentation of the above situations are listed in Section 0826.25.10.05.

Verification Criteria for Payment of Move **0826.25.10.05**

REV:01/2002

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

- * Fire/natural disaster: a written report from a police or fire department official and/or any appropriate collateral source, such as the Red Cross;
- * Uninhabitable housing: a notice from the local code enforcement authority vested with the authority to issue such notice of a finding that the residence is unfit for

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inhabitation;

- * Unsafe (substandard) housing: memorandum from local code enforcement or HSU caseworker detailing such conditions. The memo must be approved by the Housing Unit Supervisor;
- * Unsafe living conditions: police report;
- * Lead hazard: Inspector's Report from the RI Department of Health;
- * Domestic violence: 1) through an assessment by the domestic violence advocate and/or HSU caseworker and one of the following: a No Contact Order, a District Court Restraining Order, a Family Court Restraining Order; an Order of Protection or a Restraining Order from another state related to domestic violence; police report related to domestic violence; court records related to domestic violence; or medical records related to domestic violence; or 2) recommendation from a domestic violence advocate. Referral of the individual to the domestic violence advocate should be made in accordance with Section 0814.10 if the individual has not already been referred.
- * Foreclosure: letter of foreclosure from the mortgagor;
- * Eviction: notice and demand to vacate property, or court pleading initiating an eviction, or court order of eviction;
- * Situations where the tenant has been asked to vacate: letter from landlord demanding termination of tenancy;
- * Homelessness: letter from shelter or previously verified by DHS AND bill or receipt from storage site/facility; and
- * Other situations/circumstances: the housing worker must document the circumstances and reasons in a memorandum, including any available appropriate supporting documentation to the Chief Casework Supervisor.

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Authorization of Moves: Procedures

0826.25.10.10

REV:12/1999

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

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

A payment for a move will be issued only once in a twelve (12) month period unless (a) the need for a move results from a fire or natural disaster, or (b) a waiver is granted by the Regional Manager for unusual or exceptional circumstances based on a report by the HSU.

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

Responsibilities of Housing Services Unit

The Housing Services Unit caseworker is responsible for determining the need for and authorization of reimbursement for moves. The recipient must meet the criteria for moves listed in Section 0826.25.10.

The HSU caseworker must:

- * Determine that the recipient meets the criteria for emergency assistance for moving expenses as specified in Section 0826.25.10;
- * Ascertain that the recipient has located a new place to move and inform the recipient a) that the new location must first pass pre-rental inspection, and b) of her/his responsibilities in the moving process: that s/he must arrange for her/his own move; that s/he is free to choose the methodology, vendor, and/or payment method;
- * Arrange for a pre-rental inspection of the new apartment;
- * Determine whether the new apartment passes the pre-rental

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inspection;

- * If it passes inspection, document the recipient's cost of moving;
- * If the reimbursement of the move is approved, authorize the moving payment through INRHODES by completing a MOVE panel in SPEC, and forward DHS-48A with the new address indicated along with a copy of the rent receipt or lease to the appropriate eligibility supervisor;
- * If the reimbursement of the move is denied, follow the denial procedures outlined in Section 0826.25.10.15.
- * Annotate throughout the process the Case Chronology (CLOG) in INRHODES the chronology of contacts and information relating to either the approval or denial of the move.

0826.25.10.15

Denial of Moving Payments

REV:12/1999

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

0826.30

PROTECTIVE PAYMENTS

REV:05/1997

Protective payments are payments made to an individual on behalf of a parent or caretaker relative to meet the needs of eligible children or families. Protective payments are made in the situations described in Sections 0826.30.05 and 0826.30.10.

0826.30.05

Minor Parents and Pregnant Minors

REV:05/1997

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

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adult-supervised supportive living arrangement, the payment may be made to the minor parent or pregnant minor.

Authorizing a Protective Payee

0826.30.15

REV:05/1997

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

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

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

Notification

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

Authorization/Termination of Payment

In order to authorize an alternate payee, the agency representative utilizes the SPEC/AGNT (Alternate Reporter/Payee) using procedures outlined in Sections 1124.04 through 1124.08 in General Procedures. Instructions for changing or terminating an alternative or protective payee are found in Section 1124.10 through 1124.12.

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ELECTRONIC BENEFIT TRANSFER (EBT) SYSTEM SECTION 0827

PAYMENT OF EBT CASH ASSISTANCE

0827.05

REV:06/1998

Payment of Family Independence Program (FIP) cash benefits through an electronic benefit transfer (EBT) system is authorized by R.I.G.L. 40-5.1-39. Cash benefits are credited to an EBT account in the recipient's name by 5:00 a.m. on the first and sixteenth of the month including weekends and holidays. Monthly reporting cases are issued benefits once a month within five (5) business days after the Department receives a completed monthly report form. (See Section 0826.20 et seq.)

Accessing EBT Cash Benefits

0827.05.05

REV:06/1998

Recipients and authorized payees access EBT cash benefits by using a plastic Rhode Island EBT card and their personal identification number (PIN). The RI EBT system provides access to cash benefits at bank, credit union, and retail store automated teller machines (ATMs) which display the NYCE logo. Some retail establishments also provide access to cash accounts at point-of-sale (POS) terminals which display the QUEST logo. This service is called a cash back transaction and policies on its availability and limits on the amount of cash dispensed are set by the individual store.

Each month, recipients can make a total of four(4) free cash withdrawals from ATMs. For each additional ATM cash withdrawal in the month, a fee of 85 cents is charged. The fee is automatically deducted from the recipient's cash benefit account. No fee is charged when cash benefits are accessed at POS terminals.

