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TITLE 218 – DEPARTMENT OF HUMAN SERVICES

CHAPTER 20 – INDIVIDUAL AND FAMILY SUPPORT PROGRAMS

SUBCHAPTER 00 – N/A

PART 2 – Rhode Island Works Program Rules and Regulations

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2.1 Purpose and Administration

2.1.1 Legal Provisions

A. The Rhode Island Works Program (R.I. Gen. Laws Chapter 40-5.2-1 *et seq*.) establishes the legal basis for a welfare to work program to assist needy families to prepare for, accept and retain employment with necessary supports, as quickly as possible, and is the law through which the Federal assistance program, Temporary Assistance for Needy Families, is available to families in Rhode Island who meet program eligibility criteria. The Department of Human Services is charged with the responsibility of setting forth the eligibility requirements established in law. All provisions of R.I. Gen. Laws Chapter 40-5.2 shall be effective and apply to all applicants and recipients on or after July 1, 2008, except those described in Time Limit (see § 2.6 of this Part).

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

2.1.2 Purpose

A. The purpose of the Rhode Island Works Program of the Department of Human Services (referred to as "the Agency") is to provide financial and employment assistance to eligible pregnant women and parents (or caregivers) with children and to ensure children’s healthy growth and development by providing access to necessary services.

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

C. An application 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.

2.1.3 Scope of the Program for Families

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

B. Cash Assistance for Eligible Families

Families in which there is an eligible child (see § 2.5 of this Part) and whose resources are within program limits (see § 2.14 of this Part), whose countable income is less than the cash payment amount are eligible for a cash assistance payment.

C. Child Care Assistance Program

1. All families who are eligible for cash assistance, especially those who require child care in order to meet the work requirements described in § 2.11 of this Part will be provided child care.

2. Effective October 1, 2021 through June 30, 2022, the Department shall also provide child care assistance to eligible families with incomes below one hundred eighty percent (180%) of the Federal Poverty Level when such assistance is necessary for a member of these families to enroll or maintain enrollment as a matriculating student in a Rhode Island public institution of higher education. Eligibility to receive funding is capped when expenditures reach two hundred thousand dollars ($200,000.00) for this provision.

3. Other families within income and resource limits and other requirements of the program detailed in the Child Care Assistance Program Rules and Regulations, Part 4 of this Subchapter, are eligible for subsidized child care for children under age thirteen (13), or for children between thirteen (13) and nineteen (19) years old who have a documented physical or mental disability which makes the child incapable of self-care.

D. Medicaid: pregnant women and families with an eligible child or children may be eligible for Medical Assistance if their income and resources are within program limits (see Medicaid Code of Administrative Rules, Medicaid Application and Renewal Processes, 210-RICR-30-00-3).

E. Supplemental Nutrition Assistance Program (SNAP): families within program income and resource limits are eligible for food assistance. SNAP is a Federal program of the U.S. Department of Agriculture and is administered in Rhode

Island by the Department of Human Services. A household that has been determined eligible for SNAP receives benefits which augment the food purchasing power of the family. See the Supplemental Nutrition Assistance Program, Part 1 of this Subchapter.

2.2 Definitions

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

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

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

3. "Assistance" means cash and any other benefits provided pursuant to this chapter.

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

5. "Benefits" means assistance received pursuant to this chapter.

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

7. "Department" means the Department of Human Services.

8. "Dependent child" means an individual, other than an individual with respect to whom foster care maintenance payments are made, who is:

    a. Under the age of eighteen (18); or

    b. Under the age of nineteen (19) and a full-time student in a secondary school (or in the equivalent level of vocational or

educational training), if before he or she attains age nineteen (19), he or she may reasonably be expected to complete the program of such secondary school (or such training).(B) Under the age of nineteen (19) and a full-time student in a secondary school (or in the equivalent level of vocational or educational training), if before he or she attains age nineteen (19), he or she may reasonably be expected to complete the program of the secondary school (or such training).

9. "Director" means the Director of the Department of Human Services.

10. "Domestic violence" or "individual with a history of domestic violence" means an individual who has been subjected to:

    a. Physical acts that resulted in, or threatened to result in, physical injury to that individual;

    b. Sexual abuse;

    c. Sexual activity involving a dependent child;

    d. Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;

    e. Threats of, or attempts at, physical or sexual abuse;

    f. Mental or emotional abuse; or

    g. Neglect or deprivation of medical care.

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

12. "Earned income tax credit" means the credit against Federal personal income tax liability under the Internal Revenue Code of 1986, 26 U.S.C. § 32, or any successor section, the advanced payment of the earned income tax credit or rebate, to an employee under the Internal Revenue Code, 26 U.S.C. § 3507, or any successor section and any refund received as a result of the earned income tax credit or rebate, as well as any refundable State earned income tax credit or rebate.

13. "Earned income tax rebate" means a tax refund received from the Federal and/or State in the form of a tax credit or tax rebate.

14. "Education directly related to employment" means education, in the case of a participant who has not received a high school diploma or a certificate

of high school equivalency, related to a specific occupation, job, or job offer.

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

16. "Family" means:

    a. A pregnant woman ~~from and including the seventh (7th) month of her pregnancy~~; or

    b. A child and the following eligible persons living in the same household as the child:

        (1) Each biological, adoptive or stepparent of the child, or in the absence of a parent, any adult relative who is responsible, in fact, for the care of such child, and

        (2) The child's minor siblings (whether of the whole or half-blood); provided, however, that the term "family" shall not include any person receiving benefits under Title XVI of the Social Security Act, 42 U.S.C. § 1381 *et seq*. A family may be the same as the assistance unit.

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

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

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

a. Lack a fixed, regular and adequate nighttime residence. This includes an individual or family who:

(1) Resides in a shelter or place not meant for human habitation, or

(2) Living in a halfway house or similar institution which provides temporary residence for individuals who would otherwise be institutionalized, or

(3) Living in a hotel/motel or in the residence of another individual for not more than ninety (90) days.

b. Will imminently lose their primary nighttime residence as evidenced through the following:

(1) Subject to a court order to vacate,

(2) Lack the resources to continue staying in a hotel or a motel, or

(3) Are no longer being allowed to stay by the owner or renter of housing with whom the individual or family is staying.

(4) In each of these cases, the individual or family may be considered homeless up to fourteen (14) days before they are to be displaced from their current housing.

c. Are an unaccompanied youth or homeless families with children and youth who are defined as homeless under other Federal statutes who do not otherwise qualify as homeless under the definition, provided that they meet the following three (3) conditions:

(1) Have experienced a long-term period without living independently in permanent housing (living for the ninety-one (91) or more days immediately prior to applying for homeless assistance without a lease or ownership interest in the occupied property in the youth's or head of household's name),

(2) Have experienced persistent instability as measured by frequent moves over such period (three (3) or more moves over the ninety (90) day period immediately prior to applying for homeless assistance),

(3) Is expected to continue in such status for an extended period of time due to a variety of factors, including multiple barriers to employment. Multiple barriers to employment includes:

Lack of a high school degree or General Education Development (GED), Illiteracy, Low English proficiency, History of incarceration, or History of unstable employment.

d. Are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life threatening conditions that relate to violence against the individual or a family member that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence, and who has no other residence and lacks the resources or support networks to obtain other permanent housing. The victimized member of the household is not required to be the owner or renter of the unit.

20. "Housing search" means a family experiencing or at risk of homelessness using time spent searching and applying for stable housing as an approved plan activity.

21. "Individual employment plan" means a written, individualized plan for employment or work opportunities, developed jointly and signed by the applicant and Agency staff (in person or telephonically) that specifies the steps the participant shall take toward long-term economic independence. A participant must comply with the terms of the individual employment plan as a condition of eligibility in accordance with the R.I. Gen. Laws § 40-5.2-10(e).

22. "Job readiness" and/or "job search" means the mandatory act of seeking or obtaining employment by the participant, or the preparation to seek or obtain employment.

a. In accord with Federal requirements, job search activities must be supervised and reported to the Department of Human Services in accordance with TANF work verification requirements. DHS contract and State staff are responsible to adhere to this Federal requirement.

b. Except in the context of rehabilitation employment plans, job search and job readiness activities are limited for Work Participation Rate (WPR) to four (4) consecutive weeks and six (6) weeks total within a twelve (12) month period; twelve (12) weeks within a twelve (12) month period if the unemployment rate of the State is fifty percent (50%) greater than US total unemployment rate or the State meets the definition of a needy State under the contingency fund provisions of Federal law.

c. Preparation to seek employment, or job readiness, may include, but may not be limited to, the participant obtaining life skills training, homelessness services, domestic violence services, special services for families provided by Department of Children, Youth and Families, substance abuse treatment, mental health treatment, or rehabilitation activities as appropriate for those who are otherwise employable. Such services, treatment or therapy must be determined to be necessary and certified by a qualified medical or mental health professional.

23. "Job skills training directly related to employment" means training or education for job skills required by an employer to provide an individual with the ability to obtain employment or to advance or adapt to the changing demands of the workplace. Job skills training directly related to employment must be supervised on an ongoing basis.

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

25. "Low-income families" means members of low-income families with child(ren) below the age of eighteen (18), or youth between the ages of 18-20 who are members of low-income families or a pregnant woman ~~in her third (3rd) trimester~~, or a non-custodial parent of a child for whom the custodial parent is receiving public support, wherein family income is below two hundred twenty-five percent (225%) of poverty.

26. "Minor parent" means a parent under the age of eighteen (18), and under the age of twenty (20) for the purpose of developing appropriate employment plan activities. All unmarried parents with children, or women who are ~~at least six (6) months~~ pregnant, who are under eighteen (18), are minor parents, especially for the purposes of determining if a living arrangement is appropriate. All such pregnant women and parents must be referred to the Teen and Family Development (TFD) Program. The TFD case manager should make a referral to the Rhode Island Department of Health (RIDOH) Family Visiting Program.

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

b. If a pregnant woman or parent has completed high school or a GED program before or while age eighteen (18), for employment plan purposes that participant is an adult for employment planning and is eligible for all employment plan activities available to adults. A referral to the TFD Program is done to provide support, but compliance with the program is voluntary.

c. A minor parent may be an applicant or recipient with his or her dependent child(ren) in his/her own case or a member of an assistance unit with his or her dependent child(ren) in a case established by the minor parent's parent.

26. "Net income" means the total gross income of the assistance unit less allowable disregards and deductions as described in R.I. Gen. Laws § 40-5.2-10.

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

28. "Overpayment" means 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.

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

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

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

32. "Resident" means a person who maintains residence by his or her continuous physical presence in the State. There is no durational residence requirement and an individual does not need to have a permanent address.

33. “Self-employment income” means the total profit from a business enterprise, farming, etc., resulting from a comparison of the gross receipts with the business expenses, i.e., expenses directly related to producing the goods or services and without which the goods or services could not be produced. However, items such as depreciation, personal business and entertainment expenses, and personal transportation are not considered business expenses for the purposes of determining eligibility for cash assistance in accordance with this chapter.

34. “State” means the State of Rhode Island.

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

36. “Subsidized housing” means housing for a family whose rent is restricted to a percentage of its income.

37. “TANF emergency contingency fund” or “TANF ECF” means benefits and services authorized by the American Recovery and Reinvestment Act, and available through September 2010, to RI Works participants and low-income families.

38. “Under payment” means:

    a. A cash payment issued to or for an assistance unit for a payment month in an amount less than the amount for which the assistance unit was eligible; or

    b. The failure to issue a payment for a payment month to an assistance unit eligible for such payment.

39. “Unsubsidized employment” means full or part-time employment in the public or private sector that is not subsidized by TANF or any other public program.

40. “Vocational educational training” means twelve (12) months of organized educational programs, or, effective July 1st, 2022, if the participant successfully completes their first (1st) year of education at the Community College of Rhode Island, they may participate in vocational education training for an additional twelve (12) months. Vocational educational training programs are directly related to the preparation of participants for employment in current or emerging occupations. Vocational educational training must be supervised.

41. “Work activities and opportunities" means the specific work requirements which must be defined in the individual employment plan and complied with by the participant as a condition of eligibility for the receipt of cash assistance for single and two-parent families outlined in R.I. Gen. Laws § 40-5.2-12.

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

43. “Work supplementation” or “grant diversion” means the use of all or a portion of a participant's cash assistance grant and food assistance grant as a wage supplement to an employer. Such a supplement shall be limited to a maximum period of twelve (12) months. An employer must agree to continue the employment of the participant as part of the regular work force, beyond the supplement period, if the participant demonstrates satisfactory performance. The cash assistance case may close without affecting the validity of the employer agreement.

2.3 Application Process

2.3.1 Screening

A. Applications may be completed online, over the phone, or via paper. The application date is the date a signed paper, recorded telephonic signature, or the signed electronic application is received by the Department.

B. Telephonic Interviews and Telephonic Applications

1. The following process for Telephonic Interviews and Telephonic Applications will be followed for the RIW program:

    a. The telephonic attestation of signature is recorded by the Department.

    b. Telephonic signatures are not limited to telephonic applications and can be used to sign any application regardless of the means by which the application is completed (e.g., online, telephonically, paper).

    c. Telephonic signatures shall allow a household who inadvertently submits an unsigned application to complete the application process without re-submitting the application with a written or inked signature.

(1) If a household member submits an application without a signature and a worker is able to contact the household member over the phone, the worker will write a case note within the electronic case file application that verbal attestation of the signature was given.

(2) If DHS' efforts to reach the household member are unsuccessful, the application is considered to be invalid and must be returned to the household with a letter and a self-addressed return envelope explaining that the application must be signed before the agency can establish a file date.

d. To constitute a valid telephonic signature, the agency's telephonic signature system must make an audio recording of the household's verbal assent and a summary of the information to which the household assents.

(1) The recording shall clearly indicate agreement or disagreement during the interview over the telephone.

(2) The summary of the information to which the household assents is a recording of a reiteration of the household's details agreed to during the telephone conversation.

e. A telephonic signature system shall provide linkage from the audio file of the recorded verbal assent to the application so that the agency has ready access to the household's case file.

f. The agency shall promptly provide to the household member a printed copy of the "Statement of Facts" which summarizes the information and the rights and responsibilities that was attested to through the telephone signature process, along with instructions for correcting any errors or omissions.

g. The date of the telephonic application is considered to be the date on which the household member provides verbal assent to all information provided and reviewed by both the DHS worker and the applicant or recipient.

C. 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 § 2.3 of this Part. All paper application packets offered to the public must include officially approved documents including application forms, informational fact sheets, program requirements and participant rights and responsibilities. A request for information may be followed by an application for cash or another form of assistance.

D. When a person expresses interest in programs that can be applied without an interview, such as Child Care Assistance, a complete mail-in application packet will be provided either directly or will be mailed immediately upon request or the person may be referred to the online application.

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

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

G. 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.

H. An applicant may be assisted in the application process, including completion of the application, by one (1) 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 an interview with the applicant during the application process.

2.3.2 Screening Interview

A. In person or telephonic interview process will be utilized to assist in the completion of the screening interview. See § 2.3.1 of this Part for further instruction.

B. When a request for information about assistance is received in the district office and, when needed, the inquiring person expresses a desire to apply for assistance, a screening and/or interview is arranged.

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

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

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

F. During this initial contact, the Domestic Violence Notice (DHS WVR-1) is presented to each applicant. Every applicant must be informed that s/he may be excused from certain RI Works requirements under the Family Violence Option if meeting these requirements puts the applicant or her or his children at risk due to domestic violence and that s/he may also be excused from cooperating with the child support requirement if cooperation would cause risk. In addition, the applicant is informed that the Family Violence Option program can provide safety planning and support. The procedures following and applicant's claiming of the Family Violence Options is outlined in § 2.13 of this Part. The DHS WVR-1 should be signed by the applicant acknowledging that s/he understands the contents of the notice. After signing the notice form, a copy is given to the applicant.

G. If there is disclosure of neglect, risk, or abuse to children, immediate referral must be made to DCYF.

H. During this initial screening process, pages 1-2 of the application, are completed, dated, and signed to obtain the necessary identifying information. After the Application for Assistance is completed, it is dated and signed by the applicant. Pages 1-2 of the application are date-stamped to establish the official date of receipt.

I. If the applicant wishes to apply for food assistance, pages 1-2 of the application are used to screen for SNAP expedited service. If this information indicates the applicant may be eligible for expedited service, the application for assistance must be completed in full. If eligibility exists, expedited service must be afforded according to the processing standards located in Supplemental Nutrition Assistance Program Code of Rules (§ 1.3.9 of this Subchapter).

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

K. If the applicant is unfamiliar with the DHS application for assistance, or is likely to require guidance in their completion, the DHS worker shows the applicant how to complete them and indicates what documentation must be provided. 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 application is date-

stamped in the DHS district office, the date the application signature is recorded telephonically, or the date received online.

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

1. RI Works is time-limited and that assistance units can receive cash assistance under RI Works for a lifetime total of sixty (60) months. A hardship extension may be available as described in § 2.6.2 of this Part. Children may receive cash assistance only while their parents receive cash assistance, unless the parent(s) receive(s) SSI or the child is in a *loco parentis* caretaker household and the non-parent caretaker is not in the payment. Children in SSI or *loco parentis* households may receive cash assistance until age eighteen (18) or until age nineteen (19) under certain circumstances as described in § 2.5.2 of this Part; and,

2. As a part of the application process and a condition of RI Works eligibility the applicant must speak with an agency representative to determine financial eligibility and complete other requirements which may include further assessment, an employment plan, or an amended employment plan. There are opportunities for the parent to receive help preparing for or finding a job and the referral process to the network of community partners.

2.3.3 Initial Assessment and Planning

A. DHS will conduct an initial preliminary assessment, taking into account the physical capacity, skills, education, work experience, health, safety, family responsibilities and place of residence of the individual; and the child care and supportive services required by the applicant to avail himself or herself of employment opportunities and/or work readiness programs. Unless exempt, and on the basis of such assessment or a further assessment, the Department in consultation with the applicant shall develop an individual employment plan for the family. The individual employment plan shall identify employment objectives, work activity(ies) and supportive services to be provided by the Department, taking into consideration factors identified from the assessment as detailed in § 2.10.1 of this Part.

B. Unless exempt, the participant shall attend and participate in one of the employment plan activities described in § 2.11.2 of this Part (single parent family) or § 2.11.3 of this Part (two-parent family) that is appropriate to the parent's skills, education, work experience, physical and mental capacity and which helps the parent move quickly toward employment leading to economic self-sufficiency and long-term attachment to the workforce.

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

D. If the applicant indicates a medical reason for not being able to participate in work readiness activities or work, the DHS worker gives the applicant a Medical Evaluation for Employment Form, to be completed by a medical professional. The applicant is instructed to return the medical form to DHS within thirty (30) days completed by his/her medical professional. The assigned worker may then refer the participant to the Office of Rehabilitation Services for further assessment and assistance with applying for SSI, based upon the information provided in the medical evaluation and/or to another work participation activity. The assigned worker and the applicant will revise the employment plan, as necessary, to reflect the report given in the medical form.

2.3.4 Appointment

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

1. Prompt Appointment

   All applicants must be scheduled for a prompt appointment, and such appointment interviews must be conducted within five (5) working days of the initial screening and/or 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.

2. Emergency Appointments

   a. If an applicant indicates that s/he:

      (1) Has no available income or resources, and

      (2) During the current calendar month of application has not had and/or will not have income or resources in excess of the monthly RI Works Standard of Assistance for the appropriate family size, the intake appointment must be scheduled within one (1) working day of the initial interview.

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

   c. For the purposes of determining an "emergency appointment", the DHS 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.

d. 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 DHS worker reschedules the appointment for the next business day.

2.3.5 Completion of Application for Assistance

A. The Application for Assistance is the basic document used in the application process through which eligibility or ineligibility for assistance is determined. The Application for Assistance may be completed and submitted either on-line, recorded telephonically, or on paper and delivered to a DHS office by mail or in person. The Application for Assistance, along with appropriate supplementary forms constitutes the complete application for assistance.

B. The application must be completed and signed under penalty of perjury by the parent or both parents or the caretaker relative (acting in *loco parentis*) responsible for the support and care of the child(ren) under eighteen (18), or between eighteen (18) and nineteen (19) if enrolled full-time in secondary school, full-time GED program or full-time GED equivalent. At the close of the interview and upon completion of the application, the form must be dated and signed by the applicant(s). Forms can be completed telephonically, in-person, or when available online.

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

D. In the case of a one (1) parent household that requests that a second (2nd) parent be added to the case, both parents must have an assessment appointment at the earliest possible date to assure that each parent has a completed and signed Employment Plan and that one (1) parent in the two (2) parent household is meeting the work requirements of a two (2) parent household. Interviews can be completed in person or telephonically; one parent can be present, and the other parent could be on the phone.

2.3.6 Intake Interview

A. Necessary Materials and Information

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

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

3. The applicant is advised that pursuant to R.I. Gen. Laws § 40-6-9, and without signing any document other than the Application for Assistance, he or she has assigned any and all rights that he or she may have for and on behalf of himself or herself and for and on behalf of a child or children to the Department of Human Services against any parent failing to provide for support and maintenance of any minor child(ren) for whom assistance is paid by DHS. Additionally, DHS through the Office of Child Support Services is authorized to act to institute suit to establish paternity and/or to collect support for said child(ren) who receives or received assistance from DHS. As a condition of eligibility for RIW, an applicant must cooperate, with establishing, modification of and enforce of a child support order(s) for each eligible child for which assistance is requested; unless good cause for refusing to do so has been determined to exist.

4. The DHS worker reviews 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 is reviewed with the applicant. If the

applicant relates that s/he wishes to claim the option or discloses abuse, the procedures the DHS worker must follow are outlined in § 2.13 of this Part.

5. At the time of application, an applicant shall make a good faith effort regarding the non-custodial parent(s) of each child for whom assistance is requested by providing all the information s/he can reasonably obtain, or attest to the lack of information, under penalty of perjury specific to:

   a. Each non-custodial parent's full name and social security number; or

   b. Each non-custodial parent's full name and at least two (2) of the following items:

      (1) The non-custodial parent's date of birth;

      (2) The non-custodial parent's address;

      (3) The non-custodial parent's telephone number;

      (4) The name and address of non-custodial parent's employer(s);

      (5) The name and address of at least one of the parents of the non-custodial parent; and

      (6) The manufacturer, model and license plate number (including State of issue) of the non-custodial parent.

   c. Providing the husband's full name if the child's birth certificate provides husband's name as unknown, and the parent was married at the time of birth. If the child(ren) were born within the marriage, the husband or ex-husband is the presumptive father of the child(ren), unless and until he is specifically found NOT to be the father in a Divorce Decree.

