

# Rhode Island's Family Independence Program

## 1. What is the Family Independence Program?

The Family Independence Program (FIP) provides cash assistance and work-preparation services to families with children under the age of 18. FIP was enacted by the R.I. General Assembly in 1996 and went into effect in May 1997. FIP replaced the Aid to Families with Dependent Children Program (AFDC). The RI Department of Human Services administers the program.

## 2. Who Can Qualify for FIP?

Pregnant women in the third trimester.

Parents and caretaker relatives (aunts, uncles, grandparents) caring for a child under age 18 or who is 18 and will graduate high school before turning 19.

Both parents can be in the home.

## 3. What is the rule for Pregnant Women?

A pregnant woman is eligible in the third trimester of pregnancy. A pregnant woman receives \$327/month in benefits (payment for 1). The father of the child (if living in the home) is not eligible for benefits until the child is born.

Note that a pregnant woman is eligible for RIte Care (Medical Assistance) beginning in the month she documents she is pregnant. A pregnant woman is counted as a family of 2 for purposes of determining eligibility for RIte Care. The father of the child is not eligible for RIte Care until the child is born.

## 4. What are the rules for Children Living with Parents or Relative Caretakers?

The **child** must be **living with a parent** or **caretaker relative**.

**Child** means under age 18 or between 18 and 19 if the child is a full-time high school and is likely to graduate before he turns 19 or in the month he turns 19. The last FIP payment is made in the month the child turns 18, or the month the child graduates from high school, if the child has qualified for the in-school extension.

**Parent** includes the biological or adoptive parent. Where the parent is the "unwed father" - i.e., was not married to the mother at the time of the child's birth - the father can be eligible if his name is on the birth certificate or paternity has been adjudicated by Family Court. If neither proof is available, the father can complete a voluntary

acknowledgement of paternity and participate in a proceeding to establish paternity. Cash assistance is available once the father signs the acknowledgement. **Relatives** include grandparents, aunts, uncle, cousins, and siblings.

**Living with** means the child is in the home maintained or in the process of being established by the parent (or relative) who has the responsibility for the day-to-day care and control of the child, regardless of who has legal custody.

For example, mom and dad are separated and mom has legal custody of their daughter. However, the daughter is living with dad. Dad and the daughter can apply for FIP.

When a child leaves the home, or is removed by DCYF, the parent's benefits are stopped (or reduced if there is still a child in the home), at the end of the month.

**Temporary Absence** from the home: A child or parent may be temporarily absent from the home, but as long as the parent is responsible for the care of the child, FIP can continue. The types of physical separations that do not result in loss of FIP include:

Hospitalization of parent or child as long as it is expected that the person will return home.

Attendance at a residential school, if the parent retains full responsibility for the child.

Visiting or moving to another community and similar situations where the child is or parent is away for a temporary period of time.

Temporary absences are limited to a 90-day period. The supervisor can authorize a second ninety-day renewal.

### **Re-Establishment of the Home**

A FIP payment can be made for a child who goes to live with a parent or relative within 30 days of the receipt of the payment, provided that a payment has not been made for the child in another home or through foster care. When the child is being returned home by DCYF, the parent needs a written statement documenting the planned date of return.

**EXAMPLE:** If there is a plan to transition a child from foster care back to her parent's home on June 15, the parent can receive FIP for the child beginning May 15 as long as the child has not received a foster care payment between June 15 and May 15.

## **Payment to a Non-Relative in Emergencies**

A FIP payment can be made to a non-relative who is acting as the parent for up to 30 days when the parent is unable to care for the child due to an emergency such as hospitalization, imprisonment, or death.

The DHS worker must develop a plan for the care of the child, determining whether the parent will be able to return to care for the child, whether a relative is available or whether referral to DCYF is appropriate.

## **5. Who Must be Included in the FIP Household?**

The FIP household is referred to as the “filing unit”. Generally parents (including step-parents) and siblings must be included in the “filing unit”.

Other people living in the house are not included and their income and resources do not affect the FIP family’s eligibility. These include: children receiving foster care payments; relatives and non-related individuals.

For example, Jane and her daughter live with her friend, Tricia. Only Jane and her daughter are in the FIP ‘filing unit’. Tricia’s income and resources are not counted.

## **6. When Can A Parent or Child Be Excluded from the Filing Unit?**

There are exceptions to the requirement that parents or siblings must be included in the filing unit. In some cases, when the individual is excluded, their income and resources do not count; in other cases they do, either in whole or in part. The exceptions are:

**SSI Recipients:** A parent or child who receives SSI is not included in the filing unit. The income and resources of the SSI recipient do not count.

If the family consists of a parent and one child who receive SSI, the parent can receive a FIP payment of \$327 (payment for 1).

**Adoption Subsidy:** At the time of this writing the written policy does not reflect the correct practice. The written policy currently provides that the parent can choose whether or not to include the child in the FIP filing unit. If the parent includes the child, the adoption subsidy counts as income. If the parent does not include the child, the income does not count and the child is not included in the FIP payment. However, if the family consists of a parent and one child who receive an adoption subsidy and the parent chooses to exclude the child from the filing unit, the parent is not eligible for a FIP payment.

This policy was challenged and although the written policy has not been changed, DHS

has agreed that adoption subsidy cases should be treated the same way as cases in which the child receives SSI. The child is excluded from the filing unit and the amount of the adoption subsidy is not counted. If the family consists of a parent and one child receiving adoption subsidy, the parent should be able to apply for FIP just for him/herself and receive a FIP payment for 1 (\$327/month). Some workers may not be familiar with this change. If you have a case with an adoption subsidy, you should ask to speak to the chief casework supervisor.