The amount of Family Independence Program (FIP) cash benefits for which a family is eligible is calculated pursuant to policies set forth in DHS Manual Sections 0800 through 0836. Disputes regarding the amount of cash benefits for which a family is eligible are handled pursuant to policies in DHS Manual Section 0110.

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

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ELECTRONIC BENEFIT TRANSFER (EBT) SYSTEM

0827.05.10 Replacement of EBT Cash Benefits

REV:06/1998

EBT cash benefits which are accessed through the use of an RI EBT card and personal identification number (PIN) are not replaced. It is the responsibility of the recipient or authorized payee to keep the RI EBT card and PIN safe from unauthorized use and to immediately report lost or stolen cards to the Deluxe Customer Service Help Line at 1-888-979-9939. Their customer service representative changes the status of the card from "valid" to "lost" or "stolen" thereby protecting any unused benefits. (See Section 0827.10.05, Lost, Stolen, or Damaged EBT Cards.)

0827.10 ELECTRONIC BENEFIT TRANSFER (EBT) CARDS

REV:06/1998

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

An EBT card is issued to the applicant in the FIP/Food Stamp case. In two-parent families, a card is issued to one parent and another card may be issued to the other parent as an authorized payee. (See Section 0827.10.10, EBT Cards for Authorized Payees.)

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

0827.10.05 Lost, Stolen, or Damaged EBT Cards

REV:06/1998

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

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Replacement RI EBT cards are issued in all FIP district offices and Food Stamp offices. Cards are replaced immediately (there is no waiting period for card replacement). No fee is charged for the replacement of any lost, stolen, or damaged RI EBT card.

EBT Cards for Authorized Payees

0827.10.10

REV:06/1998

An authorized payee is a person given permission by the recipient to act on his/her behalf in withdrawing or debiting FIP cash benefits from the EBT cash account. In cases with an authorized payee, the recipient receives an EBT card and the authorized payee is issued a separate EBT card and personal identification number (PIN). A request for an RI EBT card for an authorized payee is made on form EBT-12, Request for Authorized Representative-Authorized Payee, and is signed by both the FIP recipient and the authorized payee. Form EBT-10, Request for RI EBT Card, is used to issue the card. If the same individual is acting as both an authorized payee for the family's FIP cash benefits and as an authorized representative for the household's Food Stamp benefits, only one(1) EBT card is issued.

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

PERSONAL IDENTIFICATION NUMBER (PIN)

0827.15

REV:06/1998

In order to use an RI EBT card, the cardholder must also use a secret four(4) digit number known as a personal identification number or PIN. The cardholder selects a PIN in the local office via special PIN encoding machines. For replacement RI EBT cards, the recipient may use the same PIN or select a new number. Authorized payees must have their own RI EBT card and their own PIN. (See Section 0827.10.10, EBT Cards for Authorized Payees.)

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

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However, the card is not confiscated by the ATM. Cardholders must call the Deluxe Customer Service Help Line at 1-888-979-9939 for assistance.

0827.20

STALE EBT CASH ACCOUNTS

REV:01/1999

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

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

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PROSPECTIVE BUDGETING

0828.05

REV:07/1999

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

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

Two separate actions must always take place in determining eligibility:

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

Each assistance unit is considered a change reporter which is required to report any changes in income, resources, family composition, or other factors within ten (10) days of occurrence. These changes include:

- * Changes in sources of income;
- * Changes in the amount of gross monthly income of more than twenty-five dollars (\$25), except for a change in FIP 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 Sections 0822.20.20.05 and 0822.10.20; 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).

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0828.05.05

Prospective Budgeting Method

REV:07/1999

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

The projected estimate of income is valid for the period of time between the initial determination of eligibility and redetermination and between redeterminations or following a change in income or circumstances which is reported by the recipient or is discovered by the Department.

0828.05.10

Authorizing Assistance

REV:07/1999

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

0828.10

CHANGE REPORTERS

REV:01/2002

All circumstances and income received or anticipated to be received are used to determine eligibility for and to calculate the amount of the FIP benefit.

Data from the application, the DHS-1 and DHS-2, (and other documents) are entered into INRHODES. Following initial approval, the payment for each month thereafter is calculated based on the projected circumstances until a change is reported or discovered.

Each assistance unit is advised that it is considered a change reporter which must report all changes in income, resources, family composition, or other factors within ten (10) days of occurrence. The agency provides a Change Report Form (FS/FIP-200) to each assistance unit at the time of the certification interview, and at the time of the redetermination interview, if the assistance unit needs a new form. The agency

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representative is required to mail a form to the assistance unit whenever a Change Report Form is received in the mail from the assistance unit. (The assistance unit should be in possession of a Change Report Form at all times.) Although assistance units are encouraged to complete and return the Change Report Form when a change is being reported, changes reported over the telephone or in person by the assistance unit acted on in the same manner as those reported on the Change Report Form.

In addition, earners are required to submit an Earnings Report Form (DHS-3E) in the sixth month of each certification period. Earners are defined as individuals with income from a job (JINC), self-employment, i.e., income from: a self-owned and operated business (BUSI), including provision of child care in their own home (DCIN), rental property (RINC), boarder(s), and/or roomer(s)(RBIN). Earnings Report policy and procedures are outlined in Section 0828.15.

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

Action on Changes

0828.10.05

REV:07/1999

The agency representative advises the household of its responsibility to report any changes in income, resources, family composition, or other factors within ten (10) days. The agency is required to take prompt action on all changes to determine whether the change affects the family's eligibility or payment. Even if there is no change in the payment, the agency representative documents the reported change in the case record, specifically the case chronology (CLOG) or the case narrative (CNAR) in INRHODES, as appropriate. The agency representative mails another FIP/FS Change Report Form to the client. If the reported change affects the family's eligibility or payment, the family is notified of the adjustment. The agency representative also advises the client of any additional verification requirements.