6. The applicant is further advised that s/he must present the agency with personal identification, such as a driver's license, Social Security Number, birth certificate, or other form of identification, as detailed in EOHHS' Medicaid and Children's Health Insurance Program (CHIP) Non-Financial General Eligibility Requirements (210-RICR-10-00-3).

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

records, TDI records, State Income Tax records, Social Security Administration records, IRS records, and bank clearances to document the applicant's information.

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

9. If the application for cash assistance is necessary by reason of accident, injury, or illness for which a third (3rd) party may be liable, such applicant is informed that s/he has assigned any or all rights for amounts recoverable from a third (3rd) party equal to the amount of financial and medical assistance provided as a result of accident, injury, or illness (see § 2.9 of this Part).

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

11. 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.

12. 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 withdraw application.

13. If the applicant decides s/he does not want assistance and does not complete the Application for Assistance, the applicant is requested to sign the area on the Application for Assistance confirming her/his withdrawal of the application.

B. Forms Needed at Intake Interview. The forms and materials that may be needed at the Intake Interview are:

1. Application for Assistance. The application should be completed prior to the interview if possible.

2. Supplement for Counting time in Other States

3. Request for Information on Months on Cash Assistance

4. 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.

5. Domestic Violence Notice

2.3.7 Review of the Application for Assistance

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

2.3.8 Completing Initial Eligibility Determination

A. All items on the application which were not verified at intake must be verified in the following contact through a source document in accordance with policies relating to resources (and income (§§ 2.14 and 2.15 of this Part)).

B. The DHS worker 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 application 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 DHS worker, to clear up any inconsistencies or to provide any additional information needed, the worker 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.

C. Prior to authorizing eligibility for cash benefits the DHS worker must also verify that the applicant, unless exempt, has entered into an individual Employment Plan.

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

2.3.9 Decision on Application

A. 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.

B. 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.

2.3.10 Notification of Eligibility

A. 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 the eligibility system. 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.

B. When the applicant is found to be eligible for RI Works cash assistance, the acceptance date is the date that all factors of eligibility are met. However, it may be as early as the date the application was filed, if the applicant was eligible then, but cannot be prior to the date of application. If a monthly deficit exists for the month in which the application was filed, the initial payment is pro-rated according to the number of days of eligibility from the date of application (see § 2.18.5 of this Part).

C. If the family's monthly deficit is less than ten dollars ($10.00) per month, the case is considered eligible for the RI Works program but no payment is issued (see § 2.18.5 of this Part). Applicants must be informed that every month in which a cash payment is made or supportive services are accessed counts as a month towards the applicants' time limit.

D. The eligibility system issues a notice notifying the applicant of her/his eligibility.

2.3.11 Referral to DCYF

If there is reason to believe that a child(ren) applying for or receiving assistance from the RI Works program is being abused or neglected, a report must be made to the DCYF Child Protective Services Hotline at 1-800-RI-CHILD.

2.4 The Assistance Unit

2.4.1 Persons Included in the Assistance Unit

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

B. 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.

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

"otherwise eligible" indicates that the unit is eligible by virtue of meeting all requirements for cash assistance.

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

3. Siblings

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

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

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

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

2.4.2 Income and Resources

A. 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.

B. A child with Retirement, Survivors, and Disability Insurance (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.

2.4.3 Persons Excluded from the Assistance Unit

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

B. Individuals excluded from the assistance unit include the following categories.

1. SSI Recipients. 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.

2. Non-citizens not meeting non-citizen requirements

   a. An applicant or participant must be a United States citizen, or must meet the non-citizen requirements established in § 402(b) of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). United States citizen is defined, and non-citizen requirements are described in detail, in § 2.5.6 of this Part.

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

   c. If the ineligible non-citizen who is a parent has dependents also ineligible solely because they do not meet non-citizen requirements, an amount is allocated to meet their needs, as well, by using the methodology specified above. The net income is then applied to the needs of the cash assistance unit. See § 2.17 of this Part for further discussion.

3. Non-citizens Ineligible Due to Sponsorship

   a. Non-citizens who are sponsored by an individual are subject to income deeming. See § 2.17.4 of this Part.

4. Parents

   a. Parents and other assistance unit members ineligible either because they are statutorily barred or disqualified as a result of the imposition of a sanction for failure to cooperate, e.g., with the child support enforcement program, are excluded from receipt of income.

   b. 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 § 2.15.9 of this Part.

   c. The income and resources of a disqualified individual, parent, or child, shall be counted in determining the assistance unit's eligibility

and payment amount. None of the earned income disregards is applied, and no amount is allocated to meet the ineligible individual's own needs. See § 2.15.9 of this Part for further discussion.

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

5. Parents and Siblings with Lump Sum Income

a. 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 § 2.15.6 of this Part 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.

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

c. 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 five thousand dollars ($5,000.00) render the child ineligible for cash assistance.

d. 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. In order to end penalties for failure to comply with his or her employment plan, the individual must meet the requirements outlined in § 2.11.14 of this Part. 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.

2.4.4 Optional Inclusion in the Assistance Unit

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

2.4.5 Ineligibility of Incomplete Assistance Unit

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

B. Any payment made to an ineligible assistance unit constitutes an overpayment and must be recovered.

2.4.6 Parent in home who is not Providing Care

A. 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.

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

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

D. 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 § 2.5.3 of this Part) 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.

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

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

G. 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 (2) 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. 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 Medicaid, etc.; or

b. Evidence from another agency (e.g., DCYF, BHDDH, DOC, 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 (6) 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.

2.5 Non-Financial Requirements

2.5.1 Non-Financial Eligibility Factors

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

1. Age;

2. Relationship;

3. Establishment or re-establishment of the home;

4. Citizenship or qualified non-citizen status;

5. Residency;

6. Special circumstances;

7. Enumeration; and

8. Time limit.

B. Information on the application provides the basis for the establishment of these factors. Agency representatives assess the data on the application and supplies to the applicant/recipient any supplementary forms that are needed.

2.5.2 Eligibility Factor of Age

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

1. Under the age of eighteen (18); or,

2. Between eighteen (18) and nineteen (19) who meet the criteria established within this section.

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

C. Verification of Age

1. 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:

a. Baptismal Certificate

b. Marriage License

c. Confirmation Papers

d. Driver's License

e. Immigration Papers

f. Military Service Papers

g. Hospital Birth Records

h. Adoption Records

i. Passport

j. RSDI Award Letter if birth date of child is included

k. Voter Registration Card

l. Family Bible

m. Affidavit of Third (3rd) Party; including by not limited to examples 1-5 below:

(1) State or Federal Census Record

(2) Life Insurance Policy

(3) School Records

(4) Physician's Records

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

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

D. School Training of Children 18-19

1. 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.

2. 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.

3. 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 the nineteenth (19th) birthday.

E. Verification of Attendance

1. Verification is required to establish the fact that a child between eighteen (18) and nineteen (19) is a full-time student in high school or the equivalent level of vocational or technical training before the month of their nineteen (19th) birthday. A student attending summer school full-time, as defined by school authorities, is considered a full-time student for RI Works Program purposes.

2.5.3 Eligibility Factor of Relationship

A. To be eligible for the RI Works program, a child must be living with a relative of acceptable degree of relationship in a home maintained by such relative. When the relative with whom the child lives is not the biological or adoptive parent, the term in *loco parentis* (in place of the parent) is used. Spouses of any of the persons in the listed groups meet the relationship requirement and continue to meet it even after the marriage is terminated by death or divorce. A child meets this eligibility factor if his/her home is with any of the following relatives:

1. Father, adoptive father, mother, adoptive mother;

2. Stepfather, stepmother (but not the parent of either);

3. Grandfather, great grandfather, great-great grandfather;

4. Grandmother, great grandmother, great-great grandmother;

5. Adoptive grandparent if the grandchild is the natural child of a parent who was adoptive, or if;

6. The grandchild is the adopted child of a parent who was the natural child of the grandparent;

7. Brother, half-brother, adoptive brother, stepbrother, sister, half-sister, adoptive sister, stepsister;

8. Uncle, great uncle, great-great uncle, aunt, great aunt, great-great aunt (including uncle or aunt of whole or half-blood);

9. Nephew, great nephew, great-great nephew, niece, great niece, great-great niece (including nephew or niece of whole or half-blood);

10. First cousin (including first cousin of whole or half-blood), first cousin once removed.

B. Verification of Relationship

1. 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.

2. For natural or adoptive parents, relationship is determined by examination of the child's birth certificate on which the parents' names are recorded. For other relatives, a combination of vital records must be reviewed in order to establish the required degree of relationship.

3. When vital records are unavailable for review, applicable court documents, insurance policies, RSDI award letters, or written statements by doctors, clergy, school authorities, or others who have previous knowledge of the relationship constitute acceptable evidence.

C. Unwed Father as Applicant

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

2. 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.

3. When no primary source of verification is available, the agency representative explains to the applicant that the Department of Human Services, Office of Child Support Service (DHS-OCSS) will assist him in completing a voluntary acknowledgment of paternity.

4. If all other criteria are met, the case is accepted on cash assistance when the alleged father signs an affidavit voluntarily acknowledging paternity, which has been appropriately filed with the Court.

5. Continued eligibility is contingent upon the alleged father cooperating with the Department of Human Services, Office of Child Support Services and/or the R.I. Department of Health, Division of Vital Records, in establishing his paternity in accordance with applicable law. In most cases, the alleged father will be required to attend a Family Court hearing to adjudicate paternity.

6. Procedures

a. The alleged (putative) father is referred to the Office of Child Support Service, Office of Legal Counsel.

b. The Office of Legal Counsel is responsible to arrange an appointment for the client with the Paternity Unit as soon as possible.

c. The application for cash assistance is held in pending status until the agency representative is notified by OCSS that an affidavit of voluntary acknowledgment of paternity has been signed by the alleged father. Office of Legal Counsel staff notifies the agency representative of the completed action via electronic mail and forwards a copy of the signed affidavit to the local assistance office. Upon verification that the voluntary acknowledgment of paternity has been executed, the agency representative determines eligibility for cash assistance as of the filing date. An automatic referral of the absent parent is made to OCSS, by entering the absent parent information in the electronic case record and approval of eligibility. The OCSS will then act to establish and enforce a child support order.

d. It is the responsibility of the recipient to provide the agency with a copy of the child's amended birth certificate or a copy of the R.I. Family Court decree or court order when these documents become available. If a primary source of verification of relationship (amended birth certificate or court order/decree) remains unavailable by the time of the next scheduled redetermination, the eligibility staff must review the status of the OCSS case by contacting the Office of Legal Counsel.

e. 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. In the event that the recipient is cooperating, but the legal process is incomplete, notation of this status is made in the electronic case record of the eligibility system and the cash assistance case remains active, if otherwise eligible.

D. Relative of an Unwed Father as Applicant

1. 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.

2. If the alleged father is available and participates in the process of voluntarily acknowledging paternity, the dependent child is accepted on cash assistance, if otherwise eligible. The relative with whom the child is living must satisfy the relationship requirements. The alleged father is not required to apply for assistance for himself, unless he is living in the child's home and therefore is compelled to do so by the assistance unit provisions.

3. 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 (3rd) party affidavits.

4. The agency representative enters absent parent information in the eligibility system for both the mother and putative father. This results, after approval of eligibility, in an automatic referral to OCSS for the purpose of establishing the paternity of the child(ren) born out of wedlock and for establishing and enforcing child support orders with respect to both absent parents.

E. Verification by Means of an Affidavit

1. When verification of age and/or relationship is unobtainable from any other source, a third (3rd) party affidavit may be acceptable evidence, if the criteria set forth below are met.

2. An affidavit is the signed and sworn statement of a third (3rd) person based upon the third (3rd) person's personal knowledge of the facts which would indicate the probable age and relationship of the child. The facts to which attested must be consistent with the information provided on the application and must not contradict other records or evidence in the case record.

3. 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.

4. The affidavit from the third (3rd) party must be notarized and must contain the following:

   a. Name, address, occupation and length of time the third (3rd) party has been at the address.

   b. Relationship to the applicant (e.g., friend, cousin, doctor, employer, teacher).

   c. How long s/he has known the applicant.

d. The approximate age, number and sex of the child(ren).

e. Circumstances in establishing the connection with the applicant.

f. 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)."

5. Use of Affidavit in Establishing Eligibility

a. An affidavit of a third (3rd) person shall not be the first (1st) source of verification. The applicant together with the DHS worker must explore the availability of other sources to establish age and relationship. S/He must demonstrate good faith effort with attempts to obtain appropriate records.

b. 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 RIW Administrator, assistant administrator or RIW supervisor must be obtained before an affidavit can be accepted to establish eligibility.

2.5.4 Establishment of Home

A. 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.

B. 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 DHS worker might use are based on the individual situation.

C. 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.

D. Temporary Absence from Home

1. 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:

a. Hospitalization of the child or parent, when the illness is such that a return to the family can be expected and parental responsibility continues.

b. Attendance at school for the primary purpose of obtaining an education or vocational training while the parent retains full responsibility for the child.

c. The temporary removal of a child from the household through the child welfare system. Children receiving residential services (refer to the definition of foster care) through the Department of Children, Youth and Families who are active with the Reunification Support Program can be absent from the home for up to one hundred eighty (180) days (longer for purposes of TANF maintenance of effort) so long as they maintain reunification as their permanency planning goal and comply with the participation requirements for one (1) or two (2) parent family requirements regarding work activities.

d. 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.

2. Maximum Allowable temporary absences of the child from the home are limited to ninety (90) days per episode, with a second (2nd) ninety (90) day renewal authorized through supervisory approval. During allowable temporary absences, the family retains cash assistance at the level received before the absence of one (1) or multiple children.

3. Circumstances relating to the temporary absence must be noted in the electronic case record.

4. 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.

5. 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 RIW Administrator, assistant administrator or RIW supervisor for review and decision.

E. Separation as Bar to Eligibility

1. In determining whether a separation is allowable, the RIW Administrator, assistant administrator or RIW supervisor considers such factors as:

    a. The extent to which the parent retains custodial, legal, and/or financial responsibility for the child;

    b. The degree to which the parent's functioning as a provider of maintenance, physical care, or guidance is interrupted or terminated;

    c. Whether the municipality in which the parent resides pays tuition to the municipality where the child attends school if the separation

    d. Results from the child's attendance away at school; and

    e. Frequency of contact between parent and child, when appropriate, as defined in family reunification plan with DCYF.

2.5.5 Re-Establishment of Home

A. 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 (1st) payment, provided payments are not made for a concurrent period for the same child in the home of another relative or through Foster Care.

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

C. Temporary Arrangement in Emergencies

1. A payment to continue cash assistance may be made for a temporary period up to thirty (30) days to a non-relative acting for the parent in emergency situations. An emergency situation exists when the parent who was receiving the payment on behalf of the child is unable to continue such care because of sudden death, desertion, imprisonment, admission to a hospital for the mentally ill, or an emergency admission to any hospital. When the policy is used, referral is made immediately to child welfare services and DHS works in collaboration with sister State agencies and community partners to ensure child safety and economic and family stability, as appropriate.

2. Such payments may be made only when:

    a. There is no parent or relative to assume immediate responsibility for the child; and

b. The temporary period is limited to the time necessary to make and to carry out plans for the care and support of the child. Such plans include the return and resumption of care by the parent, planning for a relative to care for the child, or during the period of transition of obtaining voluntary placement or legal commitment through the Department of Children, Youth and Families.

2.5.6 Citizenship and Qualified Non-Citizen Status

A. To be eligible for cash assistance, an otherwise eligible applicant must be either a United States citizen or meet the non-citizen requirements established in § 402(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). This requirement to comply with PRWORA will remain in effect according to all applicable changes made to the Federal law, as that Act may hereafter be amended.

B. The Systematic Non-citizen Verification for Entitlements (SAVE) Program is the Immigration and Naturalization Service operated system for the verification of immigration status of non-citizens applying for benefits from certain federally funded entitlement programs. Applicants must declare in writing that they are U.S. citizens or nationals or that they have "satisfactory immigration status".

C. Those who are eligible include:

1. U.S. Citizen or National. This is defined in the Immigration and Nationality Act as any person born in any of the fifty (50) States, the District of Columbia, Puerto Rico, Guam, or the United States Virgin Islands. Nationals from American Samoa or Swain's Island are also regarded as U.S. Citizens, as are those persons who are naturalized U.S. citizens;

2. A qualified non-citizen who entered the U.S. prior to 8/22/96;

3. A qualified non-citizen who entered the country on or after 8/22/96 and is exempt from the five (5) year ban; or

4. After the five (5) year ban, a qualified non-citizen who entered the U.S. on or after 8/22/96.

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

   a. Refugees, under § 207 of the Immigration and Nationality Act (INA);

   b. Asylees, under § 208 of the INA;

   c. Amerasian entrants as defined under § 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988;

d. Cuban or Haitian entrants under § 501(e) of the Refugee Education Assistance Act of 1980;

e. Lawfully residing honorably discharged veterans (except one discharged for reasons of immigration status), and the un-remarried widow or widower of the veteran;

f. Non-citizens on active duty in the U.S. Armed Forces, their lawfully residing spouses and unmarried dependent children;

g. Battered victims with a petition pending under §§ 204(a)(1)(A) or (B) or 244(a)(3) of the INA; or

h. Victims of human trafficking in accordance with § 107(b) of the Victims of Trafficking and Violence Protection Act of 2000; or

i. Withholding of deportation/removal; or

j. Granted parole by the US Department of Homeland Security for a period of at least one (1) year.

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

a. Lawful permanent residents (LPR);

b. Parolees for at least one (1) year under § 212(d)(5) of the INA;

c. Conditional entrants under § 203(a)(7) of immigration law in effect before April 1, 1980; or Certain American Indians born outside the U.S.

d. A person who is not a United States citizen and does not meet the non-citizen requirements established in PRWORA, as amended, is not eligible for cash assistance. Those individuals who are ineligible include undocumented immigrants and temporary visitors.

2.5.7 Residency

A. The RI Works program exists to meet the needs of the residents of the State. Therefore, as a factor of eligibility, an individual who is applying or reapplying for benefits or services from Rhode Island must be a resident of the State.

B. See General Provisions, Part 10-00-1 of this Title for further discussion of residency.

2.5.8 Special Circumstances Related to Eligibility

A. 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. These factors and their respective requirements are as follows:

1. Parent with Child Receiving SSI

a. 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.

b. 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 §§ 2.14 and 2.15 of this Part.

2. Eligibility of a Pregnant Woman

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

(1) When ~~it~~the pregnancy is medically verified ~~that the child is expected to be born in the month the payment is made or within the three (3) month period following such month of payment (see table below)~~.

(2) Verification of the month of expected date of delivery is required. Acceptable documentation includes a signed statement from the woman's physician or a pregnancy test report from a Hospital or other acceptable provider; and,

(3) If she would be eligible for the RI Works program if the child had been born and was living with her in the month of payment.

~~Expected Delivery Date~~	~~First Month Eligible~~	~~Expected Delivery Date~~	~~First Month Eligible~~
~~January~~	~~October~~	~~July~~	~~April~~
~~February~~	~~November~~	~~August~~	~~May~~

~~March~~	~~December~~	~~September~~	~~June~~
~~April~~	~~January~~	~~October~~	~~July~~
~~May~~	~~February~~	~~November~~	~~August~~
~~June~~	~~March~~	~~December~~	~~September~~

b. Payment for a pregnant woman (with no other child) is computed as a plan size of one (1) 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.

c. A pregnant woman can be eligible for Medicaid from date of pregnancy if she meets other Medicaid criteria.

3. Minor Parents. 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 § 2.12 of this Part for further discussion.

4. Domestic Violence Situations

a. 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.

b. The Department will waive, pursuant to a determination of good cause and for so long as necessary, cash assistance program requirements relating to time limit for individuals receiving assistance, residency requirements, child support cooperation requirements, and work requirements in cases where compliance with such requirements would make it more difficult for individuals receiving assistance from the RI Works Program to escape domestic violence or unfairly penalize such individuals who are or have been at risk of further domestic violence.

c. See § 2.13 of this Part for procedures relating to the domestic violence waiver process.

2.5.9 Enumeration

A. As a condition of eligibility for assistance, applicants for and recipients of the cash assistance program must furnish the Department with their social security numbers and the social security number of each person for whom they are requesting assistance. A Social Security number must be obtained upon the birth of a child.

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

C. Inability to Furnish SSN

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

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

D. Applicant Not Seeking Benefits for Self

An individual who is applying for benefits for family members and is not seeking benefits for him/herself is not required to provide or apply for a Social Security Number if he/she does not have one and is not eligible to obtain one.

2.6 Time Limit

A. Effective January 1, 2020, the Rhode Island Works law (R.I. Gen. Laws Chapter 40-5.2) provides in part that all applicants and/or recipients for cash assistance shall be subject to a maximum lifetime limit of sixty (60) months of cash receipt, since May 1, 1997.

B. Exemptions to the Time Limit and Notices. R.I. Gen. Laws § 40-5.2-10 states that the Department of Human Services may extend an assistance unit's or family's cash assistance beyond the time limit by reason of hardship; provided, however, that the number of such families to be exempted by the Department under hardship shall not exceed twenty percent (20%) of the average monthly number of families to which assistance is provided in a fiscal year; provided, however, that to the extent permitted by Federal law, any waiver granted under R.I. Gen. Laws § 50-5.2-35, for domestic violence, shall not be counted in determining the twenty percent (20%) maximum.

C. Notice of Time Limit. When a parent or caretaker relative reaches his/her time limit, notice is issued informing the individual of the action being taken in accordance with § 2.31 of this Part. The notice contains information about the time limit, the number of months the recipient has remaining, the hardship extension policy, the availability of a post-employment closure bonus and any other information pertinent to an assistance unit nearing the time limit. Recipients will start to receive notice of time limit when they have six (6) months of cash assistance remaining and each month thereafter until the sixty (60) month limit has expired. For applicants who have less than six (6) months remaining in the time limit because the family/assistance unit previously received cash assistance in Rhode Island or any other State, the Department shall notify the applicant of the number of months remaining when the application is approved and shall begin the monthly notice process as described above.

D. Counting Cash Assistance from Other States

1. Family cash assistance issued in any other State or Territory of the United States of America shall include family cash assistance funded on or after May 1, 1997, in whole or in part by Temporary Assistance for Needy Families (TANF) funds and/or family cash assistance provided under a program similar to the Rhode Island Works program.

