

2025 -- S 0802

LC002247

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO HUMAN SERVICES -- THE RHODE ISLAND WORKS PROGRAM

Introduced By: Senators DiMario, Murray, Valverde, Quezada, Ujifusa, Urso, Lauria,  
and Lawson

Date Introduced: March 14, 2025

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 40-5.2-20 of the General Laws in Chapter 40-5.2 entitled "The Rhode  
2 Island Works Program" is hereby amended to read as follows:

3 **40-5.2-20. Childcare assistance — Families or assistance units eligible. [Effective**  
4 **January 1, 2025.]**

5 (a) The department shall provide appropriate child care to every participant who is eligible  
6 for cash assistance and who requires child care in order to meet the work requirements in  
7 accordance with this chapter.

8 (b) **Low-income child care.** The department shall provide child care to all other working  
9 families with incomes at or below two hundred sixty-one percent (261%) of the federal poverty  
10 level if, and to the extent, these other families require child care in order to work at paid  
11 employment as defined in the department's rules and regulations. The department shall also provide  
12 child care to families with incomes below two hundred sixty-one percent (261%) of the federal  
13 poverty level if, and to the extent, these families require child care to participate on a short-term  
14 basis, as defined in the department's rules and regulations, in training, apprenticeship, internship,  
15 on-the-job training, work experience, work immersion, or other job-readiness/job-attachment  
16 program sponsored or funded by the human resource investment council (governor's workforce  
17 board) or state agencies that are part of the coordinated program system pursuant to § 42-102-11.

18 ~~Effective from January 1, 2021, through June 30, 2022, the department shall also provide childcare~~  
19 ~~assistance to families with incomes below one hundred eighty percent (180%) of the federal poverty~~

1 ~~level when such assistance is necessary for a member of these families to enroll or maintain~~  
2 ~~enrollment in a Rhode Island public institution of higher education provided that eligibility to~~  
3 ~~receive funding is capped when expenditures reach \$200,000 for this provision.~~ Effective July 1,  
4 2022 through December 31, 2024, the department shall also provide childcare assistance to families  
5 with incomes below two hundred percent (200%) of the federal poverty level when such assistance  
6 is necessary for a member of these families to enroll or maintain enrollment in a Rhode Island  
7 public institution of higher education. Effective January 1, 2025, the department shall also provide  
8 childcare assistance to families with incomes below two hundred sixty-one percent (261%) of the  
9 federal poverty level when such assistance is necessary for a member of these families to enroll or  
10 maintain enrollment in a Rhode Island public institution of higher education.

11 (c) No family/assistance unit shall be eligible for childcare assistance under this chapter if  
12 the combined value of its liquid resources exceeds one million dollars (\$1,000,000), which  
13 corresponds to the amount permitted by the federal government under the state plan and set forth  
14 in the administrative rulemaking process by the department. Liquid resources are defined as any  
15 interest(s) in property in the form of cash or other financial instruments or accounts that are readily  
16 convertible to cash or cash equivalents. These include, but are not limited to: cash, bank, credit  
17 union, or other financial institution savings, checking, and money market accounts; certificates of  
18 deposit or other time deposits; stocks; bonds; mutual funds; and other similar financial instruments  
19 or accounts. These do not include educational savings accounts, plans, or programs; retirement  
20 accounts, plans, or programs; or accounts held jointly with another adult, not including a spouse.  
21 The department is authorized to promulgate rules and regulations to determine the ownership and  
22 source of the funds in the joint account.

23 (d) As a condition of eligibility for childcare assistance under this chapter, the parent or  
24 caretaker relative of the family must consent to, and must cooperate with, the department in  
25 establishing paternity, and in establishing and/or enforcing child support and medical support  
26 orders for any children in the family receiving appropriate child care under this section in  
27 accordance with the applicable sections of title 15, as amended, unless the parent or caretaker  
28 relative is found to have good cause for refusing to comply with the requirements of this subsection.