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

Restoration of lost benefits is provided to any family if the

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agency representative fails to take action within ten (10) days of the date the change was reported on a timely-reported change which increases benefits.

0828.10.10 **Increases and Decreases in FIP Payment**

REV:07/1999

For changes which result in an increase in a family's benefits due to, for example, the addition of a new family member or a decrease in the family's income, the agency makes the changes effective no later than the first payment issued ten (10) days after the date the change is reported. However, in no event must these changes take effect any later than the second payroll following the date the change is reported.

If the change is reported too late for the agency representative to adjust the following payroll, s/he must issue a supplementary payment to the family.

However, no supplementary benefits shall be authorized when a client fails to report in a timely manner any change which increases benefits.

If the household's benefit level decreases or the family becomes ineligible as a result of the change, the agency must issue a notice of adverse action (See Section 0834.05) within ten (10) days of the date the change was reported. When a notice of adverse action is used, the decrease in the payment must be made no later than the next payroll following the date in which the notice of adverse action period has expired, provided a hearing and continuation of benefits have not been requested.

0828.10.15 **Failure to Report Changes**

REV:07/1999

If the agency representative discovers that the family failed to report a change as required by Section 0828.05, and, as a result, received benefits to which it was not entitled, the agency representative determines the overpayment and refers the case to the CCRU in accordance with Section 0830.10.25.

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EARNINGS REPORT PROCESSING

0828.15

REV:07/1999

All cases required to file an Earnings Report Form (as outlined in Section 0808.30 and 0828.10) are determined and identified by INRHODES.

INRHODES issues Earnings Report Forms on or about the twenty-fifth (25th) of the review month to those family assistance units required to report their earnings. The Earnings Report Form collects information in the following areas:

- * Review month income, family composition, and other circumstances relevant to the amount of the assistance payment.
- * Verification of earned income (including termination of such income) and child care expenses.
- * Changes pertaining to income, resources, family composition, or other factors that affect continued eligibility and are expected to occur in the current month or in future months.

All recipients are still required to report to the agency any changes in income, resources, family composition, or other factors relevant to the amount of the assistance payment within ten (10) days of occurrence.

Completeness Criteria for Earnings Report

0828.15.05

REV:01/2002

Before continuing eligibility can be determined and amount of benefits issued, an Earnings Report Form must be completed and received in a timely manner for all assistance units required to report in the sixth month of each certification period. See Section 0828.15.10 for policy on the timeliness standards for Earnings Reports.

For a Earnings Report Form to be considered complete, Question 3 (household member information), Question 4 (unearned income information), and Question 5 (earned income information) must be answered. The parent must document her/his earned income by attaching pay stubs, statements from the employer, or other proof of earned income if pay stubs are not available as verification

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(including termination of earned income). Additionally, the Earnings Report Form must be signed by the parent(s)/caretaker relative.

Question 6 of the Earnings Report Form requests information with regard to dependent care expenses paid by the assistance unit which enable an individual to work. Verification of such expenses is not required if previously verified and unchanged. Any change in dependent care expenses must be reported and documented. Failure to answer this question will not prevent processing of the Earnings Report Form; however, failure to provide verification of a dependent care expense when there is a change results in the loss of the dependent care disregard.

The Earnings Report Form must be processed if Questions 3, 4, and 5 have been completed, complete verification of earned income has been submitted, and the report has been signed by the parent(s)/caretaker relative.

The Earnings Reporting function (MONT) of INRHODES provides for entry of information contained in the Earnings Report Form. INRHODES on-line procedures are located in POLI Section 1122 under General Procedures.

An incomplete Earnings Report Form is returned to the recipient by local office staff as appropriate. A separate notice is generated by INRHODES in which the recipient is advised that the Earnings Report Form is incomplete and what information or verification is needed.

If the form and accompanying documentation are complete, the Filing Status of the case is coded as "C." The information contained in the DHS-3E is used to determine continuing eligibility; the agency representative updates the case from the form through the MONT function. JINC panel(s) must have the 4.3333 Override flag set to "N" unless it is the first or last month such income is received.

INRHODES recomputes eligibility and the payment amount, as appropriate, and generates an appropriate notice. If a recipient requests a hearing within ten (10) days from the date of the notice, the payment is reinstated at the previous payment level, pending the hearing decision.

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Timeliness Standards for Earnings Report

0828.15.10

REV:07/1999

The Earnings Report Form must be completed by the recipient and returned to the local office by the end of the month following the review month for an Earnings Report Form to be considered timely filed. If the Earnings Report Form is complete, appropriate STAT panels are added and/or modified and eligibility is approved as outlined in Section 0828.15.05.

For those recipients who have not returned an Earnings Report Form by the tenth (10th) of the month following the review month, INRHODES sends a reminder notice advising them that the agency cannot determine continuing eligibility for FIP without a completed and timely filed Earnings Report Form.

Earnings Report Not Received

0828.15.15

REV:01/2002

When an Earnings Report Form (DHS-3E) has not been received or is considered incomplete by the agency by the day before the adverse action date for the month following the review month, INRHODES sends a notice of discontinuance to the recipient. If the recipient subsequently files a completed form by the end of the month following the review month, the agency accepts the form and determines continuing eligibility. INRHODES recalculates the payment based on the information on the form if eligibility exists.

When information provided on the Earnings Report Form results in a change from the previous payment or ineligibility for assistance, the agency notifies the recipient of the change. If a recipient requests a hearing within ten (10) days from the date of the notice, the payment is reinstated at the previous payment level, pending the hearing decision.

If the recipient does not request a hearing within ten (10) days of the date of the notice, or does not send in a completed DHS-3E by the end of the month, the cash assistance payment is discontinued.