2. Cases in which an adult was sanctioned shall be counted toward the adult's time limit. The Department shall disregard any months during which the adult had previously received cash benefits as a minor dependent child. A notice of adverse action is mailed to the family to inform them of the change in the number of months being counted toward the adult's time limit.

2.6.1 Exceptions to Time Limit

The time limit shall not apply in the instances of (1) a minor child(ren) living with a single parent who receives SSI benefits, or with two-parents who both receive SSI benefits, and (2) a minor child(ren) living with a legally responsible non-parent caretaker relative who is not in the cash assistance payment.

2.6.2 Hardship Extension to Time Limit

A. Any individual approaching either time limit, or who has met or exceeded the time limit, is notified that s/he may request a reassessment to determine whether or not s/he may meet the criteria for an extension beyond the time limit. Individuals are required to complete an application for RI Works Program Hardship Extension.

B. A parent who is either undocumented or who does not meet the non-citizen requirements required for eligibility for cash assistance under Federal PRWORA, who has received benefits for his/her citizen child(ren), may request a hardship extension for the child(ren) at their time limit.

C. A client who has closed due to reaching both the sixty (60) month lifetime time limit and the three (3) month full family sanction, simultaneously, may request to be evaluated, and may be eligible for an extension to the time limit.

2.6.3 Criteria for Hardship Extension

A. A hardship extension may be granted to the parent(s) or caretaker relative if all other Rhode Island Works eligibility requirements are met, including redeterminations, and one (1) of the following criteria applies:

1. Has a documented significant physical or mental incapacity and can document a pending application for SSI or SSDI and has submitted an application for or is active and in compliance with his/her employment plan with the Office of Rehabilitation Services; or.

2. Is caring for a significantly disabled family member who resides in the home and requires full time care; or

3. Is homeless as defined in § 2.2 of this Part; or

4. Is unable to pursue employment because of a current, documented domestic violence situation; or

5. Is unable to work because of a critical other condition or circumstance, other than citizenship or non-citizen status, as approved by a DHS supervisor.

    a. "Other Critical Condition or Circumstance" includes the inability to participate due to the COVID-19 crisis, as determined by the DHS and based on the individual's ability to participate from home. If participation is not possible, sanctions may be imposed during this crisis.

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

2.6.4 Hardship Extensions and Procedures

A. DHS provides an initial hardship extension for six (6) months. Additional six (6) month hardships are available. Parents and/or relative caretakers who receive a hardship extension have the option to request early termination of benefits by contacting their DHS worker.

B. Individuals within six (6) months of applicable time limit are sent letters informing them of the time remaining and that they may request a review of their pending closure. When a request for a reassessment is received, whether by a current recipient or a re-applicant, the DHS worker must promptly determine whether or

not the individual meets the criteria for an extension to the time limit. The reassessment must also determine the extent to which her or his ability to work is affected by the applicable criteria.

C. Any hardship extension that is granted requires an amended employment plan be signed containing steps to be taken as appropriate in order to remove/ameliorate the condition that warranted the extension. RIW workers may utilize alternate methods to communicate with parents to review amendments and enter agreed upon amendments to move forward with the extension in the electronic case record.

D. If a requesting parent cannot have an employment plan entered into the eligibility system due to a reason for exclusion (e.g., non-citizen not meeting PRWORA requirements), a written plan is required to be developed, and to be signed by the parent stating that the parent will cooperate with services to ameliorate the condition that led to the hardship. In addition, because an undocumented non-citizen parent cannot legally work, the parent is directed to determine whether or not there is a pathway to legal status as a work activity.

E. Good cause for non-compliance with an activity in the employment plan during a hardship extension is allowed consistent with provisions established in Good Cause for Failure to Comply, § 2.11.10 of this Part. If good cause is found, the parent is allowed to continue or renew the request for hardship and must demonstrate compliance with the plan consistent with provisions established in Ending Work Penalties, § 2.11.13 of this Part.

2.6.5 Required Documentation to Support Hardship Extension

A. Significant physical or mental incapacity.

1. The following must occur for approval of an initial hardship request:

a. A significant physical or mental incapacity must be documented on a current medical verification form.

(1) The inability to participate due to the COVID-19 crisis, as determined by the DHS and based on the individual's ability to participate from home. If participation is not possible, sanctions may be imposed during this crisis.

b. The individual must apply for or have a pending application for SSI or SSDI.

c. The individual must have submitted an application for or be active and in compliance with his/her employment plan with the Office of Rehabilitation Services (ORS) Vocational Rehabilitation.

d. Quarantine of the household due to the COVID-19 virus.

e. Illness of the applicant or a family member, due to the COVID-19 virus.

2. Subsequent incremental extensions require the following:

a. Updated medical verification forms.

b. Documentation of the active status or documentation of the appeal of a denial of the SSI/SSDI application.

c. Documentation of ongoing compliance in the individual's rehabilitation employment plan as reported by ORS, or documentation that the individual was found eligible for vocational rehabilitation services but was placed on a wait list for services under the order of selection.

d. Quarantine of the household due to the COVID-19 virus.

e. Illness of the applicant or a family member, due to the COVID-19 virus.

B. Care for a significantly disabled family member who resides in the home and requires full time care

1. The following must occur for approval of an initial hardship request:

a. Documentation through a descriptive statement from a Doctor of Medicine (M.D.), Psychiatrist (M.D.), Psychologist (PhD), or Doctor of Osteopathy (D.O.) that said level of care is required.

b. In addition to the full-time care of the family member, the individual's employment plan must include a requirement that the individual develop a plan for transfer of care (for the disabled family member) to enable a return to employment for the individual or other plan for support in anticipation of the end of cash assistance.

2. Subsequent incremental extensions require the following:

a. An updated medical statement

b. An updated plan for transfer of care to transition from cash assistance.

C. Homeless

1. For approval of an initial hardship request the family must provide documentation of homelessness either from a shelter or evidence as described in § 2.18.11 of this Part.

2. Requests for a subsequent incremental extension must be accompanied by the submission of a letter of support for the extension from a housing search specialist.

D. Domestic Violence

1. The following must occur for approval of an initial hardship request:

a. Documentation by a Family Violence Advocate.

b. An employment plan is developed that articulates appropriate steps to reduce the threat of violence and increase family security, including steps to prepare for employment and economic independence.

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

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

1. "Critical Condition or Circumstance" includes the inability to participate due to unforeseen events, as determined by the DHS and based on the individual's ability to participate from home. If participation is not possible, sanctions may be imposed.

2.7 Cooperation with the Office of Child Support

2.7.1 Assignment of Support Rights

A. 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 Application for Assistance, to have made an assignment to the Department of Human Services pursuant to R.I. Gen. Laws § 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.

B. Additionally, the Department of Human Services, Office of Child Support Services (DHS-OCSS), is authorized to perform the act of instituting suit to establish paternity and/or to collect support for said child(ren) who receives or received assistance from DHS. However, the OCSS will not pursue a support order against a non-custodial parent where a custodial parent or her/his child would be put at risk of physical or emotional harm.

2.7.2 Referral to the Office of Child Support

A. The DHS agency representative automatically refers the applicant's case to DHS-OCSS electronically after approval of eligibility. If a good cause for refusal has been determined, the DHS agency representative correctly codes the electronic case record.

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

2.7.3 Cooperation in Obtaining Support

A. An explanation must be given by the agency representative that a parent or caretaker relative must assist DHS and DHS-OCSS by providing all relevant information in seeking support from a person who has a legal duty to support the child(ren) and/or in establishing paternity and seeking support from the putative father unless good cause for refusing to do so is determined to exist. The 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 Child Support Rules and Regulations (Part 30-00-1 of this Title) for further discussion on child support processing for active RI Works families

B. 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:

1. Identifying and locating the parent of a child for whom assistance is claimed;

2. Establishing the paternity of a child born out of wedlock for whom assistance is claimed;

3. Obtaining support payments for the applicant or recipient and for a child for whom assistance is claimed; and

4. Obtaining any other payments or property due the applicant or recipient or the child from an absent parent.

5. In the case of a minor head of household, a referral to the Office of Child Support Services is required for both the teen parent and any other child(ren) in the household.

C. To cooperate in achieving the above objectives, at the request of DHS or DHS-OCSS, the applicant or recipient must:

1. Appear, as necessary, to provide verbal, written, or documentary evidence, known to, possessed by, or reasonably obtainable by her/him.

2. Appear as a witness at court or other hearings or proceedings, as necessary.

3. Provide information, or attest to the lack of information, under penalty of perjury.

4. Forward to the agency any support payments received from the absent parent which are covered by the assignment.

2.7.4 Good Cause for Refusing to Cooperate

A. Every applicant or recipient is given an opportunity to claim good cause for refusing to cooperate. A Notice Concerning Good Cause for Refusal to Cooperate 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 (2nd) copy is filed in the case record. Signatures can be captured telephonically.

B. 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 Notice Concerning Good Cause for Refusal to Cooperate.

C. 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.

D. 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 electronic case record.

E. The DHS representative will obtain verification and/or conduct an investigation in order to make the determination. If sufficient information to conduct an investigation is provided, an otherwise eligible individual is provided assistance (or assistance is continued) pending the final determination on the good cause claim.

2.7.5 When Cooperation is not in Best Interest

A. Cooperation is determined to be against the best interest of the child, if:

1. 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

2. 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

3. Legal proceedings for adoption of the child are pending before a court of competent jurisdiction; or

4. The individual is currently being assisted by a public or licensed private social agency to resolve the issue of whether to maintain custody of the child or release her or him for adoption and the discussions have not gone on for more than three (3) months; or

5. There is anticipated physical harm to the parent without corroborative evidence.

2.7.6 Corroborative Evidence for Good Cause

A. 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:

1. Birth certificates, medical, or law enforcement records which indicate that the child was conceived as a result of incest or forcible rape.

2. Court documents or other records which indicate that legal proceedings for adoption are pending before a court of competent jurisdiction.

3. 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.

4. 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.

5. A written statement from a public or licensed private social agency indicating that the individual is being assisted by the agency to resolve the issue of whether to maintain custody of the child or release him/her for adoption, and the discussions have not gone on for more than three (3) months.

B. 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.

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

D. 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 § 2.7.7 of this Part.

E. Emotional and Physical Harm Defined

1. 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.

2. 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:

a. The present emotional state of the individual subject to emotional harm;

b. The emotional health history of the individual;

c. Intensity and probable duration of the emotional upset;

d. Degree of cooperation to be required; and the extent of involvement of the child in paternity establishment or support enforcement activity to be undertaken.

3. 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.

4. In this case, the claimant has the burden of establishing her credibility as well as explaining why no evidence is available.

5. 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.

2.7.7 Good Cause Decision

A. After the DHS representative has made a determination that good cause exists, and the case has been referred to DHS-OCSS, the OCSS representative evaluates the evidence and information in the electronic case record. The OCSS representative makes a determination whether support enforcement activity can be conducted without risk of harm to the child or caretaker relative if taken without the caretaker's cooperation.

B. Review of Good Cause Finding

1. 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.

2. 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 § 2.7.8 of this Part. DHS-OCSS notifies the DHS representative of any failure to cooperate with that agency and the DHS representative must take the necessary action on the case.

2.7.8 Consequences of Non-Cooperation with OCSS

A. Due to the COVID-19 virus and the national State of Emergency, the Department of Human Services has temporarily suspended the compliancy requirements of plan participation as a condition of eligibility. The requirement of compliance may continue based on the individual's ability to participate from home. If participation is not possible, sanctions may be imposed during the COVID-19 crisis.

B. The failure of a parent or caretaker relative to cooperate with DHS-OCSS in establishing paternity or in establishing, modifying, or enforcing a support order with respect to a child and failure to qualify for good cause results in the imposition of a financial sanction.

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

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

E. The reduction in assistance and ineligibility of the sanctioned individual shall continue until the parent/caretaker relative who refused to comply with child support cooperation requirements consents to and cooperates with the agency in satisfying those requirements, or until the three (3) month full-family sanction begins. DHS-OCSS notifies the RI Works Program staff of any compliance for appropriate follow-up by the RI Works Program representative.

2.8 Communication between RIW and OCCS Staff

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

1. The custodial parent fails to cooperate with the Office of Child Support Services;

2. The custodial parent claims good cause;

3. The custodial parent is found to be living at an address that is different from the address at which s/he receives assistance;

4. Paternity is established;

5. Employment changes; and/or

6. The non-custodial parent is found to be living with the applicant/recipient.

2.9 Third-Party Liability

A. A third (3rd) 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 R.I. Gen. Laws § 40-6-9, as amended, if the applicant is subsequently found eligible for monies from the collateral source.

B. When the applicant signs the application for assistance, s/he assigns all rights to the Department of Human Services (DHS) for and on behalf of her or himself and any person for whom the individual may legally act for amounts recoverable from a third (3rd) party equal to the amount of financial assistance and medical assistance provided as a result of the accident, illness, or injury.

2.9.1 Third-Party Payments

A. Potentially liable third (3rd) 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.

B. 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 (3rd) party may be liable.

C. All pertinent information concerning a potential third-party resource is contained in the application and will be referred by the third-party liability unit or its equivalent.

2.10 RI Works Program Opportunities

A. Due to the COVID-19 virus and the national State of Emergency, the Department of Human Services has temporarily suspended the compliancy requirements of plan participation as a condition of eligibility. The requirement of compliance may continue based on the individual's ability to participate from home. If participation is not possible, sanctions may be imposed during the COVID-19 crisis.

B. A nonexempt RI Works Program participant who fails without good cause to participate in an assigned work activity component or otherwise refuses without

good cause to comply with her/his employment plan or with any other work opportunity, including but not limited to attendance at DHS or vendor appointments such as initial interview, orientation, assessment, job readiness, job search, education or vocational training, is subject to sanction and possible closure as described in § 2.11.9 of this Part. In the case of a hardship extension, failure to comply with the employment plan without good cause results in the case closure – the three (3) month sanction period does not apply.

C. A participant, including a parent or non-parent caretaker relative included in the cash assistance payment, shall not voluntarily quit a job or refuse a job, unless there is good cause as defined in § 2.11.10 of this Part. A participant who voluntarily quits or refuses a job without good cause while receiving cash assistance shall be sanctioned, and potentially terminated from the RI Works Program if the sanction continues for three (3) months.

2.10.1 Assessment

A. The assessment of family circumstances and employability for applicants and recipients is conducted by DHS workers during the initial interview or screening.

B. At the beginning of the assessment process, the Information on the Family Violence Option (Form WVR-1a) is given to the applicant along with a brief summary to ensure an understanding of its contents. Every recipient must be informed that s/he may be excused from certain RI Works requirements under the Family Violence Option if meeting these requirements puts the recipient or her or his children at risk of domestic violence, and that s/he may claim the Family Violence Option at any time. The procedures to be followed after an applicant claims this option or discloses abuse are specified in § 2.13 of this Part.

C. The assessment process begins with the DHS worker using the Family Needs Assessment to collect information about the participant's past educational, training, and employment history as well as the health of the participant and her/his family. These and other factors provide a client profile which the agency representative evaluates. Assessment information is then entered into the eligibility system. This collection of data is appraised to identify the individual's strengths and barriers in relation to the individual's readiness for employment.

D. Assessment Requirements

1. The assessment interview must cover all areas relating to the applicant's and the entire family's circumstances, including, but not limited to the following:

    a. Housing needs;

    b. Utility payments;

    c. Food security and nutrition;

d. Physical and emotional health (including special issues affecting the well-being of the family such as an incapacity of a family member, substance abuse and domestic violence);

e. Transportation issues;

f. Child issues;

g. Education history;

h. Employment history;

i. Known or suspected disabilities, including but not limited to learning disabilities;

j. Level of crisis; and

k. Academic testing, when referred by the DHS to a selected vendor.

2. Specific assessment information needed includes:

a. The individual's ability to speak English, or the individual's primary language;

b. Marital status;

c. Military veteran status;

d. Employment status; and

e. Last grade of school completed, as well as each adult household member's school attended.

3. As appropriate, the following information will also be collected:

a. Current health problems;

b. Names of educational facilities attended by the participant(s);

c. Program/course titles and completion dates;

d. Names and addresses of the participant's previous employers, job titles, and hire and end dates.

4. The DHS worker must also assess the financial conditions of the family and, when appropriate, develop a financial plan. See § 2.10.2 of this Part pertaining to the financial plan.

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

6. For all adult parents, the RI Works worker informs them of the work activities, supportive services, and vocational training opportunities available, as well as the time limit on the receipt of RI Works cash assistance.

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

8. A summary of the assessment interview with the participant and any appropriate information must be entered in the electronic case record.

9. A full assessment includes three (3) categories: Family Needs Assessment, Education and Employment Assessment, and Academic and/or Vocational Testing.

10. A full assessment is completed for all RI Works Program applicants and as appropriate, recipients. Individuals must undergo academic and/or vocational testing (administered by the vendor the individual is referred to) for employment planning and for specific activities (e.g., Adult Education, Skills Training and Post-Secondary Education).

11. After the test results have been returned, the results are entered into the electronic case record, discussed with the applicant, and evaluated in light of her/his previous education, training, and employment history. The evaluation should determine if the employment goal or activity should be modified. A summary of each contact with the participant and any appropriate information is recorded in the electronic case record of the eligibility system.

2.10.2 Financial Plan

A. When appropriate, financial plans shall identify all available sources of income and all benefits and services available to the family from the State, local or Federal government, as well as social service agencies. Financial literacy training is provided to program recipients by all Rhode Island Works vendors.

B. Sources of income may include: earnings from employment, including self-employment, the earned income tax credit or the earned income tax rebate, 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.

C. Benefits may include: food assistance, medical assistance, child care assistance, school lunch, housing assistance, home heating assistance, as well as cash assistance under the RI Works program.

D. 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.

2.10.3 Employment Plan as Condition of Eligibility

A. Due to the COVID-19 virus and the national State of Emergency, the Department of Human Services has temporarily suspended the compliancy requirements of plan participation as a condition of eligibility. The requirement of compliance may continue based on the individual's ability to participate from home. If participation is not possible, sanctions may be imposed during the COVID-19 crisis.

B. As a condition of eligibility for RI Works cash assistance, the applicant/recipient must complete, sign and, unless otherwise exempt from the work participation opportunities as defined in § 2.11 of this Part, participate in a preliminary RI Works employment plan to be followed by a revised, competency test informed, employment plan within the first thirty (30) days of program participation.

C. With the information gathered during the assessment interview, the preliminary RI Works Employment Plan is jointly developed by the applicant and the RI Works screening worker, taking into account:

1. The physical capacity, skills, education, work experience, health, safety and family responsibilities and place of residence of the individual;

2. The child care and supportive services required by the applicant to avail him/herself of employment opportunities and/or work readiness programs.

D. In developing the employment plan, the parent(s) shall be informed of their options, including attending education and/or training as needed to improve their employability. Parents must make decisions about the nature of the activities that they will engage in based on assessment and their awareness of the sixty (60) month time limit constraints of receipt of RI Works.

E. If during assessment, the participant reports that s/he has a medical impairment(s), the worker should utilize a release of information for medical or

non-medical to obtain existing information important for employment planning. Information provided is reviewed to determine if there are any medical limitations to participation in employment activities. Limitations are considered in selecting the goals and activities that may be modified in the employment plan.

1. If the parent has a temporary condition of thirty (30) days or less, the employment plan activities may be set to begin after that date.

2. If the parent has a temporary disability that prevents work for more than thirty (30) days but less than six (6) months, the employment plan is written to support rehabilitation in the shortest practicable time and the recipient's activity is compliance with treatment, monitored by the worker.

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

F. The participant also must be provided with information regarding the availability of supportive services, such as childcare assistance and/or transportation assistance. The worker authorizes the DHS services needed to participate, provides referral to community agencies that will assist the client, and informs the participant that services must be arranged prior to engagement in any plan activity. Refer to § 2.3.2 of this Part for further information on this requirement. If the parent encounters difficulty in arranging child care or transportation after good faith effort, the parent must discuss the situation with the worker.

G. 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 § 2.21.2(B) of this Part. The family must also report immediately (within five (5) days) when a child leaves the household for any reason. Whenever an employment plan contains an education or training component, the worker must explain the attendance requirements to the parent and the concept of "successful participation". Attendance of all the scheduled hours is required. Successful participation in an education or training activity means that the parent is meeting a consistent standard of progress toward the completion of the education or training activity. This standard must include a quantitative measure of progress such as a grade point average, and a qualitative measure such as a reasonable time limit for completion of an education or training program (see § 2.11.10 of this Part).

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

I. In order for an employment activity to be approved, the total scheduled hours of the component(s) must match the required hours as described in §§ 2.11.2 and 2.11.3 of this Part. A reduced hours plan is allowable if either supported by medical evidence or necessitated by the Fair Labor Standards Act (FLSA), as it applies to unpaid work experience or community service.

2.11 Work Policy and Procedures

Due to the COVID-19 virus and the national State of Emergency, the Department of Human Services has temporarily suspended the compliancy requirements within this section (§ 2.11 Work Policy and Procedures) of plan participation as a condition of eligibility. The requirement of compliance may continue based on the individual's ability to participate from home. If participation is not possible, sanctions may be imposed during the COVID-19 crisis.

2.11.1 Required Participation in Work Activities and Opportunities

All parents, and caretaker relatives (including those who are acting in *loco parentis*, if they are included in the cash assistance grant), who request and receive assistance are required to enter into an employment plan and participate, unless temporarily exempt (§ 2.11.2(E) of this Part), in DHS-approved activities and/or opportunities.

2.11.2 One Parent Family

A. Single parents shall participate for a minimum of twenty (20) hours per week for parents whose youngest child in the home is under the age of six (6), and for a minimum of thirty (30) hours per week for parents whose youngest child in the home is six (6) years of age or older, in one (1) or more of the following work activities (as defined in § 2.11.6 of this Part), as appropriate, in order to help the parent obtain stable full-time paid employment. For teen parents, the first (1st) activity must be secondary education or completion of a GED program, if either certificate has not yet been obtained.