29 (e) For purposes of this section, “appropriate child care” means child care, including infant,  
30 toddler, preschool, nursery school, and school-age, that is provided by a person or organization  
31 qualified, approved, and authorized to provide the care by the state agency or agencies designated  
32 to make the determinations in accordance with the provisions set forth herein.

33 (f)(1) Families with incomes below one hundred percent (100%) of the applicable federal  
34 poverty level guidelines shall be provided with free child care. Families with incomes greater than

1 one hundred percent (100%) and less than two hundred percent (200%) of the applicable federal  
2 poverty guideline shall be required to pay for some portion of the child care they receive, according  
3 to a sliding-fee scale adopted by the department in the department's rules, not to exceed seven  
4 percent (7%) of income as defined in subsection (h) of this section.

5 (2) Families who are receiving childcare assistance and who become ineligible for  
6 childcare assistance as a result of their incomes exceeding two hundred sixty-one percent (261%)  
7 of the applicable federal poverty guidelines shall continue to be eligible for childcare assistance  
8 until their incomes exceed three hundred percent (300%) of the applicable federal poverty  
9 guidelines. To be eligible, the families must continue to pay for some portion of the child care they  
10 receive, as indicated in a sliding-fee scale adopted in the department's rules, not to exceed seven  
11 percent (7%) of income as defined in subsection (h) of this section, and in accordance with all other  
12 eligibility standards.

13 (g) In determining the type of child care to be provided to a family, the department shall  
14 take into account the cost of available childcare options; the suitability of the type of care available  
15 for the child; and the parent's preference as to the type of child care.

16 (h) For purposes of this section, "income" for families receiving cash assistance under §  
17 40-5.2-11 means gross, earned income and unearned income, subject to the income exclusions in  
18 §§ 40-5.2-10(g)(2) and 40-5.2-10(g)(3), and income for other families shall mean gross, earned and  
19 unearned income as determined by departmental regulations.

20 (i) The caseload estimating conference established by chapter 17 of title 35 shall forecast  
21 the expenditures for child care in accordance with the provisions of § 35-17-1.

22 (j) In determining eligibility for childcare assistance for children of members of reserve  
23 components called to active duty during a time of conflict, the department shall freeze the family  
24 composition and the family income of the reserve component member as it was in the month prior  
25 to the month of leaving for active duty. This shall continue until the individual is officially  
26 discharged from active duty.

27 (k) Effective from August 1, 2023, through July 31, 2025, the department shall provide  
28 funding for child care for eligible childcare educators, and childcare staff, who work at least twenty  
29 (20) hours a week in licensed childcare centers and licensed family childcare homes as defined in  
30 the department's rules and regulations. Eligibility is limited to qualifying childcare educators and  
31 childcare staff with family incomes up to three hundred percent (300%) of the applicable federal  
32 poverty guidelines and will have no copayments. Qualifying participants may select the childcare  
33 center or family childcare home for their children. The department shall promulgate regulations  
34 necessary to implement this section, and will collect applicant and participant data to report

1 estimated demand for state-funded child care for eligible childcare educators and childcare staff.

2 The report shall be due to the governor and the general assembly by November 1, 2024.

3 (l) Protective services. The department shall also provide child care assistance to families  
4 who meet the requirements of a protective services category as defined in 45 CFR §98.20 (a)(3)(ii)  
5 to provide eligibility for vulnerable children, such as those receiving support through the  
6 department of children, youth, and families. The department shall maintain the definition of the  
7 protected services category in rules and regulations to align with federal requirements.

8 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO HUMAN SERVICES -- THE RHODE ISLAND WORKS PROGRAM

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1           This act would require the department of human services to provide childcare assistance to  
2 families, including those served through DCYF, who meet the requirements of a protective services  
3 category as defined in CFR 45 §98.20 (a)(3)(ii).

4           This act would take effect upon passage.

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