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CORRECTION OF UNDERPAYMENTS

0830.05

REV:05/1997

An underpayment is defined as a cash payment issued to or for an assistance unit for a payment month in an amount less than the amount for which the assistance unit was eligible. The failure to issue a payment for a payment month to an assistance unit eligible for such payment also constitutes an underpayment.

Eligibility for Correction of Underpayment

The appropriate agency representative corrects the underpayment as soon as possible, but not later than thirty (30) days after discovery of the underpayment, to a current recipient or one who would be a current recipient had the error causing the underpayment not occurred.

For purposes of determining eligibility and the amount of assistance, a retroactive corrective payment is not considered income, nor is it considered a resource in the month received or in the following month.

Correction of underpayment errors to current recipients is required regardless of when the underpayment occurred. There is no time limit for correcting an underpayment that occurred on or after October 1, 1981. However, if the underpayment occurred prior to October 1, 1981, a retroactive corrective payment can be made only for the twelve (12) months preceding the month in which the underpayment was discovered.

In cases involving an underpayment and an overpayment in the same month, the agency representative must factor in both in determining what the correct payment should have been. If an underpayment still exists, it is promptly corrected.

Method of Payment

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

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0830.10

RECOVERY OF OVERPAYMENTS

REV:07/2002

An overpayment is defined as a cash benefit issued to or for an assistance unit for a payment month in an amount exceeding the amount for which that unit was eligible. An overpayment may result from either an agency or a client error. To determine the net overpayment amount, the gross overpayment must be reduced by the amount of any child support collected and retained by the Department of Administration, Division of Taxation - Child Support Enforcement over and above the payment the recipient should have received (see Section 0824.10.25).

In cases involving an underpayment and an overpayment in the same month, the agency representative must factor in both in determining what the correct payment should have been. If an overpayment still exists, the referral is made to the Collections, Claims and Recoveries/Fraud Unit to recover the amount.

Recovery of overpayments from current or former recipients (as defined in Section 0830.10.15) is required regardless of when the overpayment occurred.

0830.10.05

Reasonable Effort to Pursue Recovery

REV:07/2002

If the amount of the overpayment is more than thirty-five dollars (\$35) and owed by a former recipient (as described in Section 0830.10.15) in a non-fraud case, the agency representative must refer the case to the Collections, Claims and Recoveries/Fraud (CCR/Fraud) Unit for a determination by a reasonable effort if it is cost effective to pursue recovery efforts. "Reasonable effort" requires minimally that a repayment request be sent to the former recipient. If s/he fails to respond, CCR/Fraud must consider if the cost of collecting the overpayment is likely to equal or exceed the amount of the overpayment, and what degree of effort is within the bounds of cost effectiveness. However, if a former recipient subsequently becomes active within three (3) years, recovery is initiated regardless of the overpayment amount.

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

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

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

Payments Issued Pending Hearing Decision

0830.10.10

REV:05/1997

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

Individual/Assistance Unit Responsibility

0830.10.15

REV:07/2002

Any recovery of an overpayment to a current assistance unit must be made through repayment (in part or in full) by the individual recipient responsible for the overpayment, or by reducing the amount of assistance payable to the assistance unit of which s/he is a member, or both.

If recovery is not possible from the individual responsible, the CCR/Fraud representative determines, after consulting with Office of Legal Counsel, whether to recover from:

- Any assistance unit which has a member who was an adult member of the assistance unit that received the overpayment (was age eighteen (18) or older - excluding minor heads of households); or
- Any individual members of the overpaid assistance unit, who were adults at the time the unit received the overpayment, whether or not current recipients.

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0830.10.20 Recovery's Effect on Eligibility

REV:05/1997

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

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

EXAMPLE: A recipient is currently eligible to receive a fifty-three dollar (\$53) monthly payment. Due to an overpayment, the agency representative must recoup forty-five dollars (\$45) monthly. Since the recipient was previously entitled to a fifty-three dollar (\$53) payment for the month prior to any adjustment made for recovery, a payment of eight dollars (\$8) monthly must be issued to the recipient even though it is below the ten dollar (\$10) minimum payment level.

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

0830.10.25 Determination and Referral of Overpayments

REV:07/2002

The determination of the overpayment amount is made by entering the correct information in the appropriate months in STAT to reflect the actual income (earned income that is not reported in a timely manner, i.e., within ten (10) days, or earned income which is unreported is calculated WITHOUT any earned income disregards applied), resources, or household circumstances during the period of the overpayment.

After the agency representative approves the retroactive eligibility results for the month(s) affected, s/he then utilizes SPEC/Coll in INRHODES to refer the overpayment to the CCR/Fraud Unit. The agency representative enters the reason for the overpayment, the time period, and the total amount of the

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overpayment based on the retroactive eligibility results; s/he must also enter a reference to the above-mentioned CLOG entry in the free-form text Comments section of the panel. (The relevant policy for INRHODES codes for Collections Referral is located in POLI D at PROC (General Procedures) Sections 1124.42 and 1124.44; it may also be accessed by using the Help Key (PF10) when working on the screen.)

The CCR/Fraud agency representative completes the AP-68W and as appropriate reviews the FSUM function under MONTHLY ORDER REC. in the INRHODES IV-D Interface to determine whether the Department of Administration, Division of Taxation - Child Support Enforcement retained any child support during the month(s) of overpayment. S/he then completes columns E through G of the AP-68W. If support was retained in any overpaid month, the CCR/Fraud representative enters that amount in column E. The amount of retained support over and above the cash assistance payment the recipient should have received is entered in column F and is subtracted from the gross overpayment to yield the net overpayment to be recovered from the recipient or the net overcollection to be refunded to the recipient.

Such refunds are authorized and issued only by the Department of Administration, Division of Taxation - Child Support Enforcement.