B. Core Activities:

1. Unsubsidized employment;

2. Subsidized private sector employment;

3. Subsidized public sector employment;

4. Work experience. A parent participating in a work experience or community service program for the maximum number of hours per week allowable by the Fair Labor Standards Act (FLSA) will be considered to have met their required twenty (20) core hours if actual participation falls short of the required minimum hours per week (RI has a mini-simplified Supplemental Nutrition Assistance Program waiver).

a. For parents whose youngest child is six (6) or more years old and whose required minimum hours per week are thirty (30), any hours permissible by FLSA that are short of thirty (30) hours must be satisfied in some other TANF work activity;

5. On-the-job training;

6. Job search and job readiness. Except in the context of rehabilitation employment plans, job search and job readiness activities are limited for Work Participation Rate (WPR), to no more than four (4) consecutive weeks and six (6) weeks within a twelve (12) month period; or twelve (12) weeks within a twelve (12) month period if unemployment rate is at least fifty percent (50%) greater than US total unemployment rate or the State is declared a "needy State";

7. Community Service;

8. Vocational educational training(s), participation in which may not exceed twelve (12) months if funded with TANF funds. Effective July 1st, 2022, a participant who successfully completes their first (1st) year of education at the Community College of Rhode Island, may participate in vocational education training for an additional twelve (12) months. Participation in a two-year degree program, a vocational certificate program, or a BA degree or advanced degree program may count as vocational educational training.

9. All supervised homework plus up to one (1) hour of unsupervised homework per each hour of class time may count as meeting part of the total hours required for compliance with the RI Works employment plan. However, total homework time cannot exceed the hours required or advised in writing by the educational program;

10. Adult education in an intensive work readiness program up to thirty (30) hours per week, regardless of the age of the youngest child; and

11. Providing child care services to another participant parent who is participating in an approved community service program.

C. Non-core Activities:

1. Job skills training directly related to employment;

2. Education directly related to employment; and

3. Satisfactory attendance at a secondary school or in a course of study leading to a certificate of general equivalence (GED) if the participant is a teen parent under the age of twenty (20), who is without a high school diploma or GED.

D. Other Required Work Activities:

1. Up to ten (10) hours of activities as defined in a DCYF service plan may substitute for meeting an equivalent number of hours toward the twenty (20) hour requirement for parents with a child under age six (6), or for an equivalent number of hours toward the thirty (30) hour requirement for parents whose youngest child is age six (6) or older.

E. Temporary Exemption for Single Parents

1. Work opportunities outlined above shall not apply to a single parent if (and for so long as) the Department finds that s/he is:

a. Caring for a child below the age of one (1), provided that a parent may opt for deferral for a maximum of twelve (12) months during their sixty (60) month period of eligibility for cash assistance, but noting that a minor parent without a high school diploma or the equivalent, shall not be exempt for more than twelve (12) weeks from the birth of the child;

b. Caring for a child or family member with a significant documented disability who resides in the home and requires full-time care;

c. A recipient of SSI or RSDI/SSDI or other disability benefit that has the same standards of disability as defined by the Social Security Administration or is determined likely to be eligible for SSI or SSDI benefits by a DHS approved provider or DHS designated staff;

d. An individual receiving assistance who is a victim of domestic violence; and

e. ~~An applicant for assistance in her third (3rd) trimester of pregnancy or a~~A pregnant woman ~~in her third (3rd) trimester~~ who is a recipient of assistance and who has medical documentation that she cannot work.

2.11.3 Two-Parent Family Work Activities and Opportunities

A. In families consisting of two (2) parents, one (1) or both parents are required and shall be engaged in work activities as defined below, for an individual or combined total of at least thirty-five (35) hours per week during the month, not fewer than thirty (30) hours per week of which are attributable to one or more of the following listed work activities. Two (2) parent work opportunities shall be defined as follows:

1. Core Activities:

a. Unsubsidized employment;

b. Subsidized private sector employment;

c. Subsidized public sector employment;

d. Work experience;

e. On-the-job training;

f. Job search and job readiness. Except in the context of rehabilitation employment plans, job search and job readiness activities are limited for WPR, to no more than for (4) consecutive weeks and six (6) weeks within a twelve (12) month period; or twelve (12) weeks within a twelve (12) month period if unemployment rate is at least fifty percent (50%) greater than US total unemployment rate or the State is declared a "needy State" under the contingency fund provisions of Federal law;

g. Community service program;

h. Vocational educational training(s), participation in which may not exceed twelve (12) months if funded with TANF funds. However, effective July 1st, 2022, if the participant successfully completes their first (1st) year of education at the Community College of Rhode Island, they may participate in vocational education training for an additional twelve (12) months;

i. The provision of child care services to a participant individual who is participating in a community service program;

j. Adult education in an intensive work readiness program.

B. Above thirty (30) hours per week, the following three (3) activities, known as Non-Core Activities, may also count for participation:

1. Job skills training directly related to employment;

2. Education directly related to employment; and

3. Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence. Satisfactory attendance in secondary school or in a GED program is countable as a core activity in the case of a parent who is married and is under twenty (20) years old.

C. Other Required Work Activities:

1. Up to ten (10) hours of activities as defined in a DCYF service plan may substitute for meeting an equivalent number of hours toward the thirty-five (35) hour requirement.

2. Housing search, if the family is homeless (or about to become homeless), may be approved under the supportive services component. Housing search is classified as job readiness, which is a core activity.

D. In a two-parent family in which one (1) parent is engaged for at least thirty-five (35) hours per week in the work activities specified above, the other, second, parent may also participate in and have an assessment completed. The second (2nd) parent must sign the employment plan in person or telephonically.

E. A family with two-parents, whether or not receiving child care, in which one (1) or both parents participate in a work experience or community service program for the maximum number of hours per week allowable by the Fair Labor Standards Act (FLSA) will be considered to have met their required thirty core hours if actual participation falls short of the required minimum hours per week (RI has a mini-simplified Supplemental Nutrition Assistance Program waiver). For families that need additional hours beyond the core activity requirement, these hours must be satisfied in some other TANF work activity.

F. Except in the instance of a work experience or community service program which must meet the requirements of the FLSA as described above, if the family receives child care assistance and an adult in the family is not a person with a disability or caring for a child with a severe disability then the individual must be participating in work activities for an average of at least fifty-five (55) hours per week to count as a two-parent family engaged in work for the month. At least fifty (50) of the fifty-five (55) hours per week must come from participation in the activities listed in the Core Activities above. Above fifty (50) hours per week, the three (3) activities listed in Non-Core Activities above may also count as participation.

2.11.4 Teen Two-Parent Family Activities and Opportunities

In a two (2) parent household in which both parents are under age twenty (20), the DHS worker should assess the educational history of both parents. For either parent who has not completed high school or obtained a GED, the DHS worker should approve an employment plan for that parent (or for both parents if neither have the high school diploma or GED) that shows full time attendance in secondary education (high school) or completion of a GED program as the first (1st) activity. After this first (1st) activity, reassessment of the employment plan is indicated, and all other RI Works program opportunities will take effect for that parent. When both have either reached the age of twenty (20) or completed the first (1st) activity of education as described above, all two-parent family rules will come into full force and effect.

2.11.5 Exemptions for Two-Parent Families

A. The work activities and opportunities in § 2.11.3 of this Part shall not apply if (and for so long as) the Department finds that:

1. Both parents receive Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) or Retirement, Survivors and Disability Insurance (RSDI) they are likely to be eligible for SSI or SSDI benefits by a DHS approved provider or DHS designated staff; or

2. One (1) parent is caring for a child or family member with a significant documented disability who resides in the home, and who requires full time care and the other parent receives SSI/RSDI/SSDI and is medically documented to be unable to provide care for the family member with a disability; or

3. a minor parent who meets the criteria set in § 2.11.3 of this Part without a high school diploma or the equivalent, who is not married, may claim an exemption of up to twelve (12) weeks from the date of birth of the child.

2.11.6 Work Activities and Opportunities

A. Job Search and Intensive Employment Services

1. Job search services consist of job search guidance, workshops, job leads and monitoring conducted by contracted vendors or State staff. Intensive employment services are delivered in partnership with the Department of Labor and Training or other vendors as needed. Consisting primarily of job search, intensive employment services may include educational and vocational assessment and testing, guidance on employer expectations, resume writing, development of interviewing skills, job retention and career counseling, job development and related activities.

2. Individuals in job search or intensive employment services may devote their efforts for their required and scheduled hours in identifying and pursuing employment opportunities. Job search and intensive employment services are limited for Work Participation Rate to four (4) consecutive weeks. Individuals are required to accept employment offers for which they are qualified and which provide greater income to support their family. Part-time employment is also approvable as part of an employment plan in combination with at least one (1) other approvable activity.

B. Employment

1. The employment plans of employed applicants or recipients may contain, along with the employment component, another approvable activity, as well as child care services, as necessary. The same procedures are followed as for any other employment plan. An applicant parent is referred for intensive employment services for educational and vocational assessment and career counseling to determine if additional hours are appropriate in the same job or occupation, in an occupation for which the parent has transferable skills, or if another short-term activity, in addition

to the employment, would enable the family to increase its income sufficiently to end cash assistance.

2. Parents are advised of the advanced earned income credit and any other credits and supplemental services available to maximize the family's income.

C. On-the-Job-Training

1. On-the-job training (OJT) is considered unsubsidized employment with explicit occupational skills training incorporated. The individual is paid by the employer as any other new employee would be.

2. Reimbursements are made to employers to support the extra costs incurred in providing the training and additional supervision to the participant. A contract is developed with the employer and reimbursements are generally at the rate of fifty percent (50%) of the trainee's wage. The expectation is that the individual is retained in the position after training unless the periodic evaluation of the employee's performance reveals that the expected rate of skill acquisition, productivity, quality, or codes of conduct are not being met, despite appropriate supports and interventions. On-the-job training is also available to participants through the local Workforce Investment Boards or the Office of Rehabilitation Services.

D. Work Supplementation (WSUP)

1. Variation of OJT is Work Supplementation. Work Supplementation Program (WSUP) is a form of subsidized employment that provides a partial reimbursement of wages to the employer. This program is administered by the Department of Human Services even when WSUP contracts are negotiated and completed by employees of the Department of Labor and Training or subcontractors.

2. Such a supplement shall be limited to a maximum period of six (6) months. An employer must agree to continue the employment of the participant as part of the regular work force, beyond the supplement period, if the participant demonstrates satisfactory performance.

3. In a contract with the employer, the duties, any training to be provided, wage, and duration of the subsidized position is outlined, similar to an OJT contract. A recipient receives his/her wages from the employer, however, the subsidy to the employer derives from the diversion of part of or all of the individual's cash assistance grant into a wage pool. Employers are reimbursed for part of the costs of wages they pay to the recipient. Upon completion of the subsidized employment, it is anticipated that the parent will be retained by the employer as an unsubsidized worker, unless periodic evaluation of the employee's performance reveals that the

expected rate of skill acquisition, productivity, quality, or codes of conduct are not being met, despite appropriate supports and interventions.

4. A participant in WSUP must agree to receive the wages from the subsidized job, and a residual grant, if appropriate, in lieu of the regular cash assistance grant. Child care services may also be authorized. Any child support received directly from an absent parent must continue to be sent to the Department, Office of Child Support Services, while the recipient is participating in WSUP. The wages received from the subsidized job are considered earned income and earned income disregards are applied. If a participant becomes ineligible for cash assistance for any reason other than earnings from the subsidized job, the case is closed, but s/he may continue in the subsidized job for the duration of the placement.

E. Job Readiness

1. There are three (3) distinct types of Job Readiness activities.

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

3. Job Readiness within the Context of Another Work Activity.

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

b. When job readiness is incorporated into other employment plan activities it is not a stand-alone activity listed on the parent's employment plan. It is focused on helping a participant learn about the work world, practice for it, and become ready to secure and retain employment. Many job search and vocational education providers incorporate some degree of job readiness instruction in their classrooms or workshops.

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

F. Job Readiness as Housing Search

1. Individuals who are identified as homeless, or about to become homeless, as defined in § 2.2 of this Part, may include housing search as an approvable activity in their employment plans.

2. Such individuals may be identified at assessment, or may present themselves during the interview or at any other time.

3. During the development or amendment of the employment plan, the individual is informed that s/he may be allowed up to ninety (90) days for the housing search activity. In a two (2) parent family, one (1) parent must comply with a thirty (30) hour per week approved employment plan, and the second (2nd) parent must sign an employment plan and conduct the housing search, unless one parent receives SSI. (See § 2.11.3 of this Part)

4. The written employment plan details the activities to be undertaken by the individual and any supportive services provided by DHS.

5. When a parent and her/his family are not in a homeless shelter with a structured program, the individual must still meet employment plan activity participation (as outlined in §§ 2.11.2 or 2.11.3 of this Part).

6. 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.

7. An intensive supervised housing search is an essential component of these programs. Individuals in these circumstances must meet RI Works employment plan activity participation (as outlined in §§ 2.11.2 or 2.11.3 of this Part) and are monitored by DHS vendors or the shelter. Such individuals must meet the required hours of approved Plan activities, including housing search as well as GED, ESL, Parenting Skills, Job Search, or OJT, as appropriate.

G. Job Readiness within a Rehabilitation employment plan

1. The third (3rd) type of job readiness includes rehabilitation-oriented activities such as substance abuse, physical or mental health treatments, therapies, or other services designed to lessen or remove barriers to employment. In most instances, a referral to the Office of Rehabilitation Services (ORS) for job readiness services is sufficient to create the RI Works employment plan. In some instances, private practices or other agencies may be approved for the job readiness service if they agree to DHS requirements for supervision and biweekly reporting.

2. Rehabilitation-oriented interventions shall be based upon recommendations of qualified personnel such as those authorized to

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

H. Work Experience

1. Federal guidance notes that Work Experience "means a work activity, performed in return for welfare that provides an individual with an opportunity to acquire the general skills, training, knowledge, and work habits necessary to obtain employment. The purpose of WEXP is to improve the employability of those who cannot find unsubsidized employment. This activity must be supervised by an employer, work site sponsor, or other responsible party daily."

2. While a participant is engaged in Work Experience, s/he continues to receive cash benefits and supportive services.

3. Participants in Work Experience may work in either for-profit or not-for-profit sites, but they are not paid by those entities. They are assumed to meet the definition of an "employee" under the Fair Labor Standards Act, and therefore, an individual cannot participate for more hours in a month than are derived by adding the family's monthly cash benefits to the monthly SNAP benefits and then dividing the sum by the State's minimum wage. Under the Federal Temporary Assistance for Needy Families (TANF) program, assistance and benefits substitute for wages but they are not considered wages for purposes of Social Security, taxation, the Earned Income Tax Credit (EITC), or an earned income tax rebate.

4. Whenever a recipient is engaged in unpaid Work Experience, a site agreement must be developed and completed with the employer or host agency. As with an OJT or Work Supplementation contract, the individual's duties, the training and supervision to be provided, and the duration of the Work Experience is outlined.

5. Candidates for unpaid Work Experience are those for whom an active job search has not resulted in competitive employment or those who have no prior work experience or who may have an employment barrier, such as very low literacy or no English language proficiency. A Work Experience of

three (3) to six (6) months may provide a sufficient foundation for the individual to succeed in the competitive labor market. Job search may be undertaken in the last months of a successful Work Experience as an incidental or supplemental activity.

6. Work Study as a Variation of Work Experience

   a. The Federal Work-Study Program provides funds that are earned through part-time employment to assist students in financing the costs of post-secondary education. Federal Work-Study (FWS) allocations are made to eligible institutions for the purpose of providing part-time employment to needy undergraduate and graduate students who attend participating institutions. Hourly wages must not be less than the Federal minimum wage.

   b. A recipient may be engaged in work study, as a variation of a Work Experience program. This program is administered under Higher Education Act Title IV funding, almost exclusively, and any income earned under this program is not countable for the RI Works cash assistance program.

   c. As a variation of work experience, the participant may be allowed to undertake work study associated with Vocational Educational Training/post-secondary, as described in policy § 2.11 of this Part. Pay stubs or statements of earnings, verifying hours and wages, suffice to document attendance.

I. Subsidized Employment. Subsidized employment, whether funded under the TANF Emergency Contingency Fund or TANF Block grant, is a time-limited reimbursement of one hundred percent (100%) of wages paid by the businesses or agencies that hire RI Works or eligible low-income families. The program may be administered through a collaboration among the Department of Human Services, Labor and Training, Administration and the local Workforce Boards or through the TANF contract process.

J. Community Service

1. Federal guidance describes Community Service programs as "structured programs in which recipients perform work for the direct benefit of the community under the auspices of public or nonprofit organizations." Community service programs are limited to "projects that serve a useful community purpose" and "must be designed to improve the employability of recipients not otherwise able to obtain employment."

2. Community service differs from unpaid work experience only in regard to the kind of work that is done, the possible location, and the benefit that must accrue to the community. It does not differ with regard to the benefits that should accrue to the individual, the Fair Labor Standards Act rules,

the necessity for a site agreement, or the assessment of potential candidates for community service. Community service programs and placements must be overseen by an intermediary, usually a State-contracted service provider.

K. Vocational Education Training

1. Vocational education training means any training that directly prepares an individual for an occupation.

2. Vocational education training is approvable and countable for up to twelve (12) months during the sixty (60) months of an individual's lifetime limit of cash assistance in Rhode Island. It may also be approved if, the team assesses a parent as being more likely to succeed in competitive employment if first provided a short-term intensive intervention. In such instances, the training may or may not be combined with another approvable activity but it would have to be concluded in a six (6) month period or less and be deemed to be highly likely to result in full-time employment at or above one hundred fifty percent (150%) of Rhode Island's minimum wage.

3. Effective July 1st, 2022, if the participant successfully completes vocational education training in their first (1st) year of education at the Community College of Rhode Island, they may participate in vocational education training for an additional twelve (12) months.

L. Child Care for Individual Participation in Community Services. Federal guidance permits caring for the children of another TANF recipient who is engaged in a community service program to be approvable and countable as a core activity for the duration of the community service performed by the other parent. This is the only situation in which the provision of child care to another TANF recipient is considered an approvable core activity. It is expected to happen rarely for a variety of reasons, including the fact that it is an unpaid activity and that as an unpaid activity, it should serve as a training opportunity, constituting one (1) step in the individual's employment plan wherein the goal is paid employment in the child care field. The individual undertaking this activity must also start and continue to be engaged in the procedures to become a licensed childcare provider.

M. Job Skills Training Related to Employment

1. Federal guidance describes job skills training directly related to employment as "training and education for job skills required by an employer to provide an individual with the ability to obtain employment or advance or adapt to the changing demands of the workplace." It can include customized training at the worksite or general training away from the worksite when focused on occupational skill development.

2. Jobs skills training is approvable and countable if the individual is first and simultaneously engaged for a minimum average of twenty (20) hours per week (regardless of the age of the recipient's youngest child), in some other core activity, principally paid employment, unpaid work experience or community service.

N. Education Directly Related to Employment

1. Federal guidance describes education directly related to employment as "education related to a specific occupation, job or job offer", but it can include adult basic education (ABE), literacy, general educational development (GED) preparation, or English as a second language (ESL), sometimes referred to as English for speakers of other languages (ESOL), when jobs require any of these credentials or competencies.

2. Education directly related to employment is approvable and countable if the individual is first and simultaneously engaged for a minimum average of twenty (20) hours per week (regardless of the age of the recipient's youngest child), in some other core activity, principally paid employment, unpaid work experience or community service, or in some circumstances, vocational education.

O. Education Attendance for Parent Under Age twenty (20). Federal guidance notes that satisfactory attendance at a secondary school or in a GED program for parents under the age of twenty (20) "means regular attendance, in accordance with the requirements of the secondary school or course of study at a secondary school, or in a course of study leading to a certificate of general equivalence", and additionally means "good or satisfactory progress." The determination of "good or satisfactory progress" includes qualitative and quantitative measures as defined by the institution or program, such as grade point average or educational functioning level (EFL) over the course of a defined period, such as a trimester.

P. Adult Education for Intensive Work Readiness

1. Adult education, in the context of an intensive work readiness program, is also unlimited as a stand-alone, full-time activity. It is a thirty (30) hour program with multiple components combined (literacy, numeracy, job skills, work or work experience or community service) with wrap-around support services.

2. Individuals with reading test scores below the third (3rd) grade or below the sixth (6th) grade who also have very limited or no prior work experience, and individuals with very limited or no English language skills, in particular, are eligible for this type of service. The client may be referred to programs approved by DHS and the Office of Adult Education.

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

1. Basic Literacy Education;

2. English as a Second Language (ESL);

3. Basic Education Programs;

4. High School/High School Equivalency (GED) Programs;

5. Vocational Educational/Post-Secondary Degree Programs;

6. Skills Training;

7. Group and Individual Job Search;

8. Job Readiness;

9. Work Experience;

10. Work Supplementation Program; and

11. Employment (includes subsidized employment, unsubsidized employment and On-the-Job Training).

R. The component provider screens of the eligibility system employment activity schedule contain the provider's name and address, the activity type, the beginning and projected completion dates of the selected activity/program, and the weekly scheduled hours of the activity. The Employment Activity Referral and Response system (EARR) provides the route by which to verify the date of enrollment, to report attendance and progress, and to communicate other information such as entered employment.

2.11.7 Supportive Services

A. 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.

1. Transportation

a. RIW recipients receive monthly bus passes providing unlimited access to public transportation, in conjunction with the hours of reoperation of RIPTA bus services, for adults and children. In addition, the Department will provide an allowance for transportation costs necessary to comply with the employment plan, provided, however, that the amount of such reimbursement shall not exceed the sum of five dollars ($5.00) per day.

b. The participant must incur actual out-of-pocket expenses and must not be receiving a transportation stipend or allowance in excess of five dollars ($5.00) per day from any other source.

c. The transportation allowance of no more than five dollars ($5.00) 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.

d. If transportation costs are reimbursed in whole or in part by the RI Works program, the allowance is authorized by the appropriate agency representative and issued through the eligibility system.

e. 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.

f. Reimbursement of transportation costs is contingent upon the availability of funding.

g. The transportation allowance is considered a reimbursement for training and employment readiness and is excluded as income and resources for both the RI Works and Supplemental Nutrition Assistance programs.

2. Child Care Services. 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 the Child Care Assistance Program Rules and Regulations (Part 4 of this Subchapter).

2.11.8 Progress and Attendance Requirements

A. Once the individual has begun to participate in an activity included in her/his employment plan, s/he must meet certain criteria in both progress (referred to also as successful participation) and attendance to remain in compliance with the RI Works Program.

B. Definition of Successful Participation

1. "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.

2. 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 § 2.11.6 of this Part. The appropriate standard for each participant will be defined as part of her/his employment plan when it is developed.

3. The agency representative monitors attendance and successful participation through attendance reports which are delivered biweekly by the component provider through the EARR system. Each report details the days and hours attended, indicates satisfactory or unsatisfactory progress, and, if the individual has stopped attending the program, indicates the termination or completion date. The EARR attendance is used for the transportation reimbursement, noting days of attendance, dated by the provider, and is submitted to the Business Office through the EARR.

4. When a DHS representative's EARR Report contains a message indicating Unsatisfactory Progress, the representative enters a sanction into the eligibility system which is approved by the DHS worker and which triggers an adverse action notice that gives the parent ten (10) days to provide a good cause for the lack of progress. If the parent provides good cause, within that time frame, the DHS representative will lift the sanction immediately. If no good cause is provided within that time frame, the sanction will remain in effect.

C. Attendance Requirements. An individual is considered to be successfully participating relative to attendance if s/he attends the approved employment plan component activity for all scheduled hours, considering excused absence and good cause documentation.

D. Activity Closure

1. When an activity is about to end or the agency representative learns that a participant has completed or terminated an activity, the eligibility system automatically sends a notice which notifies the participant of the closed activity and of the closure of supportive services (with the exception of child care services). Each closure notice contains the effective date of the closure and the participant's appeal rights.

2. 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.

2.11.9 Failure to Comply with Work Activities and Opportunities

A. The cash assistance to which an otherwise eligible family/assistance unit is entitled under this chapter, shall be reduced for each month, whether or not consecutive, the first (1st) three (3) times any participant, without good cause, quit or refused employment or failed to:

1. Enter into or follow an individual employment plan;

2. Attend a required appointment; or

3. Comply with any other requirements for the receipt of cash assistance.

B. If the family's benefit has been reduced, benefits shall be restored to the full amount beginning with the initial payment made on the first (1st) of the month following the month in which the parent:

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

2. Demonstrates compliance with the terms of his or her existing individual employment plan or rehabilitation plan, as such plan may be amended by agreement of the parent and the Department.

C. In the case where appropriate child care has been made available, a participant's failure, without good cause, to accept a bona fide offer of work, including full-time, part-time and/or temporary employment, or unpaid work experience or community service, shall be deemed a failure to comply with the work plan and shall result in reduction or termination of cash assistance.

D. If the family/assistance unit's benefit has been reduced for a total of three (3) months, whether or not consecutive due to the failure by one (1) or more parents to enter into an individual employment plan or failure to comply with the terms of his or her individual employment plan, or the failure to comply with the requirements of RI Works, cash assistance to the entire family shall end. The family/assistance unit may reapply for benefits, and the benefits shall be restored to the family/assistance unit in the full amount the family/assistance unit is otherwise eligible for, beginning on the first (1st) of the month following the month in which all parents in the family/assistance unit who are subject to the employment or rehabilitation plan:

1. Enter into an individual employment or rehabilitation plan as applicable, and demonstrate compliance with the terms thereof, or

2. Demonstrate compliance with the terms of the parent's individual employment or rehabilitation employment plan in effect at the time of termination of benefits, as such plan may be amended by agreement of the parent and the Department.

E. Up to ten (10) days following a notice of adverse action to reduce or terminate benefits under this subsection, the client may request the opportunity to meet with a DHS worker to identify the reasons for non-compliance, establish good cause and seek to resolve any issues that have prevented the parent from complying with the employment plan.

F. The Domestic Violence Notice must be reviewed with the participant so that s/he is informed about claiming the Family Violence Option as part of the discussion process. The procedures following an applicant's claiming of this option or disclosure of abuse are outlined in § 2.13 of this Part.

G. Participants whose cases had closed in sanction status pursuant to Rhode Island's prior Temporary Assistance for Needy Families Program, (Federal TANF described in Title IV-A of the Federal Social Security Act, 42 U.S.C. § 601 *et seq*.), The Rhode Island Works Program, more specifically, R.I. Gen. Laws § 40-5.2-12(k), due to failure to comply with the cash assistance program requirements, but who had received less than sixty (60) months of cash assistance at the time of closure, and who reapply for cash assistance under the RI Works Program, must demonstrate full compliance, as defined by the Department in its rules and regulations, before they shall be eligible for cash assistance.

2.11.10 Good Cause for Failure to Comply

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

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

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

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

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

1. Child care is necessary for the parent(s) to participate in employment plan activity and the agency representative determines that such child care is unavailable. When a participant refuses without good cause to seek or accept suitable child care, precluding participation in the activity, there is a de facto refusal to comply;

2. Acceptance of a bona fide offer of employment of more than twenty (20) hours a week or in which the weekly earnings are equivalent to the State minimum wage multiplied by twenty (20) hours which, because of circumstances beyond the control of the primary wage earner, subsequently either does not materialize or results in employment of less than twenty (20) hours a week or weekly earnings of less than the Federal minimum wage multiplied by twenty (20) hours. (If such circumstance arises, the DHS representative must review the employment plan to include other approvable activities to meet the minimum required hours);

3. Temporary illness of the participant;

4. Temporary illness of another family member sufficiently serious to require the presence of the participant;

5. The individual is experiencing a family or household crisis or change in family circumstances such as the death of a spouse, parent, or child, or a housing crisis;

6. Unusual weather conditions which prevented the participant and other persons similarly situated from attending the prescribed activity;

7. Court-required appearance;

8. Incarceration; or

9. Breakdown in transportation arrangements with no readily accessible means of transportation. On the other hand, when a participant refuses without good cause to accept other available means of transportation, thereby precluding participation in work or training, there is a de facto refusal to comply.

F. 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 the electronic case record. A description of the supervisor's decision and the reasons for that determination must also be provided.

2.11.11 Penalties for Non-Compliance with Work Activities and Opportunities

A. First Three (3) Months of Non-Compliance

1. The amount of cash assistance to which an otherwise eligible recipient family is entitled shall be reduced by the portion of the family's benefit attributable to any parent who, without good cause, has failed to enter into an individual employment plan or has failed to comply with his or her individual employment plan, as required under §§ 2.11.2, 2.11.3 and 2.6.4 of this Part, or other program requirements; provided that the reduction shall be applied during the first (1st) three (3) months, whether or not consecutive, of such failure or non-compliance by the parent.

2. 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 ($105.00).

3. When a second (2nd) parent enters or returns to the household, the employment plan for the parent(s) must be revised to reflect the two-parent work plan and activities. If no employment plan exists, one must be developed unless both parents are exempt from participation, within thirty (30) days of the change in household composition. Failure of the parents to comply with the revision or development of the employment plan will result in the family being ineligible for Cash Assistance in accordance with § 2.3.8 of this Part requiring an employment plan as a condition of eligibility.

B. In Excess of Three (3) Months of Non-Compliance

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

2. The penalty becomes effective on the next payroll date after the adverse action period. The participant is notified of the penalty by an auto-generated notice through the eligibility system.

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

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

5. 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.

6. 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 (1st) of the month following the date that the documentation of the exemption is received by the Department.

2.11.12 Fair Hearing Requests

A. If an individual believes that the intended action is incorrect, s/he may request a hearing before the DHS Hearing Officer within thirty (30) days of the mailing of the notice of adverse action. The individual may request that benefits be continued pending the outcome of the hearing if the request is made within ten (10) days of the mailing of the notice.

B. The request is made in writing by the individual or his/her authorized representative in accordance with the policy in General Provisions, Part 10-00-1 of this Title.

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

2.11.13 Ending Work Penalties

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

1. Refusal to report to an employer when referred by the agency representative – reporting to this employer if work is still available or to another employer to whom the parent is referred during a job search;

2. Refusal to accept a bona fide offer of employment when referred by the agency representative – acceptance of this employment, if still available to the individual, of any other employment with earnings equivalent to the refused job, or any other employment of at least thirty (30) hours per week, with weekly earnings equal to the higher of the State or Federal minimum wage multiplied by thirty (30) hours;

3. Refusal to comply with a RI Works employment plan or other program requirement – compliance with the activity, assignment or an alternate assignment by the agency representative. In order to demonstrate that her/his failure to comply has ceased, an individual must participate in the

previously assigned activity or an alternate assignment by the agency representative for two (2) consecutive weeks (and continue to participate thereafter). If the individual successfully participates during that probationary time period, the sanction will be considered to have ended as of the day s/he began to participate two (2) weeks earlier. If no such activity is available within thirty (30) days, the sanction will end on the day s/he agrees to participate.

B. If the family's benefit has been reduced in accordance with § 2.11.11(A)(1) of this Part for less than three (3) months, whether or not consecutive, due to the parent's failure to enter into or comply with an individual employment plan or failure to comply with other program requirements, benefits shall be restored to the full amount beginning with the initial payment made on the first (1st) of the month following the month in which the parent (1) enters into an individual employment plan and demonstrates compliance with the terms thereof, or (2) demonstrates compliance with the terms of his or her existing individual employment plan, as such plan may be amended by agreement of the parent and the Department, or other program requirements.

C. If the family's benefit has been terminated in accordance with § 2.11.11(A)(3) of this Part due to the failure by one (1) 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 (1st) of the month following the month in which all parents in the family who are subject to the employment plan enter into an individual employment plan and demonstrate compliance with the terms thereof, or demonstrate compliance with the terms of his or her existing individual employment plan, as such plan may be amended by agreement of the parent and the Department, or other program requirements.

2.11.14 Work Closure

When a case closes, DHS will notify the household and will evaluate their continued or new eligibility for the Child Care Assistance Program (CCAP).

2.12 Special Program Requirements

2.12.1 Minor Parent and Pregnant Minor Requirements

A. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. Law 104-193 and R.I. Gen. Laws § 40-5.2-10(k), the Family Independence Act, The Rhode Island Works Program Act, require that a pregnant minor or a minor parent with a dependent child(ren) in her/his care to reside in the household of a parent, legal guardian, or adult relative with certain exceptions. In those situations, the minor must reside in an adult-supervised supported living arrangement to the extent such arrangement is available and appropriate.

B. Goal. 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.

C. Eligibility Criterion

1. A relative for purposes of this section is defined in § 2.5.3 of this Part. 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.

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

a. A family consisting of a parent who:

(1) Is under the age of eighteen (18) (minor parent); and

(2) Has never been married; and

(3) Has a child; or

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

D. Exceptions

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

a. Has no parent, legal guardian, or other adult relative who is living or whose whereabouts are unknown; or

b. 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

c. 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

d. Has good cause as outlined in § 2.12.1(E) of this Part, AND

e. Resides in an approved adult-supervised supportive living arrangement to the extent available. An adult-supervised supportive living arrangement is defined in § 2.12.1(E) of this Part.

E. Adult-Supervised Living Arrangement

1. An adult-supervised supportive living arrangement is defined as an arrangement with an available adult who provides supervision on a routine basis as approved by a DHS agency representative. This arrangement will be found approvable or not approvable after a home study conducted by the TFD Program, which is provided to DHS staff and is filed in the minor parent's service record. Should the minor parent move after assessment is completed by the TFD Program, another referral for another home study must be made.

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

3. Such arrangement must require the minor parent:

a. To enroll and make satisfactory progress in a program leading to a high school diploma or a general education development certificate; and

b. To participate in an adolescent parenting program as established in R.I. Gen. Laws Chapter 40-19; and

c. To undergo routine adult supervision as defined in § 2.12.1(E)(4) of this Part.

4. Routine Adult Supervision

a. 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:

(1) Adequate and nutritional food;

(2) Shelter that is safe, clean, and provides adequate comfort and privacy;

(3) Preventive and primary health care for both the parent and the child; and

(4) A safe home environment and positive relationships between and among household members.

b. Adult supervision can be provided by alternative programs approved by the Department and TFD providers.

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

d. 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.

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

f. If the TFD Program representative learns that the physical or mental health of the minor parent and/or her child is in jeopardy due to domestic violence, after the mandatory report to DCYF, s/he may opt to conduct the Family Violence Option Assessment alone, refer the parent to the domestic violence advocate for that assessment, or collaborate with the domestic violence advocate in the assessment process as needed, following the procedures outlined in § 2.13 of this Part.

g. 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.

h. 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.

F. Approvable Living Arrangements

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

    a. Maternity homes;

    b. DCYF-licensed foster homes;

    c. Independent Living with full-time adult supervision; and

    d. Other DCYF-certified arrangements.

2.13 Domestic Violence Waiver Process

A. If an applicant/recipient discloses a Domestic Violence situation to DHS staff, 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.

B. If the applicant/recipient involved is a minor parent/pregnant minor, an immediate report at the time of disclosure must be made to DCYF by calling the Child Protective Services Hotline at 1-800-RI-CHILD as well as referral made to the domestic violence advocate. If such disclosure is made by a minor parent/pregnant minor to the TFD Program worker, s/he may elect to conduct the Family Violence Option Assessment alone, refer the parent to the domestic violence advocate for assessment, or collaborate with the domestic violence advocate in the assessment process as necessary.

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

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

E. The appropriate supervisor reviews all such recommendations and makes the final determination of any such waiver(s). The Chief Supervisor and/or RIW Administrator, assistant administrator or RIW supervisor are available for

consultation in these situations as needed. The agency representative then processes the waiver(s) as appropriate and notifies the applicant/recipient.

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

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

H. 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.

I. 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. After notification from DHS that the waiver period is about to expire, the Domestic Violence advocate (for teen parents, and/or TFD Program representative) completes a Family Violence Option Re-Assessment (Form WVR-2a) of the individual's circumstances and notifies the appropriate RI Works supervisor(s) of the recommendation for extension or discontinuance of any waiver(s) and/or change(s) in status through a new Findings document. The agency representative then follows up on the recommendation(s) as appropriate and notifies the recipient.

2.14 Resources

2.14.1 Non-Exempt Resources

A. 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 five thousand dollars ($5,000.00). Eligibility is denied or terminated if the value of available non-exempt resources exceeds the five thousand dollar ($5,000.00) limit.

B. Verification of resources – Verification will continue to be required for all resources in excess of three thousand dollars ($3,000.00) up to the resource limit of five thousand dollars ($5,000.00). The DHS will accept the household’s self-attestation of resources less than three thousand dollars ($3,000.00) unless the information provided appears to be questionable or contradictory to prior statements made by the household, or if information on the application is inconsistent with the statements made by the applicant/recipient.

C. 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.

1. 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 210-RICR-40-00-3). The RIW Administrator, assistant administrator or RIW supervisor is consulted when there is a question of ownership of resources that cannot be otherwise resolved.

D. 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.

E. The sponsored non-citizen's resources include the deemed resources of the sponsor and sponsor's spouse (see § 2.17.2 of this Part). However, in a joint RI Works program/SSI household, the resources which are solely the SSI recipient's are not counted for RI Works purposes.

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

G. 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 electronic case record.

H. Trusts

1. Any funds in a trust, and the income produced by that trust to the extent it is not available to the assistance unit, shall be considered inaccessible to the assistance unit if all of the conditions listed below are met by the trust arrangement.

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

b. The trustee administering the trust is either

(1) A court or an institution, corporation, or organization that is not under the direction or ownership of any assistance unit member; or

(2) An individual appointed by the court who has court imposed limitations placed on his or her use of the funds; or

(3) An individual whose responsibilities are governed by the terms of the irrevocable trust, and who is furthermore not under the direction or control of any assistance unit member(s) in any way.

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

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

2.14.2 Excluded Resources

A. The amount of real and personal property that can be retained by each assistance unit may not be in excess of five thousand ($5,000.00) dollars equity value excluding the resources detailed in § 2.14.2 of this Part.

B. Real Property that is the Home

1. Real property that is excluded includes:

a. 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.

b. Property owned by a husband and wife if the deed indicates the property is held by them as tenants by the entirety and if the property is not the home of the assistance unit (as defined above) and if the spouse of the applicant/recipient refuses to sell his/her interest in the property. To ascertain if these conditions are met, the DHS worker must verify, by examination of the deed, that the parties own the property as tenants by the entirety and determine if the parties are still married because a divorce (but not a legal separation) automatically dissolves a tenancy by the entirety. If the three (3) conditions specified above appear to be met, the agency representative must refer the case, through the RIW Administrator, assistant administrator or RIW supervisor, 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.

C. Real Property other than the Home

1. In addition to the exclusion of the home in which the assistance unit is living, and property that is excludable as specified in § 2.14.2 of this Part, real property that is excludable is subject to the following provisions:

   a. 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 RIW Administrator, assistant administrator or RIW supervisor before it can be excluded.

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

   b. Any aid payable to the family for any such period shall be conditioned upon such disposal within six (6) months of the date of application and any payments of such aid for that period shall be considered overpayments to the extent that they would not have occurred at the beginning of the period for which such payments were made. All overpayments are debts subject to recovery in accordance with § 2.19.1 of this Part. Any month for which there is no net payment will not count toward the time limit.

   c. The family must notify the agency upon executing a purchase and sale agreement, a copy of which is submitted to the DHS worker. Further, within five (5) days of the closing, the family must provide the DHS worker with a copy of the closing or settlement sheet.

   d. 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 DHS worker, in consultation with the supervisor and, as needed, the RIW Administrator, assistant administrator or RIW supervisor determines the amount of the overpayment, if any, to be repaid and whether continuing eligibility exists.

   e. If repayment is necessary, guidance for transmission will be found in a DHS procedural transmittal.

   f. 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.

D. Other Income-Producing Property

1. Income-producing property other than real estate is excluded.

2. 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.

3. 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 five thousand dollars ($5,000.00) resource limitation.

E. Factors Determining Exclusion

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

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

   b. The suitability of the property to serve as one of the means to this goal; and

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

2. The RIW Administrator, assistant administrator or RIW supervisor is consulted when there is a question of whether such property should be excluded.

F. Income-Producing and Other Vehicles

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

   a. One vehicle for each adult household member but not to exceed two (2) vehicles per household, and

   b. The value of vehicles used primarily for income-producing purposes is excluded. Such vehicles include but are not limited to:

      (1) A taxi, truck, or fishing boat;

      (2) A vehicle which annually produces income consistent with its fair market value, even if only used on a seasonal basis;

      (3) A vehicle necessary to transport a family member with a physical disability where the vehicle is specially equipped to meet the specific needs of the person with a disability or if

the vehicle is a special type of vehicle that makes it possible to transport the person with a disability; and

(4) A vehicle used as a family's home.

G. Exclusion of Household Furnishings

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

H. Exclusion of Burial Plot

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.

I. Exclusion of Funeral Agreement

1. A bona fide funeral agreement, not to exceed one thousand dollars ($1,000.00) 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 five thousand dollars ($5,000.00) resource limit.

2. 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 RIW Administrator, assistant administrator or RIW supervisor before it can be excluded as a resource. Further, at each recertification, the DHS worker must review each excluded funeral agreement. Any new, significant information bearing on the agreement is submitted to the RIW Administrator, assistant administrator or RIW supervisor for evaluation and determination of its continued excludability.

J. Resources Excluded by Law

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

a. For twelve (12) months from the date of the receipt of the refund:

(1) Any portion of the refund of Federal income taxes, made to the family by reason of 26 U.S.C. § 32 of the Internal Revenue Code relating to the earned income tax credit or earned income tax rebate, and any advance payment of

such earned income credit made to such family by an employer;

(2) The total amount of a refund received after December 31st, 2009, consistent with provisions of the Unemployment Insurance Reauthorization and Job Creation Act of 2010, Pub. Law 111-312, regardless of whether the refund is the result of a refundable credit, over-withholding, or both. This provision established in the Unemployment Insurance Reauthorization and Job Creation Act of 2010, Pub. Law 111-312 shall not apply to any amount received after December 31st, 2012.

b. The resources of any family member receiving SSI;

c. Funds awarded under 20 C.F.R. § 416.1234 to the Red Lake Bank of Chippewa Indians.

d. Funds awarded under 20 C.F.R. § 416.1234 to the Assiniboine Tribe of the Fort Belknap Indian Community, and the Assiniboine Tribe of the Fort Belknap Indian Reservation.

e. Effective July 1, 2021, any Veteran's Disability Pension benefits received as a result of any disability sustained by the veteran while in the military service (see R.I. Gen. Laws § 40-5.2-10, as amended by Article 13).

2.14.3 Determination of Resources

A. The resource limit per assistance unit is five thousand dollars ($5,000.00) for all non-excluded resources. The DHS will accept self-attestation from households who report total resources below three thousand dollars ($3,000.00). However, if this information is discrepant with what is known to the Department, additional documentation may be requested from the applicant/recipient.

B. Resources which count toward the five thousand dollars ($5,000.00) 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.

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

D. 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 § 2.14.3 of this Part for further discussion of cooperation with regard to pursuit of resources.

E. Real Property

1. 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 five thousand dollar ($5,000.00) resource limit.

2. 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 five thousand dollars ($5,000.00) limit, see § 2.14.2 of this Part for conditions under which the property may be excluded.)

3. 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 DHS worker must obtain the information from the Recorder of Deeds, by telephone or other means.

4. The supervisor must consult the RIW Administrator, assistant administrator or RIW supervisor in assessing the value of property if the value is questionable in relation to the five thousand dollar ($5,000.00) resource limit.

F. Personal Property

1. 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.

2. Liquid Resources

a. 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.

b. The value of any liquid resources must be counted toward the five thousand dollar ($5,000.00) resource limit. If liquid resources exceed the five thousand dollar ($5,000.00) resource limit, alone or in combination with other resources, the applicant is ineligible or assistance is discontinued.

3. Medical Insurance

   a. If a family has any medical insurance, such as Blue Cross/Blue Shield, Neighborhood Health Plan of RI, United Health Plan of NE, Tufts, 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.

   b. The medical resource must be noted on the Application for Assistance.

4. Valuation of Vehicles

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

   b. Each vehicle owned by the household is handled as follows:

      (1) First, determine if the motor vehicle is excluded under § 2.14.2 of this Part. If the vehicle(s) is excluded, no further action is required.

      (2) 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 five thousand dollars ($5,000.00).

5. Nonessential Items

   a. 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.

   b. The value of recreational boats, art objects, or valuable collections are luxury items of unusual value represent resources that must be added to all other total resources to determine whether the resources are within the five thousand dollar ($5,000.00) limit. It is the current fair market value of the item rather than the item itself that determines the unusual value.

   c. The statement on the Application for Assistance (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).

d. 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.

e. If the total equity value is under the five thousand dollar ($5,000.00) limit, this amount must be added to all other countable resources to determine whether the total resources are within the five thousand dollar ($5,000.00) limit. If the value of the assistance unit's items exceeds the five thousand dollar ($5,000.00) resource limit, the applicant/recipient is ineligible.

6. Resources of Ineligible Household Members

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

2.14.4 Transfer of Resources

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

B. Resources Transferred in Application Month

1. 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.