Methods of Recovery

0830.10.30

REV:01/2005

Appropriate agency representatives refer overpayments to CCR/Fraud via SPEC/Coll in INRHODES. (The relevant policy for the INRHODES Collections referral process is located in POLI D at PROC (General Procedures) Sections 1124.42 and 1124.44.) The recovery methods specified are predicated on the existence of a net overpayment to be recovered as described below.

Grant Reduction

The agency recovers any overpayment from current recipients, who were adults at the time of the overpayment, by grant reduction unless the agency first accepts either total or partial recovery, with any balance owed repaid through grant reduction. Any initial repayment made in a local office by the recipient must be forwarded to the Collections, Claims and Recoveries/Fraud Unit at the Benjamin Rush, Building 55, Howard Avenue, Cranston, RI 02920. The recipient is given a

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receipt, and advised that the remainder of the overpayment will be recovered by grant reduction.

Recovery Rate

The grant reduction recovery rate for all active cases is ten percent (10%) of the monthly standard of assistance or up to the amount of the payment if it is less than the standard of assistance.

Direct Repayment

Former recipients and recipients who receive no payment because the deficit is less than the ten dollar (\$10) minimum payment make repayments directly to the CCR/Fraud Unit from their income or resources.

Setoff of State Personal Income Tax Refund

Pursuant to RIGL 44-30.1, DHS may recover overpayment of cash assistance benefits through setoff of the individual's state personal income tax refund. Procedures for setoff are outlined in Section 0830.22.

0830.10.40 Referral of Overpayments to CCR/Fraud Unit

REV:07/2002

Overpayments are referred to the CCR/Fraud Unit by the appropriate agency representative. S/he determines the overpayment amount for active cases by following procedures outlined in 0824.10.25. The agency representative must record the circumstances pertaining to the overpayment in the Case Log (CLOG).

S/he then utilizes SPEC/Coll in INRHODES to refer the overpayment to CCR/Fraud by entering the reason for the overpayment, the time period, and the total amount of the overpayment, and enters a reference to the above-mentioned CLOG entry in the free-form text Comments section of the panel. (The relevant policy for INRHODES codes for Collections Referral is located in POLI D at PROC (General Procedures) Sections 1124.42 and 1124.44; it may also be accessed by using the Help Key (PF10) when working on the screen.)

After reviewing the referral and obtaining all relevant

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

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

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

If the overpayment is due to agency error or the decision is made for immediate collection of the overpayment, the CCR/Fraud representative sends the individual a Notice of Overpayment which summarizes the amounts, dates, and reasons for the overpayment. It is accompanied by form AP-68W, Calculation of Cash Overpayment. The AP-68R informs the individual that all overpayments must be repaid. It notifies a current Family Independence Program recipient that unless s/he contacts CCR/Fraud within thirty (30) days, automatic grant reduction will be initiated. The form also includes the individual's appeal rights.

Notice of Overpayment

0830.10.45

REV:05/1997

A recipient must be promptly notified via a Notice of Overpayment and AP-68W (as appropriate) that a determination of a net overpayment exists. The notice informs the individual of the mandatory aspect of recovery, the right to a hearing, and the method for repayment.

Repayment Agreement

0830.10.50

REV:07/2002

Repayment agreements must be initiated for all cash assistance overpayments. CCR/Fraud Unit representatives initiate and complete a signed Repayment Agreement (AP-68) between the agency and individual responsible. The Agreement form states that an overpayment exists in a specified amount and that repayment will

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be made by direct repayment (in full or in part). The recipient is given a copy of the agreement, and one copy is retained by CCR/Fraud.

0830.10.50.05 Agency Error Cases

REV:07/2002

Overpayments caused by agency error are considered non-fraud.

Instances of agency error that may result in an overpayment include, but are not limited to, the following:

- The agency representative failed to take prompt action on a change reported by the recipient; and
- The agency's incorrect computation of the recipient's income and/or deductions resulted in an incorrect payment.

0830.10.50.10 Certain Client Error Cases

REV:07/2002

Overpayments caused by the following household errors are considered non-fraud.

- A payment was issued pending a hearing decision adverse to the recipient; or
- A payment was issued solely due to ten (10) day notice requirements even though the recipient was ineligible for the assistance.

0830.15 OUTSTANDING CLAIMS BALANCES

REV:11/1998

INRHODES has been programmed to identify cases with outstanding claims balances. When a former recipient (as defined in Section 0830.10.15) is reinstated, and an overpayment balance still exists, the recipient is notified after approval of eligibility that the overpayment will be recovered by grant reduction (unless the recipient elects to repay the amount in full or in part, with the balance, if any, paid by grant reduction) beginning the following month.

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CLAIMS REFERRED FOR PROSECUTION

0830.20

REV:07/2002

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

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

SETOFF OF STATE PERSONAL INCOME TAX REFUND

0830.22

REV:01/2005

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

"Cash assistance benefit overpayments" means any amount of cash assistance benefits which constitutes an overpayment of benefits from the Family Independence Program and/or the Aid to Families With Dependent Children (AFDC) program up until April 30, 1997.

Criteria for Referral for Setoff

0830.22.05

REV:01/2005

The claim must meet the following requirements for the State Personal Income Tax Refund Offset procedure.

The claim must be:

- * Established by court order, by administrative hearing

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conducted by the Department of Human Services, or by written agreement between the Department of Human Services and the individual;

- * Greater than or equal to the minimum amount required for submission for setoff by the R.I. Division of Taxation;
- * Submitted in the name of one individual or must be reduced by any amount submitted as a separate claim for other individuals who are jointly or severally liable for the claim; and
- * Not involved in a bankruptcy stay or discharged in bankruptcy.