2. If it exceeds the limit, eligibility does not exist in that month.

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

2.14.5 Assets Acquired After Receipt of RIW

If a recipient inherits real property which is being used, or is to be used by the recipient as a home, there is no bar to continuing eligibility. The equity value of any other real property must be considered, together with all other countable resources, in determining whether the household's resources are within the five thousand dollar ($5,000.00) resource limit.

2.14.6 Recovery of Resources After Death

A. 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.

B. These situations must be referred to the RIW Administrator, assistant administrator or RIW supervisor and forwarded to the Third (3rd) Party Liability Unit for a decision on action.

2.15 Income

2.15.1 Definition of Income

A. 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.

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

C. 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.

D. Child's Income

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

2. 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.

E. Documentation

1. The information the client supplies on the Application for Assistance and/or the Interim Report about income must be verified. Sources of verification include business records, wage stubs, income tax returns, award letters, other documents, as well as reports from Social Security, the Veterans' Administration, and other agencies. In some instances, when the individual is unable to obtain the information, the DHS representative may help to obtain the verification requested. The DHS representative may assist the individual in applying for other potential

sources of income. The individual is advised that s/he must inform the agency of the results.

2. 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.

2.15.2 Determining Eligibility

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

1. Exclude any income identified in § 2.15.3 of this Part.

2. Determine the gross earned income of all persons in the assistance unit (except the earnings of a dependent child).

3. Apply the earned income disregard to the earned income, if any.

4. Determine the unearned income of all persons in the assistance unit.

5. Total the earned income after disregards and unearned income; compare with the appropriate assistance standard for the unit.

2.15.3 Excluded Income

A. COVID-19 Crisis and the National Emergency

Emergency financial relief was provided under the Coronavirus Aid, Relief, and Economic Security (CARES) Act (Pub. Law 116-136), the Consolidated Appropriations Act, and the American Rescue Plan Act in 2020 and 2021, in response to the Coronavirus Disease 2019 (COVID-19) and the National Emergency and was issued to most individuals as Economic Impact Payments in the form of automatic tax credits or rebates, disbursed by the Treasury Department. When received, these payments were not treated as countable income and were not subject to Federal income tax. These payments are also excluded as a resource for a twelve (12) month period, from the time of receipt, when determining program eligibility.

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

1. Income received by any family member who is receiving Supplemental Security Income (SSI) assistance under Title XVI of the Social Security Act;

2. 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 (42 U.S.C. § 3058), as amended; and the value of food assistance benefits;

3. 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);

4. Foster care adoption and guardianship assistance payments are excluded when the adopted child is not included in the RI Works household;

5. Home energy assistance funded by State or Federal government or by a nonprofit organization;

6. 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 (42 U.S.C. § 4951 *et seq*.);

7. Payments to volunteers under VISTA (payments to volunteers under AmeriCorps are NOT excluded);

8. Certain payments to native Americans; payments distributed per capita to, or held in trust for, members of any Indian tribe under 20 C.F.R. § 416.1234; receipts distributed to members of certain Indian tribes which are referred to in 25 U.S.C. § 459e that became effective October 17, 1975;

9. Any portion of the refund of Federal income taxes, made to the family by reason of Internal Revenue Code 26 U.S.C. § 32 relating to the earned income tax credit (EITC) or earned income tax rebate, and any advance payment of such earned income credit made to such family by an employer;

10. 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 § 2.18 of this Part.

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

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

1. The value of home produce of an applicant/recipient utilized by him/her and his/her household for their own consumption.

2. Bona fide loans, educational assistance loans and grants, such as scholarships, obtained and used under conditions that preclude their use for current living costs.

3. Income equal to expenses attributable to the earnings of the income of a self-employed individual.

E. Exclusion of First Fifty Dollars ($50.00) of Child Support

1. The first (1st) fifty dollars ($50.00) of the child support payment paid in any month by a non-custodial parent of a child, or the actual amount of the child support payment if the payment is less than fifty dollars ($50.00), shall be paid to the family in which the child resides, and is excluded from the family's income. If more than one (1) non-custodial parent makes a child support payment to children living in the same family, there shall be only one (1) payment not to exceed fifty dollars ($50.00) paid to the family from the total child support collected.

2. 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 § 2.15.7(B) of this Part.

3. The exclusion may also be applied to payments for child support owed and collected that are in excess of the RI Works grant and are issued to the family. See § 2.15.7(C) of this Part for more information.

F. Earned Income Set Aside – effective July 1, 2021, (see R.I. Gen. Laws § 40-5.2-10, as amended by Article 13), the earned income of any adult family member who gains employment while an active RI Works household member. The RI Works household makes the decision about whether and when to apply this earned income set aside. As requested by an adult household member, such income is excluded for the first (1st) six (6) months of employment in which the income is earned, or until the household's total gross income exceeds one hundred eighty-five percent (185%) of the Federal Poverty Level, unless the household reaches its sixty (60) month time limit first.

G. Veteran's Disability Pension – effective July 1, 2021 (see R.I. Gen. Laws § 40-5.2-10, as amended by Article 13), any veteran's disability pension benefits received as a result of any disability sustained by the veteran while in the military service is excluded as income.

2.15.4 Earned Income

A. 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.)

B. Earned Income from Wages

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

2. Any legal attachment on wages is considered unavailable and is not counted in the determination of eligibility for and amount of RI Works. Under current law, the first (1st) fifty dollars ($50.00) 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.

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

C. Earned Income from Self-Employment. 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.

1. When a business is carried on at home, no part of the overhead is considered a business expense, except as specified in § 2.15.4(C)(5) of this Part. 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.

2. 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.

3. The RIW Administrator, assistant administrator or RIW supervisor is available to assist staff in determining income from self-employment. In a memorandum directed to the RIW Administrator, assistant administrator or RIW supervisor, 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).

4. 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 RIW Administrator, assistant administrator or RIW supervisor for review of continued eligibility.

5. Child Care Service Providers

   a. 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.

   b. 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.

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

   d. Expenses of Providing Child Care

      (1) 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.

      (2) Special equipment needed for the individual in care and furnished by the provider is also deductible regardless of where the service is provided. The average total expense of providing child care is thirty-two dollars ($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.)

      (3) 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.

6. Income from Roomer or Boarder

a. 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.

b. Monthly Cost of Maintenance

(1) Roomer: $25.00

(2) Boarder: $124.00

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

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

7. Rental Income

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

b. 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:

(1) The interest portion of mortgage, taxes, insurance, water, sewer charges, and special monthly assessments for sewer installation; and

(2) The cost of the tenant's heat, gas, and electric if provided in the rent by the homeowner.

c. To determine the net income of a property owner-client living in a two-family dwelling, one half (1/2) of the expenses in § 2.15.4(C)(7)(a) of this Part plus the expenses in § 2.15.4(C)(7)(b) of this Part are deducted from the gross rental; in a three (3) family dwelling, two thirds (2/3) of the expenses in § 2.15.4(C)(7)(a) of this Part plus the expenses in § 2.15.4(C)(7)(b) of this Part are deducted; in a four (4) family dwelling, three fourths (3/4) of the expenses in § 2.15.4(C)(7)(a) of this Part plus the expenses in § 2.15.4(C)(7)(b) of this Part are deducted.

d. When the client does not live in the rental property which is within the five thousand dollar ($5,000.00) Resource Limit, the income is determined by subtracting from the gross rental income, the expenses of maintaining the property as outlined above.

2.15.5 Income Disregards

A. 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.

B. 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.

1. Exclusion of Earnings of a Dependent Child

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

    b. Disregard three hundred dollars ($300.00) plus one half (1/2) of the earned income not already disregarded (applied to net income after the disregards described above). This disregard is allowed for each individual who has otherwise been found eligible to receive cash assistance.

2. Dependent Care Disregard

    a. 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.

    b. This disregard may not exceed one hundred seventy-five dollars ($175.00) per month per child age two (2) and older or an incapacitated adult. For a child under the age of two (2), this disregard may not exceed two hundred dollars ($200.00) per month.

    c. Payments actually made for dependent care must be verified.

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

2.15.6 Other Sources of Income

A. 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, Retirement, Survivors, and Disability Insurance (RSDI), Unemployment Insurance (UI), Temporary Disability Insurance (TDI), or Veterans' Benefits.

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

C. Federal and State Insurance-UI & TDI. 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 Unemployment Insurance if unemployed but able to work or Temporary Disability Insurance (TDI) if unemployed but unable to work.

D. Retirement, Survivors, and Disability Insurance (RSDI) Income

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

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

3. Identifying Potential Beneficiaries

a. Retirement Benefits can be paid to:

(1) 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).

(2) The spouse of a retired or disabled worker who:

(AA) Is age sixty-two (62) or over; or

(BB) 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.

(3) A spouse is eligible, if the marriage has been in effect for one (1) year and in some instances, less than a year.

(AA) Spouses of defective ceremonial marriages entered into in good faith are also eligible.

(BB) 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.

(CC) 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.

(DD) The dependent, unmarried child of a retired or disabled worker entitled to benefits, if the child is:

(i) Under age eighteen (18); or

(ii) Age eighteen (18) or over but under a disability which began before age twenty-two (22).

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

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

(1) The surviving spouse, (including a surviving divorced spouse) if the widow(er) is age sixty (60) or over.

(2) The surviving spouse with a disability, (including a surviving divorced spouse in some cases) if the widow(er) is age fifty (50) to fifty-nine (59) and becomes disabled not later than seven (7) years after the worker's death, or in case of a widow(er), within seven (7) years after s/he stops getting checks as a widow(er) caring for a worker's children.

(3) The surviving spouse, or surviving divorced spouse if caring for an entitled child (under age sixteen (16) or disabled) of the deceased.

(4) The dependent, unmarried child of a deceased insured worker if the child is:

(AA) Under age eighteen (18); or

(BB) Age eighteen (18) or over but under a disability which began before age twenty-two (22).

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

E. Disability Benefits

1. 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.

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

F. Veterans Administration Benefits

1. 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.

2. Dependents and survivors of the veteran may also be eligible.

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

4. Potentially eligible individuals may be referred directly to the Veterans Administration Regional Office.

5. An agency form is used to verify benefits for the veteran and/or for the dependent.

G. Worker's Compensation. 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 §§ 2.3 and 2.7 of this Part.

H. Insurance Settlement. 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 § 2.15.6(Q) of this Part.

I. Money or Goods from Other Agencies. 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.

J. Non-Legally Liable Relative Contribution. 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 thirty dollars ($30.00) per recipient in any quarter.

K. Income-In-Kind

1. 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.

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

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

L. Interest and/or Dividends. When a recipient who is allowed to retain resources, in accordance with § 2.14.3 of this Part, receives interest or dividends, the amount received is considered as income.

M. Income from Legally Liable Relatives

1. When an absent parent pays support directly to the applicant, recipient or child, this income must be forwarded to the Office of Child Support

Services in accordance with the policy and procedures in §§ 2.10 and 2.15.7 of this Part.

2. Also see § 2.16 of this Part for the treatment of the income of a legally liable relative.

3. For the treatment of the income of a parent of a minor unwed parent, see § 2.16 of this Part.

N. Income of Joint RI Works/SSI Household

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

2. 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.

3. 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.

4. 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.

5. 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.

O. When considered for RI Works cash assistance, AmeriCorps and AmeriCorps/VISTA involvement are two (2) separate programs, and the income is treated in different ways.

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

2. If the income letter or paystub cites "AmeriCorps/VISTA," the income is excluded from consideration for the cash assistance program.

P. Treatment of Lump Sum Income

1. Lump sum income is considered income in the month of receipt, but becomes considered as a resource upon the first (1st) moment of the following month. Lump sum may make a case ineligible due to excess income (using the income-counting rules) in the month of receipt. If this is found to be the case, the DHS worker should consider the case for reinstatement of cash assistance the following month, with the amount received as income then considered as a resource.

2. Countable resources are determined as of the First (1st) Moment of the Month (FOM). The determination is based on the resources the individuals own, their value, and whether or not they are excluded as of the first (1st) moment of the month. The FOM rule establishes a point in time at which to value resources; what a person owns in countable resources can change during a month but the change is always effective with the following month's resource determination. The kinds of changes that can occur are:

    a. Changes in Value of Existing Resources. The value of an existing resource may increase or decrease. For example, the value of a share of stock may decrease by thirty dollars ($30.00) or increase by twenty dollars ($20.00).

    b. Disposition or Acquisition of Resources. An individual may dispose of an existing resource (e.g., close a savings account and purchase an item) or may acquire a new resource (e.g., an inheritance which is subject to the income-counting rules in the month of receipt).

    c. Change in Exclusion Status of Existing Resources. An individual may replace an excluded resource with one that is not excluded (e.g., sell an excluded automobile for non-excluded cash) or vice versa (use non-excluded cash to purchase an excluded automobile). Similarly, a time-limited exclusion may expire.

3. If countable resources exceed the limit as of the first (1st) moment of a month, the recipient is not eligible for that month, unless the resources are reduced by expenditure on certain allowable expenses.

Q. Reduction of Lump Sum Income/Resource

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

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

    b. S/he reduces the excess resources to the appropriate resource limit by actually paying the allowable expenses or fees, and submitting

verification thereof within thirty days of the date of the rejection or closing notice. Both the expenditure of the resource and submission of verification of the expenditure and the reduced resource must occur within the thirty-day time period.

2. The bills used to establish eligibility cannot be incurred earlier than the first (1st) day of the third (3rd) month prior to the date of an application that is eventually approved.

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

4. An individual who reduces resources and is otherwise eligible will be eligible as of the date the incurred allowable expenses equaled or exceeded the amount of his or her excess assets, subject to verification that the excess resource was actually expended on the allowable expense. In no event shall the first (1st) day of eligibility be earlier than the first (1st) day of the month of application.

5. The applicant will be required to verify that:

   a. S/he incurred the necessary amount of expenses; and,

   b. His or her excess resources were reduced to the allowable resource limit by expenditure of the excess resource on the allowed expense.

2.15.7 Child Support Income

A. 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).

B. Direct Support

1. 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.

2. The amount of support is ultimately established by court order.

3. When an applicant or recipient informs the DHS worker 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.

4. Treat Direct Payments as Income

   a. Except for the first (1st) fifty dollars ($50.00) 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 § 2.15.3 of this Part) received in the month of application, or until the end of the month in which the payment is authorized, must be budgeted as income.

   b. The purpose of treating direct payments as income in this initial determination period is to provide sufficient time for the referral of the case to the Department of Human Services, Office of Child Support Services, before child support payments are directed there. In subsequent months, direct support payments that are covered by the assignment and paid to the Department of Human Services, Office of Child Support Services, as required, are not considered as income in computing the amount of the assistance payment for which the recipient is eligible (see § 2.15.7 of this Part concerning the child support pass through).

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

   Rhode Island Family Court

   One Dorrance Plaza

   C/O Bookkeeping Unit

   Providence, RI 02903

6. Recipients of direct support must also be advised:

   a. Not to send cash through the mail;

   b. 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;

   c. To endorse all checks and money orders by writing the words "Payable to the Department of Human Services, Office of Child Support Services," and then signing their name;

d. Not to give support payments to DHS employees to be forwarded to Rhode Island Family Court; and

e. To notify the Department of Human Services, Office of Child Support Services, in writing when there is a lapse in direct support payments.

7. It is especially important to convey the above information when an applicant is receiving direct support payments around the time of application.

8. 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 § 2.7.8 of this Part.

C. Support Paid through Family Court

1. When support is paid through the Department of Human Services, Office of Child Support Services (DHS-OCSS), or its agents, a check is issued up to the fifty dollar ($50.00) pass through amount to which the recipient is entitled. Any amount collected during the month which represents payment on the required support obligation for that month, and is in excess of the pass through, shall be retained by the State to reimburse, in whole or in part, the assistance payment for the month in which the support was collected, for unreimbursed assistance for prior months, if child support arrears exist, or for future support. If the monthly amount owed and collected is greater than the assistance payment for the month, DHS authorizes payment to the family an amount equal to the difference between the assistance payment for the month and the court ordered amount for that month. Any such checks issued to recipients in excess of the pass through payments and cash assistance reimbursements must be counted as child support income for RI Works cash assistance purposes.

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

3. When the agency representative learns of the payment of excess of grant monies, s/he reviews the eligibility system which displays both the pass through and child support income paid.

4. The agency representative must reconcile any discrepancies by contacting the recipient, checking the electronic case through the OCSS Interface and, if necessary, contacting DHS-OCSS for clarification.

D. Payment of Child Support Pass Through

1. For any month in which a noncustodial parent makes a child support payment in the month when due and the support is collected by DHS-OCSS for a child or children receiving RI Works cash assistance, the first (1st) fifty dollars ($50.00) of the child support payment, or the actual amount of the child support payment if the payment is less than fifty dollars ($50.00), shall be paid to the family in which the child resides. If more than one (1) noncustodial parent makes a child support payment to children living in the same family, there shall be only one (1) payment of fifty dollars ($50.00) paid to the family from the child support collected. This payment, known as the "pass through" payment, shall be sent to the family within two (2) business days of the determination of the amount that is due and owing and no later than within two (2) business days of the end of the month in which the support was collected.

2. The pass through payment is excluded from income in calculating the family's RI Works cash assistance amount in accordance with § 2.15.3 of this Part. However, the fifty dollars ($50.00) pass through is counted as income in the Supplemental Nutrition Assistance Program.

E. Distribution of Child Support of SSI Child

1. When one (1) of the children in a family in receipt of benefits from the RI Works Program receives Supplemental Security Income (SSI), DHS-OCSS shall distribute to the custodial parent all child support collected on behalf of the minor SSI child.

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

    a. 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.

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

3. The Department of Human Services, Office of Child Support Services, must provide to the custodial parent of an SSI child a semi-annual statement which discloses the amount of child support collected and distributed during the preceding two (2) 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.

2.15.8 Student's Income

A. 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.

B. 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.

C. 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.

D. 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.

E. Federally or Non-Federally Supported Sources

1. 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.

2. 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 § 2.12.3(A)(3) of this Part, Excluded Income.)

2.15.9 Deemed Income

A. 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.

B. There are three (3) groups of individuals whose income must be deemed available to the assistance unit. These are:

1. Parent(s) of a minor parent or pregnant minor when s/he is living in the same household:

a. 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:

(1) The minor parent lives with his/her own parent(s); and

(2) The parent(s) is (are) not receiving assistance themselves.

b. 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 § 2.16 of this Part.

2. Sponsors of non-citizens:

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

b. A sponsor is anyone who executed an affidavit of support or similar agreement on behalf of a non-citizen as a condition of the non-citizen’s entry into the United States. This provision does not apply to non-citizens who were sponsored by private or public organizations. The policy and the method for calculating deemed non-citizen sponsorship income (and resources) is found in § 2.17 of this Part.

3. Parent(s) of a child(ren) who is (are) ineligible to receive cash assistance themselves.

a. Ineligible Parent of Children

In most cases, the parent of a child is required to be included in the assistance unit, refer to § 2.4 of this Part for a complete discussion of the Assistance Unit rules. In certain instances, a parent cannot be included in the cash payment. This occurs when the parent is either statutorily barred from cash assistance eligibility or disqualified from the cash assistance program. However, all parents, even if not included in the receipt of benefits, are required

to cooperate with RI Works work plan and opportunities unless exempted specifically from the work requirements.

(1) Income of Statutorily Barred Parent

(AA) A ninety dollar ($90.00) disregard and any applicable dependent care disregard is applied to the earned income of a statutorily barred parent. In addition, an amount is allocated to meet the parent's own needs. This is done by subtracting the cash assistance standard for a plan size excluding the parent from the cash assistance standard for a plan size including the parent.

(BB) 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.

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

(2) Income of Disqualified Parent

(AA) 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.

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

b. Income of the Spouse of a *Loco parentis* (L.P.) Caretaker

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

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

(AA) Earned Income. From the spouse's monthly gross earned income, disregard the first (1st) ninety dollars ($90.00).

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

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

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

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

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

(GG) If this income renders the assistance unit ineligible for cash assistance, the L.P. caretaker has the option to apply for cash assistance for the child(ren) in his/her

care only, without requesting for him/herself. In this situation, no income or resource from either adult (the L.P. caretaker or the spouse) would count towards the child's or children's eligibility.

2.16 Support of Dependent Children

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

B. 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 § 2.16.2 of this Part.

2.16.1 Support of Unwed Minor Parent

A. By Federal court order, unwed parents under eighteen (18) years of age are eligible to apply for assistance and to receive cash assistance, if otherwise eligible. Therefore, age by itself is not a barrier to eligibility for cash assistance from the RI Works Program. For additional eligibility requirements for minor parents and pregnant minors, see § 2.12 of this Part.

B. 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 § 2.16.2 of this Part is followed. Thus, an amount, based upon assistance payment standards, is disregarded to meet the parent's own needs.

C. 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.

2.16.2 Minor Parent Living in Parental Home

A. When an unwed minor parent is living in the home of her/his parent(s) and/or stepparent, the income of the parent(s) and/or stepparent must be determined first. This determination is made by following the procedures set forth in § 2.16.3 of this Part.

B. 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).

2.16.3 Deeming of Grandparent's Income

A. 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.

B. 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 an 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:

1. Earned Income. From the parent(s) and/or stepparent's monthly gross earned income, disregard the first (1st) ninety dollars ($90.00).

2. 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.

3. 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.

4. 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.

5. 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.

2.17 Income of Non-Citizen with Liable Sponsors

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

B. Those non-citizens who meet the date of entry criteria and are not exempt as outlined in § 2.17.1 of this Part 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.

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

2.17.1 Non-Citizens Exempted from Sponsor Liability

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

1. Dependent children of the sponsor or of the sponsor's spouse;

2. 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 Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601;

3. Admitted as refugees to the United States as a result of the application, after 3/31/81, of the provisions of 8 U.S.C. § 1157;

4. Paroled into the United States as a refugee under 8 U.S.C. § 1182;

5. Granted political asylum by the Attorney General under 8 U.S.C. § 1158;

6. Cuban or Haitian entrants, as defined in Refugee Education Assistance Act of 1980, Pub. Law 100-200;

7. Amerasians admitted to the United States under the provisions of the Amerasian Homecoming Act, Pub. Law 100-200.

2.17.2 Sponsor Definition and Responsibility

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

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

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

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

2.17.3 Considerations Relating to Sponsoring Agency

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

B. The obligation to support is considered to have ceased if the agency:

1. No longer exists, or

2. Has become unable to meet the non-citizen's needs.

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

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

2.17.4 Responsibility of Non-Citizen

A. A non-citizen must provide information and documentation of her/his sponsor and the sponsor's income and resources. Moreover, the non-citizen is responsible in obtaining the cooperation of the sponsor for the purpose of determining what income and resources can be deemed to the non-citizen.

B. Non-citizens who do not obtain this cooperation or supply this information are not eligible to receive cash assistance.

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

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

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

Dept. of Homeland Security

10 Fountain Plaza

Buffalo, NY 14202

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

1. The sponsor's total monthly earned income is reduced by twenty percent (20%) (not to exceed one hundred seventy-five dollars ($175.00) 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.

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

3. The remaining monthly amount is deemed as unearned income to the non-citizen who is applying for cash assistance.

G. Calculation of Resources Deemed to Non-citizen

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

2. In determining the resources of a sponsor to be deemed to the non-citizen, the resource exclusions in § 2.14.2 of this Part shall be applied and the value in excess of one thousand five hundred dollars ($1,500.00) shall be considered available to the non-citizen.

H. Prorating Income and Resources of Sponsor

1. In a case where a person is the sponsor of two (2) or more non-citizen individuals, the deemed income and resources of the sponsor and of the sponsor's spouse are divided equally among the non-citizens.

2. In a case where a person is the sponsor of two (2) or more non-citizen families, the deemed income and resources of the sponsor (and of the sponsor's spouse, if living together) are divided equally among the non-citizens applying for or receiving assistance.

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

I. Overpayments. When overpayments are made to a non-citizen because a sponsor failed to provide correct information, both the sponsor and non-citizen are held responsible. Refer to policy on overpayments in § 2.31 of this Part for procedures.

2.18 Standards of Assistance

Effective July 1, 2021, (see R.I. Gen. Laws § 40-5.2-10, as amended by Article 13), the RI Works Standards of Assistance has increased. The monthly amount of cash assistance can be found in § 2.18.1 of this Part.

2.18.1 RI Works Standards of Assistance

A. 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.

B. Payment to eligible families is made semi-monthly. The conversion of monthly dollar amounts to semi-monthly payment amounts is done automatically by the eligibility system.

Plan Size	Cash Assistance Monthly Standard	Cash Assistance Semi-Monthly Amount
1	$425.00	$212.50
2	$584.00	$292.00

3	$721.00	$360.50
4	$825.00	$412.50
5	$929.00	$464.50
6	$1,033.00	$516.50
7	$1,137.00	$568.50
8	$1,241.00	$620.50
9	$1,345.00	$672.50
10	$1,449.00	$724.50
11	$1,553.00	$776.50
12	$1,657.00	$828.50
13	$1,761.00	$880.50
14	$1,865.00	$932.50
15	$1,969.00	$984.50
Add for each person over 15	$104.00	$52.00

2.18.2 Subsidized Housing Adjustment

Effective July 1, 2021, (see R.I. Gen. Laws § 40-5.2-10, as amended by Article 13), the subsidized housing adjustment has increased for RI Works recipients. With the increase to this adjustment, the RI Works payment standard is reduced by sixty-five dollars ($65.00) for any family residing in subsidized housing.

2.18.3 Determination of Assistance Plan Size

A. 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 § 2.4 of this Part) and are otherwise eligible or when a request for their support is made, they are in need, and are otherwise eligible.

1. Eligible Child(ren)

   a. An eligible child who meets the eligibility factor of age as defined in § 2.5.2 of this Part, and who is living with a relative, as defined in § 2.5.3 of this Part is included in the assistance unit.

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

2. 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.

3. Unwed Natural Father. 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 § 2.5.3 of this Part).

4. 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 (6th) month of pregnancy (see Table in § 2.5.8 of this Part) and~~ when the pregnancy is verified.

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

6. 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.

7. Persons Not Married. When there are two (2) 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 (1) or more of the dependent children, the household may comprise two (2) separate cash assistance cases and

payments, provided the two (2) persons do not have a child in common (or the members of the household are not otherwise required to compose a single assistance unit). If the caretakers have a common eligible child, all members of the conjoint family must be consolidated into a single unit receiving one (1) payment.

B. 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.

2.18.4 Children in Custody of DCYF

A. 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.

B. Children in Placement with Relatives. 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.

2.18.5 Minimum Monthly Payment

A. Pursuant to R.I. Gen. Laws § 40-5.2-16, no payment of cash assistance shall be made for any month if the amount of such payment would be less than ten dollars ($10.00).

B. Monthly Deficit Less Than Ten Dollars ($10.00)

1. If the monthly deficit in a cash assistance grant is less than ten dollars ($10.00) after eligibility is determined and appropriate income applied, no cash payment can be made for that month.

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

3. 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 ($10.00) per month but that eligibility for cash assistance continues.

4. 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.

C. 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.

D. Monthly Deficit Ten Dollars ($10.00) or More. If the monthly deficit is ten dollars ($10.00) or more, the payment is issued regardless of the amount. If the monthly deficit is less than ten dollars ($10.00) per month, no payment is issued as per regulations set forth above.

E. 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 electronic eligibility system file. All pertinent eligibility and cooperation requirements must continue to be met.

2.18.6 Post-Closure Employment Incentive Bonus

A. The family/assistance unit may be eligible for an incentive bonus,

1. If cash assistance closes,

2. The participant is working at least thirty (30) hours per week for a single-parent family or at least thirty-five (35) hours per week for a two (2) parent family at the time of closure, and

3. The participant remains employed at the standards listed in § 2.18.6(A)(2) of this Part.

4. This bonus is not to be issued in excess of a period of twelve (12) months.

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

C. It is especially noted that assignment of support rights, as described § 2.7.8 of this Part, will be terminated at closure and not reinstated during the period of receipt of a post-closure employment incentive bonus.

2.18.7 Clothing Allowance

The clothing allowance is a once-a-year payment issued separately from the regular payroll for children residing in Rhode Island Works cash assistance families. The amount of the clothing allowance shall be determined subject to the amount appropriated for that purpose.

2.18.8 Payment of Burial Expenses

A. 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.

B. The agency representative records the pertinent information on a referral form and transmits it, attached to a copy of the most recent Application for Assistance, to the GPA Unit for determination of eligibility for payment to meet burial expenses. If eligibility exists, the GPA worker authorizes a payment through GPA funds pursuant to policy in § 3.24 of this Subchapter.

2.18.9 Emergency Assistance

To the extent that the Department has allocated resources for this purpose, DHS may provide assistance to individuals in families who are RI Works recipients to meet certain emergency needs as defined within this section which cannot be met with the cash resources available to the family. The emergency assistance will be limited to the lesser of actual cost or the amount of two hundred dollars ($200.00), and the expense will only be reimbursable if the Department has pre-approved the expenditure.

2.18.10 Catastrophic Assistance

A. 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 ($200.00) limit specified in § 2.18.9 of this Part.

B. 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.

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

D. 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.

E. Criteria for Catastrophic Assistance

1. 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:

    a. To be considered, the incident must be reported immediately by the recipient to the agency at the district office.

    b. The incident must be a catastrophe caused by fire, flood, lightning, severe wind, or other act of nature.

    c. The catastrophe or disaster must have occurred at the address recorded in the case record. However, if it occurred at a different address, the recipient must demonstrate that s/he had moved and was living there prior to notifying the agency. Acceptable evidence of residence may include, for example, a moving bill 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 RIW Administrator, assistant administrator or RIW supervisor for a decision on whether this condition for emergency assistance has been met.

    d. Coverage is limited to possessions of the recipient or those of other member(s) of the RI Works assistance unit.

    e. Whenever possible, community resources must first be explored and utilized.

    f. 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.

    g. 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.

    h. Thefts of clothing and household furnishings and equipment are specifically not covered.

    i. If repeated emergencies occur for one case, or the circumstances are questionable, payment may be denied.

2. Agency Responsibilities

    a. 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.

b. The HSU is responsible for determining at once the need for immediate replacement of clothing which is provided through RI Works funds. If an individual recipient's clothing has been destroyed, funds for immediate replacement of clothing can be authorized up to the maximum of one hundred twenty-three dollars ($123.00) per person.

c. The DHS worker is responsible for authorizing payments for replacement clothing through the eligibility system.

d. The housing worker is responsible for verifying and documenting the need for repair or replacement of essential household items.

e. 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 § 2.18.10 of this Part, if repair or replacement of essential household items is requested.

f. A written report must be prepared by the housing worker for review by the RIW Administrator, assistant administrator or RIW supervisor 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 § 2.18.10(E) of this Part. It must contain firsthand information and documentation required to support and verify the recipient's request for repair or replacement.

g. A police or fire department official and any appropriate collateral source is contacted and a written report requested to accompany the report to the RIW Administrator, assistant administrator or RIW supervisor. 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 housing worker must submit her/his report within five (5) working days of the recipient's notification.

h. 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 RIW Administrator, assistant administrator or RIW supervisor, can be replaced at agency expense. Items not on the list, such as a television or other entertainment equipment, are not replaced.

i. The maximum amount of catastrophic assistance which can be authorized for clothing per recipient is one hundred twenty-three dollars ($123.00). The housing worker may recommend that the Eligibility Technician authorize up to this amount, as necessary, less any amount previously authorized, if the individual recipient's clothing was destroyed.

j. 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 RIW Administrator, assistant administrator or RIW supervisor to further evaluate the situation and to better assist the recipient.

k. The RIW Administrator, assistant administrator or RIW supervisor reviews the report and discusses it, if necessary, with the housing worker and determines the final amount of the payment.

l. Throughout the process, the Case Chronology in the eligibility system must be annotated by both the HSU representative and the Eligibility Technician in the electronic case record, as appropriate with the chronology of contacts and information relating to the catastrophe.

3. Denial of Catastrophic Assistance. If payment for catastrophic expenses is denied, the housing worker enters the denial in the electronic case record, including the reason for the denial.

2.18.11 Moving Expenses

A. Emergency assistance for moving expenses is limited to payment of in-State moving expenses for families who are forced to move their place of residence. Acceptable instances of "forced to move" are situations which threaten the health and well-being of families, including but not limited to:

1. Fire/Natural disaster;

2. Uninhabitable housing;

3. Unsafe (substandard) housing;

4. 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);

5. Lead hazard problems causing the housing to be unsafe;

6. Domestic violence;

7. Foreclosure (self-owned home);

8. Evictions;

9. Situations where the tenant has been asked to vacate;

10. Homelessness; or

11. 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.

B. Verification Criteria for Payment of Move

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

a. Fire/natural disaster: a written report from a police or fire department official and/or any appropriate collateral source, such as the Red Cross;

b. Uninhabitable housing: a notice from the local code enforcement authority vested with the authority to issue such notice of a finding that the residence is unfit for inhabitation;

c. Unsafe (substandard) housing: memorandum from local code enforcement or DHS worker detailing such conditions. The memo must be approved by the Housing Unit Supervisor;

d. Unsafe living conditions: police report;

e. Lead hazard: Inspector's Report from the RI Department of Health;

f. Domestic violence:

(1) Through an assessment by the domestic violence advocate and/or DHS worker and one (1) 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 § 2.13 of this Part if the individual has not already been referred.

g. Foreclosure: letter of foreclosure from the mortgagor;

h. Eviction: notice and demand to vacate property, or court pleading initiating an eviction, or court order of eviction;

i. Situations where the tenant has been asked to vacate: letter from landlord demanding termination of tenancy;

j. Homelessness: letter from shelter or previously verified by DHS AND bill or receipt from storage site/facility; and

k. Other situations/circumstances: the DHS worker within housing services unit (HSU) must document the circumstances and reasons in a memorandum, including any available appropriate supporting documentation to the RIW Administrator, assistant administrator or RIW Supervisor.

C. Authorization of Moves:

1. The Department reimburses the recipient for the incurred expense for an approved move up to a maximum of two hundred dollars ($200.00). It is the responsibility of the recipient to pay a vendor. The Department has no further responsibility to meet the moving expense.

2. The Department makes no provision to meet the cost of out-of-State moves. This prohibition may be waived by the RIW Administrator, assistant administrator or RIW supervisor in unusual or exceptional circumstances.

3. 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 RIW Administrator, assistant administrator or RIW supervisor for unusual or exceptional circumstances based on a report by the HSU.

4. When a request for payment of a move is received by the DHS worker, s/he advises the client to contact the housing worker.

2.18.12 Protective Payments

A. 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.

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

C. Authorizing a Protective Payee

1. 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.

2. 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.

D. The protective payee must update and co-sign the current Application for Assistance in the case file, and a notation added to the electronic case record. Only the pertinent information on the form relating to the eligible person(s) is to be completed.

E. 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.

2.19 Electronic Benefit Transfer (EBT)

2.19.1 Electronic Benefit Transfer (EBT) Cards

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

B. EBT Card Issuance

1. An EBT card is issued to the applicant in the RI Works/SNAP case. In two (2) parent families, a card is issued to one (1) parent and another card may be issued to the other parent as an authorized payee.

2. RI EBT cards are issued in all RI Works district offices and Supplemental Nutrition Assistance Program offices using special card embossing and PIN selection machines.

C. Personal Identification Number (PIN)

1. 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.

2. Authorized payees must have their own RI EBT card and their own PIN. (See § 2.19.6 of this Part, EBT Cards for Authorized Payees.)

3. When using an RI EBT card, the cardholder is allowed four (4) attempts to enter the correct PIN. On the fifth (5th) try, the cardholder is locked out of the EBT system until the next day. However, the card is not confiscated by the ATM. Cardholders must call the Customer Service Help Line at 1-888-979-9939 for assistance.

D. Payment of EBT Cash Assistance

1. Payment of RI Works Program cash benefits through an electronic benefit transfer (EBT) system is authorized by R.I. Gen. Laws § 40-5.2-31. Cash benefits are credited to an EBT account in the recipient's name by 5:00 a.m. on the first (1st) and sixteenth (16th) of the month including weekends and holidays.

E. Accessing EBT Cash Benefits

1. 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.

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

3. Each month, recipients can make a total of two (2) free cash withdrawals from ATMs. For each additional ATM cash withdrawal in the month, a fee of forty-five (45) cents is charged. The fee is automatically deducted from the recipient's cash benefit account.

4. Disputes regarding recipients' EBT cash account balances are handled by the EBT Customer Service Help Line at 1-888-979-9939.

2.19.2 Restrictions on Use of EBT Cash Benefits

A. Pursuant to 45 C.F.R. § 264, it is prohibited for a TANF recipient to use their TANF cash assistance benefits received under RI Works, R.I. Gen. Laws Chapter 40-5.2, in any electronic benefit transfer transaction (EBT) in:

1. Any liquor store; or

2. Any casino, gambling casino, or gaming establishment; or

3. Any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.

B. The Department is working with the EBT contractor to block the use of the EBT card in these restricted establishments.

C. Definitions – (For purposes of above.)

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

2. "Casino, Gambling Casino, or Gaming Establishment" – the terms 'casino', 'gambling casino', and 'gaming establishment' do not include:

   a. A grocery store which sells groceries including such staple foods and which also offers, or is located within the same building or complex as, casino, gambling, or gaming activities; or

   b. Any other establishment that offers casino, gambling, or gaming activities incidental to the principal purpose of the business.

3. "Adult-oriented entertainment" refers to any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment, also known as "strip clubs." Further clarification of these retail establishments includes venues that prohibit the entrance of minors under the age specified by State law.

4. “Electronic benefit transfer transaction” means the use of a credit or debit card service, automated teller machine, point-of-sale terminal, or access to an online system for the withdrawal of funds or the processing of a payment for merchandise or a service.

2.19.3 Penalties for Using EBT at Restricted Locations

A. Any person receiving cash assistance through the RI Works Program who knowingly uses an EBT card in violation in § 2.19 of this Part in an establishment that has not blocked the restricted transaction, shall be subject to the following penalties:

1. For the first (1st) violation, the household will be sent a warning that a prohibited transaction occurred;

2. For the second (2nd) violation, the household will be charged a penalty in the amount of the EBT transaction that occurred at the prohibited location;

3. For the third (3rd) and all subsequent violations, the household will be charged a penalty in the amount of the EBT transaction that occurred at the prohibited location AND for the month following the month of infraction, the amount of cash assistance to which an otherwise eligible recipient family is entitled shall be reduced by the portion of the family's benefit attributable to any parent who utilized the EBT card in a restricted location. For a family size of two (2), the benefit reduction due to noncompliance with use of EBT at a restricted location shall be computed utilizing a family size of three (3), in which the parent's portion equals one hundred five dollars ($105.00).

B. All actions pertaining to the collection of penalties/outstanding claims described in this section are handled by the Collections, Claims and Recoveries Unit (CCRU) of the Department of Human Services (refer to www.DHS.ri.gov for contact information).

2.19.4 Fair Hearing Request

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

B. The request is made in writing by the individual or his/her authorized representative in accordance with Part 10-00-1 of this Title.

2.19.5 Replacement of EBT Cash Benefits

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

B. 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 EBT Customer Service Help Line. Their customer service representative changes the status of the card from "valid" to "lost" or "stolen" thereby protecting any unused benefits.

2.19.6 Lost, Stolen, or Damaged EBT Cards

A. Cardholders must report lost, stolen, or damaged RI EBT cards to the EBT Customer Service Help Line. 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 cannot be replaced.

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

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

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

1. A catastrophe caused by fire, flood, or a severe weather condition;

2. Lost or stolen mail confirmed by the Postal Service;

3. Unanticipated household emergency;

4. Domestic violence situation; or,

5. Homelessness

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

1. Recovery through recoupment/restitution (See § 2.24.4 of this Part for policy relating to establishing and collecting claims against households); and/or

2. Referral for criminal prosecution.

2.19.7 EBT Cards for Authorized Payees

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

B. If the same individual is acting as both an authorized payee for the family's RI Works cash benefits and as an authorized representative for the household's Supplemental Nutrition Assistance benefits, only one (1) EBT card is issued.

C. Recipients may cancel their authorized payee/authorized representative at any time by calling the 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.

2.19.8 Stale EBT Cash Accounts

A. 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 is specific to withdrawal activity. Inquiring against an outstanding benefit does not constitute access to the account.

B. 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.

2.20 Budget Methodology

2.20.1 Prospective Budgeting

A. In the process of determining eligibility for and the amount of RI Works cash assistance, prospective budgeting is used. Eligibility is established based on the knowledge and reasonable expectation of what income and circumstances will exist in the month for which a payment is authorized. The agency representative must determine all factors of eligibility prospectively for all payment months.

B. Two (2) separate actions must always take place in determining eligibility:

1. A current determination of all factors of eligibility is made.

2. If the case is found eligible, the amount of the grant for the payment month is calculated using the prospective method.

C. The prospective budgeting method is used to determine the income which will exist during the period of eligibility for cash assistance under the RI Works

Program. This means that weekly income for these cases is converted to a monthly amount using the 4.3333 weeks per month conversion method.

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

1. Between the initial determination of eligibility and redetermination;

2. Between redeterminations;

3. Following a change in income or circumstances which is

a. Reported by the recipient or

b. Discovered by the Department.

2.20.2 Authorizing Assistance

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

2.21 Changes to Household

2.21.1 Reporting Changes

A. New Household Member. A new household member joining a household may qualify for assistance from the RI Works program. The date the agency is notified of the addition of the family member constitutes the official application date for that member.

B. An Application for Assistance need not be completed for a new member being added to the unit, but the electronic case record must be updated to reflect the request for assistance for the member and the date it was made. The DHS worker adds or revises the electronic case record with the new member's information and approves any retroactive and current versions of eligibility.

C. Change in Financial Need. 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.

D. 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.

2.21.2 Reporting Requirements

A. In the initial contact with the DHS, and generally in any subsequent contacts, the adult family members are made aware of her/his responsibility to report any changes in income, resources, family composition, or other factors which can affect eligibility or payment level, within ten (10) days of the change in circumstances with the following exception:

1. 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.

B. Ten (10) Day Reporting Requirement. The following changes must be reported by the household within ten (10) days of the change occurring:

1. 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;

2. Changes in the amount of gross monthly earned income of more than one hundred dollars ($100.00) from the amount last used to calculate the household's allotment;

3. Changes in the amount of unearned income of more than fifty dollars ($50.00), except for a change in TANF or GPA cash assistance;

4. All changes in household composition, such as the addition or loss of a household member;

5. Changes in residence;

6. Acquisition of a licensed vehicle not excluded under § 2.14 of this Part; and

7. When cash on hand, stocks, bonds, and money in a bank account or savings institution reach or exceed a total of five thousand dollars ($5,000.00).

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

2.21.3 Change Reporters

A. Each assistance unit is advised that it is considered a change reporter and must adhere to the change reporting requirements set in § 2.21.2 of this Part

B. The assistance unit should be in possession of a Change Report Form at all times. The agency provides a Change Report Form to each assistance unit as follows:

1. At the certification interview;

2. At the redetermination interview, if the assistance unit needs a new form; and

3. Whenever a Change Report Form is received in the mail, a new form is mailed to the assistance unit.

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

D. All circumstances and income received or anticipated to be received are used to determine eligibility for and to calculate the amount of the TANF benefit. Data from applications and other documents are entered into the electronic eligibility system. Following initial approval, the payment for each month thereafter is calculated based on the projected circumstances until a change is reported or discovered. When a change occurs, appropriate data in the electronic eligibility system is updated by the agency representative, eligibility approved, and notices issued as appropriate.

2.21.4 Action on Changes

A. Due to the COVID-19 Crisis and the National Emergency, the DHS may experience a decrease in staff. If this occurs, action on changes reported to the Department may be delayed. The DHS will act on all reported changes as soon as possible.

B. The agency is required to take prompt action (within ten (10) days of the reported change) on all changes to determine whether the change affects the family's eligibility or benefit amount. This includes, but is not limited to, updating appropriate data in the electronic eligibility system, approval of changes to eligibility, and the automatic issuance of notices through the eligibility system based on the reported change.

C. If there is no change in the payment, the agency representative documents the reported change in the electronic case record.

D. If the reported change affects the family's eligibility or benefit amount, the family is notified of the adjustment. The agency representative also advises the client of any additional verification requirements that are needed.

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

2.21.5 Increases and Decreases in TANF Benefit

A. Due to the COVID-19 Crisis and the National Emergency, the DHS may experience a decrease in staff. If this occurs, action on changes reported to the Department may be delayed. The DHS will act on all reported changes as soon as possible.

B. Increases to the TANF Benefit

1. Changes which result in an increase in a family's benefits due to, for example, the addition of a new family member or a decrease in the family's income, the agency makes the changes effective no later than the first (1st) 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 (2nd) payroll following the date the change is reported.