In addition, the agency must notify the individual of the intended action prior to offset and of her or his appeal rights.

0830.22.10

Setoff Procedures and Notification of Debtor

REV:01/2005

The CCR/Fraud Unit will notify the individual of its intent to refer a claim to the R.I. Division of Taxation for offset and give the individual thirty (30) days to appeal the intended referral by presenting evidence that all or part of the claim is not legally enforceable. The pre-offset notice or thirty (30) day notice shall contain the following information:

- A. The amount of the claim(s);
- B. That the individual has been previously notified of the claim;
- C. That the claim is legally enforceable;
- D. The individual's DHS Case Identifier;
- E. That the claim(s) is to be referred to the R.I. Division of Taxation for offset unless the claim is paid in full within thirty (30) days of the date of the letter;
- F. Instructions about how to pay the claim(s), and the address and telephone number of the CCR/Fraud Unit to

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call to discuss the claim and the intended intercept.

- G. That the individual has the right to appeal the offset. The notice will advise the individual that:
- (1) The individual is entitled to an administrative hearing to contest the setoff. The appeal request must be in writing and must be received by CCR/Fraud Unit not later than thirty (30) days after the date of the notice.
 - (2) That the individual should be prepared to provide evidence or documentation of his or her defenses to the claim.
 - (3) The individual's right to judicial review of the administrative hearing decision.

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

Transfer of Funds by Division of Taxation

0830.22.15

REV:01/2005

At the time of the transfer of funds to DHS, the Division of Taxation shall notify the debtor that the transfer has been made. The notice shall state the name of the debtor, the amount of cash assistance benefit overpayments being claimed, and the transfer of funds to DHS.

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

Upon receipt of funds transferred from the Division of Taxation, DHS Financial Management deposits and holds the funds in an escrow account until final determination of setoff. Upon final determination of the amount of the claim to be setoff by 1) default for failure to apply for an administrative hearing, or by 2) decision of the administrative hearing officer, the claimant

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agency shall remove from the account of the claim payment from the escrow account and credit the amount to the debtor's obligation. The pendency of judicial proceedings to review the administrative decision shall not stay nor delay the setoff, transfer, and disbursement of the tax refund in question.

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

0830.22.15.05

Administrative Hearings

REV:01/2005

As appropriate, an administrative hearing may be held pursuant to DHS Policy Manual Section 0110. The appeals officer must be issue her or his decision in writing in accordance with Section 0110. If the decision is made that the claim does not meet the requirements for offset, CCR/Fraud must take appropriate corrective action.

0830.25

OVERPAYMENTS TO ALIENS

REV:11/1998

Any individual who sponsors an alien and the alien who was an adult at the time of the overpayment are jointly and severally liable for any net overpayment of aid made to the alien during the three (3) years after the alien's entry into the United States, if the overpayment resulted from the sponsor's failure to provide correct information during the determination of alien sponsorship liability. (See Section 0104.)

A sponsor is a person who signs an affidavit or other statement accepted by the Immigration and Naturalization Service (INS) as an agreement to support an alien as a condition of the alien's admission for permanent residence in the United States.

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When it is determined that the sponsor is responsible for the overpayment, the agency representative refers the case to the CCRU to initiate recovery against the sponsor.

Good Cause

0830.25.05

REV:05/1997

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

However, the alien is still liable for the repayment and is not exempted when the sponsor has good cause.

Good cause exists when:

- Correct information on income or resources was given by the sponsor to the alien and was misrepresented to the agency representative by the alien/applicant.
- Correct information on income or resources was given by the sponsor and was incorrectly calculated by the agency representative.
- Information supplied to the sponsor by a third party is incorrect, e.g., the sponsor's spouse reports incorrect information on his/her resources.

Sponsor and Alien Liability for Repayment

0830.25.10

REV:05/1997

Overpayments for which the sponsor and the alien are liable shall be repaid in accordance with procedures outlined in Section 0830.10.30. If repayment cannot be accomplished through the methods specified, future Family Independence program payments to which the alien and/or the sponsor may be entitled are subject to recovery.

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PURPOSE OF REDETERMINATION

0832.05

REV:12/2004

In addition to the change reporting requirements outlined in Section 0808.30 for all recipients, a redetermination of eligibility is completed whenever a significant change is expected to occur that may affect a family's eligibility and at least once every six (6) months to ensure that eligibility for assistance continues and that the payment is correct.

For families that are recipients of FIP cash assistance but NOT of Food Stamps, a redetermination of eligibility is completed whenever a significant change is expected to occur that may affect the family's eligibility and at least once every twelve (12) months.

PROCESS OF REDETERMINATION

0832.10

REV:05/1997

INRHODES stores the next redetermination date for each active case. One month before the month in which the case is due to be reviewed, a redetermination report is distributed to the field. The agency representative sends out the Redetermination (REDT) packet which consists of the following:

- Redetermination Appointment Letter - C-4,
- Statement of Need - DHS-2, and
- Other informational material, as appropriate.

REDETERMINATION APPOINTMENT

0832.15

REV:05/1998

The agency representative responds to any request from the recipient for assistance in completing the DHS-2 for the redetermination of eligibility. This help may be given by telephone or may be completed during the scheduled office or home visit, whichever is most appropriate. The DHS-2 should be completed by the recipient except for the signature which must be witnessed by the eligibility technician at the redetermination interview. The Redetermination Appointment Letter indicates the time and location of the appointment along with the name of the

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agency representative. The letter refers the recipient to page 3 of the DHS-2 for a list of documents that should be brought to the appointment.

A face-to-face interview is required with each client filing the application in order to review it with him/her and to determine continuing eligibility for assistance. The same process for reviewing the DHS-2 and determining initial eligibility (see Section 802) is followed when reviewing the subsequent DHS-2(s).