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

C. Decreases to the TANF Benefit

1. If the household's benefit level decreases or the family becomes ineligible as a result of a change, the agency must issue a notice of adverse action (See § 2.31.1 of this Part) within ten (10) days of the date the change was reported.

2. 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.

2.21.6 Failure to Report Changes

A. No supplementary benefits shall be authorized when a client fails to report in a timely manner any change which increases benefits.

B. If the agency representative discovers that the family failed to report a change as required and, as a result, received benefits to which it was not entitled, the agency representative determines the overpayment and refers the case to the CCRU in accordance with § 2.24.4 of this Part.

2.21.7 Acknowledgment of Client Understanding

When the client notifies the agency directly, either by phone or in person, of a change in circumstances, the agency representative must discuss with the client the effect that this change will cause and request an acknowledgment, in writing, that the client understands that this will result in the discontinuance or reduction of the assistance.

2.22 Interim Reporting

A. All RIW households are subject to Interim Reporting requirements.

B. Household composition and financial circumstances at the time of application will be the basis of the RIW benefit amount for the first (1st) half of the certification period unless the household reports a change during the certification period before the Interim Report period. The household composition and financial circumstances reported on the Interim Report will be the basis of the RIW benefit amount for the remainder of the certification period unless the household reports additional changes following the filing of the Interim Report.

2.22.1 Household Responsibilities

A. In the fifth (5th) month of certification, households subject to Interim Reporting will receive an Interim Report form in the mail. Households must complete the form in its entirety and mail the form along with the required verifications back to the agency by the fifth (5th) day of the sixth (6th) month of certification.

B. Any responsible household member or authorized representative may complete the Interim Report. At the household's request, the agency can provide assistance to the household in completing the report. A household that submits an Interim Report by the fifth (5th) day of the sixth (6th) month of the certification period is considered to have made timely report. Failure to return the Interim Report form will result in closure of RIW benefits.

2.22.2 Agency Responsibilities

A. Upon receipt of an Interim Report, the worker shall review the report; determine if any additional information is needed; contact the household as needed to obtain further information or verification (giving the household at least ten (10) days to provide information), and determine eligibility and benefits for the remainder of the certification period.

B. If a household fails to return the Interim Report form by the fifth (5th) day of the sixth (6th) month of the certification period, the agency must send a warning notice to the household. The household will have ten (10) days from the date of mailing to return the Interim Report form, along with all the necessary verifications, or the case will auto-close by the end of the sixth (6th) month of the household's certification period.

C. The agency must assess the returned Interim Report form for completeness (including the necessary verifications). If the Interim Report is incomplete or lacks required verifications of reported changes, the agency must send a request for any missing verifications, or return the original Interim Report form back to the household if it is not complete. The household will have ten (10) days to supply the missing information, verification, or to complete the form.

2.22.3 Interim Report Verification Requirements

A. If a household marks "no change" on the Interim Report form, the report is considered complete.

B. In order to determine eligibility for the second (2nd) half of the household's certification period, the household must provide the following verification:

1. Changes of more than fifty dollars ($50.00) in unearned income (excluding changes in public assistance or general assistance programs);

2. Changes in the source of income;

3. Changes in either:

   a. The wage rate, salary, or full-time or part-time employment status; or

   b. The monthly earned income (including but not limited to rental income, room and board income, daycare income, and business income) if the difference is greater than one hundred dollars ($100.00) from the amount used to calculate benefits;

4. Changes in household composition;

5. Changes in residence and resulting changes in shelter costs, including changes in subsidized housing;

6. Changes in legally obligated child support payments;

7. Acquisition of a non-excludable vehicle; and

8. Verification of Resources is required as follows, based on program limits:

   a. RIW – Over three thousand dollars ($3,000.00) and up to five thousand dollars ($5,000.00). Resources less than three thousand dollars ($3,000.00) can be self-attested to as long as there is no questionable discrepancy.

b. SNAP – up to two thousand dollars ($2,000.00) for SNAP or three thousand dollars ($3,000.00) if the SNAP household includes a member who is age sixty (60) or over, or is disabled.

C. If verification of changes in earned or unearned income is not provided, benefits shall be terminated.

D. If the household fails to provide sufficient information or verification regarding a deductible expense (dependent care for a child, an elderly or disabled adult, or reported expenses for the household) the following applies:

1. A request for the missing documentation is sent to the household;

2. If the household does not respond within the ten (10) day timeframe with the required documentation to support the change, the case continues to be processed using the existing verified deductions in the case record, for the certification period under review, to calculate benefits.

E. Reports of a decrease in a deduction are changed without required verification.

2.22.4 Incomplete Interim Report Form

A. An Interim Report form is incomplete if:

1. The head of household, responsible household member or Authorized Representative has not signed the form;

2. The household fails to submit verification of changes in earned income, changes in unearned income, or residency; or

3. The household fails to provide information needed to determine eligibility or benefit level.

B. If a household fails to provide verification of a deductible expense, there is no need to request verification because the household is not required to receive a deduction.

C. If a household fails to return the Interim Report form or the required verifications within the appropriate timeframe, the case will auto-close by the end of the sixth (6th) month of the household's certification period.

2.22.5 Reinstatement of Benefits

A. If an eligible household files a complete Interim Report after the case has been closed, but before the end of the report month (month in which the report is due), the agency shall reopen the case without requiring the household to file an application and shall approve benefits no later than ten (10) days after the household normally receives benefits.

B. If a household files a complete Interim Report after the end of the report month but before the end of the month following the month in which it was due, the agency shall reinstate assistance and, if otherwise eligible, approve benefits within thirty (30) days from the date the Interim Report is received. Benefits for the month shall not be prorated and the household shall not be required to file a new application.

2.23 Redeterminations

2.23.1 Purpose

In addition to the change reporting requirements outlined in § 2.21.2 of this Part for all recipients, a redetermination of eligibility is completed whenever a significant change is expected to occur that may affect a family's eligibility and at least once every twelve (12) months to ensure that eligibility for assistance continues and that the payment is correct.

2.23.2 Process

A. The eligibility system stores the next redetermination date for each active case. One (1) month before the month in which the case is due to be reviewed. a redetermination report is distributed to the field.

B. The agency sends out the Redetermination packet which consists of the following:

1. Redetermination Appointment Letter,

2. Application for Assistance, and

3. Other informational material, as appropriate.

2.23.3 Required Appointment

A. The agency representative responds to any request from the recipient for assistance in completing 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 redetermination should be completed by the recipient. The Redetermination Appointment Letter indicates the time and location of the appointment, location can be in person or telephonically. The letter refers the recipient to the application for a list of documents that should be brought to the appointment.

B. An 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 telephonic interview process may be utilized to assist in the completion of the interview. See § 2.3.1 of this Part for further instruction.

C. The same process for reviewing the original application and determining initial eligibility is followed in any application(s) or redetermination.

D. The information on the Family Violence Option sheet should be reviewed with the recipient so that s/he is re-informed that s/he may be excused from certain RI Works requirements under this option if meeting these requirements puts the applicant or her/his children at risk of domestic violence.

E. Information on the original application which was previously documented and not subject to change, such as birth certificates, marriage and divorce documents, should not be re-documented unless there is a discrepancy noted between the redetermination application being reviewed and the original application(s) previously filed.

F. Bankbooks, wage stubs, verification of residence, 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 application next to the item.

2.23.4 Required Appointment Not Kept

A. 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 the eligibility system stating:

1. That the assistance payment is being discontinued because of failure to keep the redetermination interview appointment;

2. That the filing of the application is necessary in order to determine continued eligibility; and

3. The effective date of discontinuance.

B. A copy of the notice is stored in the eligibility system. The action is noted in the electronic case record.

2.23.5 Completion of Redetermination

A. The DHS worker updates appropriate information into the recipient's case in the eligibility system. S/he approves any subsequent versions of eligibility. The eligibility system issues an adequate and timely notice to the recipient, as appropriate. Any changes in circumstances or anticipated changes are noted in the electronic case record.

B. If a potential resource is expected in the future, the DHS worker sets up a reminder of the anticipated change so that proper activity about the resource can be initiated and completed on time.

C. A RI Works program cash payment must be discontinued whenever it is determined that need no longer exists. A notice of discontinuance is issued through the eligibility system at least ten (10) days prior to the effective date of discontinuance.

2.24 Error Cases

2.24.1 Types of Error Cases

A. Agency Error. An agency error is any overpayment caused by the agency's action or failure to take action. Overpayments caused by agency error are considered non-fraud. Instances of agency error which may result in a claim include, but are not limited to, the following:

1. The agency failed to take prompt action on a change reported by the household;

2. The agency incorrectly computed the household's income or deductions, or otherwise assigned an incorrect allotment resulting in an incorrect benefit; or

3. The agency continued to provide a household benefits after its certification period had expired without benefit of a reapplication determination.

B. Client Error. Overpayments caused by, but not limited to, the following household errors are considered non-fraud (inadvertent):

1. A payment was issued pending a fair hearing decision adverse to the recipient;

2. A payment was issued solely due to ten (10) day notice requirements even though the recipient was ineligible for the assistance; or

3. An overpayment resulting from a misunderstanding or unintended error on the part of the household.

2.24.2 Establishing Claims Against Households

A. Instances of errors which may result in a collection include, but are not limited to, the following:

1. The household unintentionally failed to provide the agency with correct or complete information;

2. The household unintentionally failed to report to the agency changes in its household circumstances; or

3. The household unintentionally received benefits, or more benefits than it was entitled to receive, pending a fair hearing decision because the household requested a continuation of benefits based on the mistaken belief that it was entitled to such benefits.

B. The following individuals are responsible for paying a claim:

1. Each person who was an adult member of the household when the overpayment occurred.

2. If a change in household composition occurs, the agency may pursue collection action against any household which has a member who was an adult member of the household that received the overissuance;

C. DHS may also offset the amount of the claim against restored benefits owed to any household which contains:

1. A member who was an adult member of the original household at the time the overissuance occurred;

2. A sponsor of a non-citizen household member if the sponsor was at fault; or

3. A person connected to the household, such as an authorized representative, who actually caused the overpayment.

2.24.3 Underpayments

A. 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.

B. Underpayments Discovered After Case Closure

1. Past RIW recipient currently active in another DHS program will receive a supplement through a DHS worker.

2. Past recipients closed to DHS will receive a letter from DHS addressed to the head of household known to DHS at the time the underpayment occurred requesting response to correct the underpayment.

C. Retroactive Corrective Payment. A retroactive corrective payment is not considered income, nor is it considered a resource in the month received or in the following month.

D. Current Recipients. The correction of underpayment errors to current recipients is required regardless of when the underpayment occurred. There is no time limit for correcting an underpayment.

E. Underpayment and Overpayment in Same Month. 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.

F. Method of Payment. An underpayment is corrected by first entering the correct information in the electronic case record to reflect the actual income, resources, or household circumstances during the period of the underpayment. The agency representative then approves the deficit payment through the eligibility system.

2.24.4 Overpayments

A. Recovery of Overpayments

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

2. 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 Office of Child Support Services, over and above the payment the recipient should have received (see § 2.15 of this Part).

B. DHS must initiate collection action against the household on all client or agency error claim referrals unless the claim is collected through offset, or one (1) of the following conditions applies:

1. The amount of the claim referral is less than thirty-five dollars ($35.00), and the claim cannot be recovered by reducing the household's allotment. This threshold does not apply for overpayments discovered through Quality Control.

2. The agency has documentation which shows that the household cannot be located.

2.24.5 Underpayment and Overpayment in Same Month

A. In cases involving an underpayment which has not yet been restored 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.

1. The amount of the underissuance must be used to offset the claim.

2. If an overpayment still exists, the referral is made to the Collections, Claims and Recoveries Unit (CCRU) to institute collection for the remaining balance.

3. When there is any restoration of lost benefits which is used to offset an established claim, the balance of the claim is reduced by the amount of the offset through the eligibility system.

4. CCRU will initiate underissuance payments identified while researching a claim for overpayment.

5. All actions pertaining to the collection of outstanding claims in the TANF Program are handled by the Collections, Claims and Recoveries (CCRU) Unit of the Department of Human Services.

2.24.6 Determining Initial Month of Over-Issuance

A. In all inadvertent household error or agency error claims, the first (1st) month of overissuance is the month the change would have been effective had it been reported in a timely manner with allowance for the adverse action timeframes. In no instance, however, is the first (1st) month of over issuance any later than two (2) months from the month in which the change in household circumstances occurred.

B. Determining Initial Month

1. Failure to Report Change Within Ten (10) Days. If the household failed to report a change in its circumstances within ten (10) days of the date the change became known to the household, the first (1st) month affected by the household's failure to report is the first (1st) month the change would have been effective had it been reported in a timely manner.

2. Change Reported Timely

a. When a household reports the change on time, but the agency representative does not act on the change in a timely manner, the first (1st) claim month is still the first (1st) month the change would have been effective.

b. If the Notice of Action was required but not sent, the agency representative assumes, for the purpose of calculating the claim, that the maximum advance notice period would have expired without the household requesting a hearing.

3. Benefits Issued Pending Hearing Decision. If a household requests the continuation of benefits pending a fair hearing decision, and receives an overissuance because its position is not sustained by the hearing decision, the first (1st) month of overissuance is the month that the

change would have been effective had the household not asked for the continuation of benefits.

2.24.7 Calculation of the Claim Referral

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

B. The agency representative determines that amount for active cases as follows:

1. The correct information is entered in the appropriate months in the electronic case record to reflect the actual income, resources, or household circumstances during the period of the overpayment;

2. The retroactive eligibility is approved for the month(s) affected; and

3. The circumstances pertaining to the overissuance is recorded in the electronic case record.

2.24.8 Reasonable Effort to Pursue Recovery

A. If the amount of the overpayment is more than thirty-five dollars ($35.00) and owed by a former recipient (§ 2.24.1 of this Part) in a non-fraud case, the Collections, Claims and Recoveries (CCRU) Unit determines by a reasonable effort if it is cost effective to pursue recovery efforts.

1. "Reasonable effort" requires minimally that a repayment request be sent to the former recipient.

2. If s/he fails to respond, CCRU must consider if the cost of collecting the overpayment is likely to equal or exceed the amount of the overpayment, and what degree of effort is within the bounds of cost effectiveness.

3. If a former recipient subsequently becomes active within three (3) years, recovery is initiated regardless of the overpayment amount.

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

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

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

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

F. Any recovery of an overpayment to a current assistance unit must be made through repayment (in part or in full) by the following:

1. through the individual recipient responsible for the overpayment;

2. by reducing the benefit amount of assistance payable to the assistance unit of which s/he is a member; or both.

G. If recovery is not possible from the individual responsible, the CCRU representative determines whether to recover from:

1. Any assistance unit which has a member who was an adult member of the assistance unit that received the overpayment (was age eighteen (18) or older – excluding minor heads of households); or

2. Any individual members of the overpaid assistance unit, who were adults at the time the unit received the overpayment, whether or not current recipients.

2.25 Overpayments to Non-Citizens

2.25.1 Sponsor Responsibility

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

B. A sponsor is a person who signs an affidavit or other statement accepted by the U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services as an agreement to support an individual as a condition of that individual's admission for permanent residence in the United States.

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

2.25.2 Good Cause

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

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

C. Good cause exists when:

1. Correct information on income or resources was given by the sponsor to the non-citizen and was misrepresented to the agency representative by the applicant.

2. Correct information on income or resources was given by the sponsor and was incorrectly calculated by the agency representative.

3. Information supplied to the sponsor by a third (3rd) party is incorrect, e.g., the sponsor's spouse reports incorrect information on his/her resources.

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

2.25.3 Recovery's Effect on Eligibility

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

B. Whenever a payment is reduced below the minimum ten dollar ($10.00) payment level due to recovery of an overpayment, the amount still due the recipient must be issued.

C. In situations where there is an outstanding overpayment in a case and no regular monthly payments have been made because the amount is under the ten dollar ($10.00) minimum payment, the amount not paid cannot be used to offset the overpayment. There must be a monthly cash payment to recover an overpayment.

2.25.4 Methods of Recovery

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

1. Grant Reduction. The agency recovers any overpayment from current recipients, who were adults at the time of the overpayment, by grant reduction unless the agency first accepts either total or partial recovery, with any balance owed repaid through grant reduction. Any initial repayment made in a local office by the recipient must be forwarded to:

DHS Financial Management

LP Building #57, 3rd Floor

25 Howard Ave.

Cranston, RI 02920

2. The recipient is given a receipt and advised that the remainder of the overpayment will be recovered by grant reduction.

3. 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.

4. Direct Repayment. Former recipients and recipients who receive no payment because the deficit is less than the ten dollar ($10.00) minimum payment make repayments directly to the CCRU from their income or resources. Further discussion will be made in the procedural transmittal.

5. Setoff of State Personal Income Tax Refund. Further discussion will be made in the procedural transmittal.

6. Pursuant to R.I. Gen. Laws Chapter 44-30.1, DHS may recover overpayment of cash assistance benefits through setoff of the individual's State personal income tax refund.

2.26 Compromising Claims

A. The CCRU may compromise a claim or any portion of a claim if it can reasonably be determined that a household's economic circumstances dictate that the claim will not be paid in three (3) years.

B. The full amount of the claim (including any amount compromised) may be used to offset benefits owed to the household.

C. Any compromised portion of a claim may be reinstated if the claim becomes delinquent.

D. Office of Internal Audits reference.

2.27 Terminating and Writing-Off Claims

A. Terminated Claim. The definition of a terminated claim is one which all collection action has ceased.

B. Written-Off Claim. The definition of a written-off claim is a claim that is no longer a receivable subject to the State agency.

C. Reinstatement. A terminated and written-off claim may be reinstated if a new collection method or a specific event (such as winning the lottery) substantially increases the likelihood of further collection.

D. Invalid Claim. If a claim is determined to be invalid, the claim must be discharged and reflected as a balance adjustment rather than a termination unless it is appropriate to pursue the overpayment as a different type of claim.

E. Claims must be terminated and written off, when:

1. All adult household members are deceased;

2. It is not cost effective to pursue the claim any further;

3. The claim is delinquent for three (3) years or more, unless it is planned to pursue the claim through the State Tax Offset Program or

4. The household cannot be located.

2.28 Methods of Collecting Claims

A. The agency may collect payment for claims using one (1) of the following methods.

1. Reducing benefits prior to issuance, including allotment reduction and offsets to restored benefits;

2. Deducting benefits after issuance from electronic benefit transfer (EBT) accounts with the client's written permission;

3. Accepting cash, including checks, money orders, and credit or debit cards;

4. Participation in the State Tax Offset Program.

B. Any payment for a claim is accepted whether it represents full lump sum repayment or partial payment.

C. The agency accepts installment payments made for a claim as part of a negotiated repayment agreement for non-participating households.

2.28.1 Reduction in Benefit Allotment

A. CCRU will automatically collect payments for any claim by reducing the amount of monthly benefits that a household receives. The amount reduced is limited to ten percent (10%) of the household's monthly allotment.

B. The agency shall not reduce the initial allotment when the household is first certified.

C. The agency will not use additional collection methods against individuals in a household that is already having its allotment reduced unless the household voluntarily makes additional payments.

2.28.2 Benefits from EBT Accounts

A. A household is allowed to pay its claim using benefits from its EBT account. However, the following requirements must be met:

1. For collecting from active or reactivated EBT accounts, written permission must be obtained in advance;

2. The agreement must include:

a. A statement that this collection activity is strictly voluntary;

b. The amount of the payment;

c. The frequency of the payments (i.e., whether monthly or one-time only);

d. The duration of the agreement; and

e. A statement that the household may revoke this agreement at any time.

2.28.3 Over-Payment of a Claim

If a household has overpaid a claim, the agency must pay the household any amounts overpaid as soon as possible after the overpayment becomes known. The household is paid by whatever method the agency deems appropriate, considering the household's circumstances.

2.29 Notice Requirements

2.29.1 Notice of Adverse Action

A. 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.

B. 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 days prior to the effective date.

C. The notice must contain:

1. The reason for the proposed action and the agency policy which requires the action;

2. An explanation of the opportunity to discuss the action with the DHS worker authorizing the discontinuance, suspension or reduction in payment;

3. An explanation of the opportunity to have an Adjustment Conference with the Supervisor;

4. An explanation of the provision for continuance of the payment for recipients, including those in a hardship extension, if a hearing is requested within the ten day period of the date of the notice (continuance of benefits is not available for applicants for RIW benefits or for applicants in a hardship extension); and

5. An explanation of the opportunity to request a hearing within thirty (30) days of the date of the notice, along with the "Request for a Hearing" form.

2.29.2 When Timely Notice Not Required

A. Where timely notice is not required, an adequate notice must be sent not later than the date of action when:

1. 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;

2. 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;

3. The recipient has been admitted or committed to an institution;

4. The recipient has been placed in skilled nursing care, intermediate care or long-term hospitalization;

5. 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;

6. A recipient has been accepted for assistance in another State and that fact has been established by the jurisdiction previously providing assistance;

7. 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;

8. A change in level of medical care is prescribed by the recipient's physician; or

9. 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.

2.29.3 Required Action

A. 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:

1. 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. Any appeal requested solely due to a change in the law receives an agency response that no hearing is granted. However, a hearing is granted and the payment is continued when the reason for the appeal is incorrect grant computation. The RIW Administrator, assistant administrator or RIW supervisor will review the issue to determine this and will inform the recipient, in writing, of the action that will be taken.

B. If the payment is continued and, at the hearing, a determination is made that the sole issue is one of State or Federal law or policy and not one of incorrect grant computation, assistance is reduced, discontinued, or suspended immediately and the recipient must be promptly informed, in writing, of the action. However, the formal hearing decision is issued within the time limits for hearing decisions.

C. When a second (2nd) change occurs while the hearing decision is pending, and the recipient does not request a hearing within the advance notice period on the second (2nd) issue, assistance is reduced, discontinued, or suspended, and the recipient must be promptly notified of this in writing.

D. 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.

2.30 Case Records

A. The DHS utilizes the electronic case record to retain data concerning decisions on eligibility and payments. All applications forms, documentation, monthly report forms, correspondence, and other papers are scanned and indexed into the electronic eligibility system. Paper records are no longer utilized.

B. All electronic case records explicitly contain confidential matter. It is unlawful for any person to make use of, or cause to be used, any information contained in records for purposes not directly connected with the administration of the RI Works Program, except with the consent of the participant concerned as referenced in R.I. Gen. Laws § 40-5.2-26.