The Information on the Family Violence Option sheet (Form WVR-1a) should be reviewed with the recipient so that s/he is re-informed that s/he may be excused from certain FIP requirements under the Family Violence Option if meeting these requirements puts the applicant or her/his children at risk of domestic violence.

Information on the DHS-2 which was previously documented and not subject to change, such as birth certificates, marriage and divorce documents, should not be redocumented unless there is a discrepancy noted between the new DHS-2 being reviewed and the DHS-2(s) previously filed. Bank books, wage stubs, rent receipts, and all other information subject to change must be verified again through documents at each redetermination, and the source of verification entered in the shaded area of the DHS-2 next to the item.

0832.15.05

Redetermination Appointment Not Kept

REV:05/1997

If the recipient does not keep the redetermination appointment or call to reschedule, s/he is notified that the payment will be discontinued. A notice of discontinuance is issued through INRHODES stating that:

- that the assistance payment is being discontinued because of failure to keep the redetermination interview appointment;
- that the filing of the DHS-2 is necessary in order to determine continued eligibility; and
- the effective date of discontinuance.

A copy of the notice is stored in CASE/Notc in INRHODES. The action is noted in the CLOG.

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COMPLETION OF REDETERMINATION

0832.20

REV:05/1997

The eligibility technician updates appropriate information into the recipient's case in INRHODES. S/he approves any subsequent versions of eligibility and updates the Redetermination Complete Date in the REDT panel to establish the next redetermination due date. INRHODES issues an adequate and timely notice to the recipient, as appropriate. Any changes in circumstances or anticipated changes are noted in the case log (CLOG).

If a potential resource is expected in the future, the eligibility technician sets up a TIKL through the INRHODES SPEC function as a reminder of the anticipated change so that proper activity about the resource can be initiated and completed on time.

CHANGES IN CIRCUMSTANCES

0832.25

REV:12/2004

In the initial contact with the agency, and generally in any subsequent contacts, the recipient is made aware of her/his responsibility to report within ten (10) days any changes in income, resources, family composition, or other factors affecting eligibility or the amount of benefits, with the exception of the temporary absence of a minor child, which must be reported within five (5) days, as outlined in Section 0808.30. Financial need is subject to change whenever there is a change in the family composition, income, or resources. Other changes can affect eligibility, some of which the agency may be aware in advance and others which are unexpected and the agency can learn about only when the recipient or another source makes the information known.

When it is known, or presumed, that income, resources, family size, or other circumstances will change at a specific time, the agency representative must review the situation promptly and take appropriate action in a timely manner.

Information on the change in circumstances and the payment change are annotated in the Case Chronology (CLOG).

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0832.25.05 **Addition of Member to Assistance Unit**

REV:05/1997

A new household member joining a household may qualify for assistance from the Family Independence program. The date the agency is notified of the addition of the family member constitutes the official application date for that member.

A Statement of Need (DHS-2) need not be completed for a new member being added to the unit, but the CLOG must be updated reflect the request for assistance for the member and the date it was made. The eligibility technician adds or revises the new member's MEMB panel and any appropriate secondary panels and approves any retroactive and current versions of eligibility.

0832.25.10 **Discontinuance**

REV:05/1997

An Family Independence program cash payment must be discontinued whenever it is determined that need no longer exists. A notice of discontinuance is issued through INRHODES at least ten (10) days prior to the effective date of discontinuance.

0832.25.15 **Eligibility for Medical Assistance Only**

REV:05/1997

When a recipient of a Family Independence program cash assistance payment is no longer eligible on the basis of financial need, the eligibility worker, as part of the closing process, determines eligibility for Medical Assistance (MA) on the basis of information in the case record. (If information to determine MA eligibility is insufficient, the notice of discontinuance must specify what is needed.)

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NOTICE REQUIREMENTS

SECTION 0834

NOTICE OF ADVERSE ACTION

0834.05

REV:05/1997

A decision on continuing eligibility (prospectively) must be made as soon as it becomes known that a change in a family's income, resources, and/or circumstances will affect the payment (see Section 0826).

When it is determined that a change in the recipient's circumstances will result in a reduction, suspension, or discontinuance of a payment, the recipient must be notified by issuing a notice of adverse action at least ten (10) days prior to the effective date.

The notice must contain:

- the reason for the proposed action and the agency policy which requires the action;
- an explanation of the opportunity to discuss the action with the eligibility technician authorizing the discontinuance, suspension or reduction in payment;
- an explanation of the opportunity to have an Adjustment Conference with the Supervisor;
- an explanation of the provision for continuance of the payment if a hearing is requested in writing within the ten day period of the date of the notice; and
- an explanation of the opportunity to request a hearing within thirty (30) days of the date of the notice.

When Timely Notice Not Required

0834.05.05

REV:05/1997

Where timely notice is not required, an adequate notice must be sent not later than the date of action when:

- the agency has factual information confirming the death of a recipient or of the payee when there is no relative available to serve as new payee;

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- The agency receives a clear written statement signed by a recipient that s/he no longer wishes assistance, or that gives information which requires discontinuance or reduction of assistance, and the recipient has indicated, in writing, that s/he understands that this is the consequence of supplying such information;
- the recipient has been admitted or committed to an institution;
- the recipient has been placed in skilled nursing care, intermediate care or long-term hospitalization;
- the recipient's whereabouts are unknown and agency mail directed to her/him has been returned by the post office indicating no known forwarding address. The recipient's check must, however, be made available to her/him if the whereabouts becomes known during the payment period covered by a return check;
- a recipient has been accepted for assistance in another state and that fact has been established by the jurisdiction previously providing assistance;
- a child is removed from the home as a result of a judicial determination, or voluntarily placed in foster care by his/her legal guardian;
- a change in level of medical care is prescribed by the recipient's physician; or
- a special allowance granted for a specific period is terminated and the recipient has been informed, in writing, at the time of initiation that the allowance shall automatically be discontinued at the end of the specified period.

0834.05.10

Acknowledgment of Client Understanding

REV:05/1997

When the client notifies the agency directly, either by phone or in person, of a change in circumstances, the agency representative must discuss with the client the effect that this change will cause and must receive an acknowledgment, in writing,

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that the client understands that this will result in the discontinuance or reduction of the assistance.

REQUIRED ACTION

0834.10

REV:05/1997

A client has a right to request a hearing within thirty (30) days of the agency's notice of action. If a request for a hearing is made within the ten (10) day advance notice period, no action for reduction, suspension, or discontinuance is taken until the hearing decision is issued except in the following instance:

- When the reduction, suspension, or discontinuance is caused by a change in either State or Federal law that requires automatic grant adjustment for classes of recipients. A timely notice of such grant adjustment can be issued by mass mailing, and the payment is not continued and no hearing need be granted. However, a hearing is granted and the payment is continued when the reason for the appeal is incorrect grant computation. The Regional Manager will review the issue to determine this and will inform the recipient, in writing, of the action that will be taken.

If the payment is continued and, at the hearing, a determination is made that the sole issue is one of State or Federal law or policy or change in State or Federal law and not one of incorrect grant computation, assistance is reduced, discontinued, or suspended immediately and the recipient must be promptly informed, in writing, of the action. However, the formal hearing decision is issued within the time limits for hearing decisions.

When a second change occurs while the hearing decision is pending, and the recipient does not request a hearing within the advance notice period on the second issue, assistance is reduced, discontinued, or suspended, and the recipient must be promptly notified of this in writing.

At the end of the ten (10) day advance notice period, the action remains in force if the client has not responded and requested a hearing. The client continues to have a right to a hearing, however, on the issue for thirty (30) days following the notice of adverse action.

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FAMILY INDEPENDENCE PROGRAM

CASE RECORD

SECTION 0836

FAMILY INDEPENDENCE PROGRAM CASE RECORDS

0836.05

REV:05/1997

The assigned clerical staff in each office is responsible for setting up a paper case record when a request for assistance is received. If after Person Search in INRHODES during the Intake screening process indicates the applicant has a previous record, the paper and electronic file are located or requested from another office, as appropriate. If there is no previous program history or the record is not yet available, a dummy record is set up for the Intake appointment.

Intake Worker Receives Application Forms

0836.05.05

REV:01/2002

When the eligibility agency representative receives the Application for Assistance - Part 1 for the Intake and the Statement of Need (DHS-2) at the interview, those forms and all relevant documentation and other forms related to the application, the interview, and the decision on eligibility are filed in the record. After the intake interview, the case record is processed through the appropriate clerical person for typing and attaching an identification tab to the record. The tab contains the case I.D., the name, address, city or town, and zip code. (Record tabs are typed with last name first, followed by first name and middle initial, if any.)

PURPOSE OF RECORD KEEPING

0836.10

REV:05/1997

Record keeping helps the agency to assure that each client receives appropriate assistance and service. It sustains continuity despite change in staff. Case records reflect the way the agency receives and acts on applications, determines eligibility for a payment, obtains information concerning problems, the need for service, and the services given.

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CASE RECORD

0836.15

USE OF CASE RECORDS

REV:05/1997

The agency uses two separate case records for each case in its Family Independence Program. Data concerning decisions on eligibility and payments are recorded in the INRHODES electronic record maintained by the eligibility technician. Application forms, documentation, monthly report forms, correspondence, and other papers are filed in the eligibility record. A service paper record maintained by Family Independence case workers contains the copy(ies) of the employment plan(s) and other activity scheduling, assessment test results, etc., as appropriate. The IV-F INRHODES electronic file tracks and contains the Family Independence employment plan activities, updated assessment information, notices, etc.

All case records provide factual information about whether the law and the policies of the agency are being properly and equitably applied. It is part of the agency's record of accountability for the expenditure of public funds. Records are source documents for case reviews, validation, regular and periodic statistical reports, and research studies. The case records provide a source of data on program effectiveness, for administrative planning, and for interpretation to the public on how programs are operating.

0836.20

ORGANIZATION OF THE PAPER FILE

REV:05/1997

Family Independence paper records must be organized by subject matter in accordance with the categories described below.

Case Chronology

A chronology of case activity is retained in both the INRHODES IV-A Case Log (CLOG) and IV-F case narrative (CNAR).

Vital Statistics

Essential documents such as birth, baptismal, marriage or death certificates, divorce decrees, Social Security cards, I-94s, I-151s, etc. are duplicated whenever possible on 8.5" x 11" paper and retained inside the back cover for the life of the record.

Other Essential Materials

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CASE RECORD

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Apart from vital statistics information, any forms and other required materials are ordered beginning at the front of the record as follows:

- DHS-2, Statements of Need packaged as above and retained for the life of the record;
- Documents pertaining to income and resources, including all forms such as DHS-3's, AP-50, AP-91s, AP-150, AP-151, AP-152, VA or RSDI award letters, TPQY cards and replies, etc.;
- Documents pertaining to medical, employment, or scholastic history, including C-1b, C-1a, and any other form or correspondence falling into one of these categories;
- Child Support documents and other court action and legal documents, including AP-35, AP-121 with Hearing Decision, DHS-25 and any other documents of a legal nature; and
- Miscellaneous items, including any other forms or correspondence not specifically mentioned above nor readily categorized in any of the above areas.

All material contained in a Family Independence program record is retained for a period of THREE (3) years PLUS the current year unless otherwise indicated.