**Non-citizens** who are ineligible because of lack of immigration status. Income and resources count. A work deduction is applied to earned income as well as an amount equal to the FIP payment for the parent (and ineligible children).

**Parent who fails to cooperate with child support or work requirements:** The parent is excluded from the payment. Income and resources count. No deductions are applied.

#### EXAMPLES:

Jane has two children, Jim and Sandy. Jim receives SSI benefits of \$609.35/month. Jane and Sandy receive \$449 (payment for 2) in FIP benefits.

Jane has one child, Sandy, who receives SSI benefits of \$609.35/month. Jane can receive FIP benefits of \$327 for herself.

### **7. What if the Parent Lives with a Relative Because She Cannot Take Care of her Child?**

When a parent is living in the home, it is assumed that the parent is the caretaker of the child. However, there are circumstances in which the parent is not able to function as the caretaker and another relative (e.g., child's grandmother) is in fact providing the day-to-day care of the child.

In this case, the caretaker relative, the parent and the child can all be eligible for FIP. DHS will want proof that the caretaker relative is the one actually caring for the child. First, the caretaker relative must be the one applying for assistance. Second, the caretaker relative must provide documentation that the parent is unable to provide day-to-day care and/or that the caretaker relative is in fact providing the care.

Documentation includes: evidence of physical or mental inability of the parent to care for the child (receipt of disability benefits); evidence from another agency (DCYF, MHRH, Corrections, mental health or substance abuse facility) that the parent cannot care for the child; evidence that the caretaker relative is providing day to day care (school records, medical records); appointment of the caretaker as guardian.

## **8. What are the Citizenship and Immigrant Requirements?**

To be eligible for FIP, a person must be a citizen or have appropriate immigrant status. See Question 16 for more information.

## **9. What is the Residency Rule?**

The individual must be a resident of Rhode Island. This means that she is living in the state and plans to remain indefinitely. There is no amount of time the person needs to have lived in the state to be eligible. The person does not need to have a permanent address. Homeless individuals are eligible. However, they will need to provide an address (or PO Box) to the Department, for purposes of receiving mail.

## **10. What is the Resource Limit?**

FIP is targeted to families with limited income and few resources. The resource limit is \$1,000. The home in which a family lives and one car per adult household member (up to 2 cars) are not counted. Resources that are counted include money in the bank, property that the family does not live in, the value of a non-exempt car.

## **11. What is the Income Limit?**

The family's countable income must be less than the payment amount (see Question 13). Income includes earned as well as unearned income (Social Security benefits, unemployment benefits). Some income does not count, including payments to VISTA volunteers, earned income of a child, the \$50 child support pass through, some educational grants and loans, the earned income tax credit.

The chart below shows the income limits for families with earned and unearned income. Unearned income is counted "dollar for dollar". For example, if the parent receives unemployment benefits, the full amount of benefits is measured against the income limit. A parent with 2 children who receives \$600/month in unemployment benefits is not eligible for FIP because income exceeds the \$554 limit.

The earned income limit shows the amount of gross earnings (income before taxes) a parent can have and still qualify for a FIP payment. This takes into account the FIP work deductions that are applied to earned income before it is measured against the income limit (See Question 12.)

Family Size	Unearned Income Limit	Earned Income Limit
1	\$327	\$824
2	\$449	\$1068
3	\$554	\$1278
4	\$634	\$1438
5	\$714	\$1598
6	\$794	\$1758

## 12. How is Earned Income Counted?

There are deductions applied to earned income. The first \$170 and ½ of the balance does not count. Here's an example of the way the earned income deduction works: Mom has 2 children and earns minimum wage (\$7.10/hour) which is \$1,076/month gross earnings.

$$\begin{array}{r}
 \$1,076 \\
 - \quad 170 \\
 \hline
 906/2 = \$453 \\
 - \quad 453 \\
 \hline
 453 \quad \text{Countable Earnings}
 \end{array}$$

The full FIP payment for a family of 3 would be \$554. Subtract the countable earnings of \$453:  $\$554 - \$453 = \$101$ . The FIP payment for this family would be \$101/month.

The earned income deduction is applied to earnings when the family applies for FIP as well as when a parent receiving FIP starts a job. FIP cash assistance can supplement the wages of a full-time working parent to help bring the family's income near the poverty level. In the example, the parent would have

$$\begin{array}{r}
 \text{Take home pay of:} \quad \$968 \\
 \text{FIP:} \quad \quad \quad \quad \quad \quad \underline{101} \\
 \hline
 \$1,069
 \end{array}$$

If the parent took the advanced earned income tax credit, she could further increase her monthly income (EITC is not counted against the FIP payment.)

## 13. How Much is the Monthly FIP Payment?

Family Size	Maximum Payment	Maximum Payment (Sub./Public Housing)
1	\$327	\$277
2	\$449	\$399
3	\$554	\$504
4	\$634	\$584
5	\$714	\$664
6	\$794	\$744

These amounts are the amounts paid to a family with no income. If the family has unearned income (unemployment benefits, Social Security benefits) the FIP payment is reduced by that amount. For example, a family of 3 has \$400 in unemployment benefits. The FIP payment would be \$154/month (\$554 - \$400).

If income is from earnings the payment is the difference between countable earnings (after the disregards in Question 12 are applied) and the full benefit.

Each month the appropriate amount is deposited in an account that the parent can access at a bank using an ATM card.

#### **14. What is the Child Support Pass Through?**

In any month in which the non-custodial parent pays child support to the Family Court, the family receives the first \$50 paid (or the amount paid up to the \$50). This income is not counted against the FIP payment. If there is more than one non-custodial parent and each is current with child support, the family still receives only one \$50 payment. If child support is paid for a child receiving SSI benefits, the full amount of that child's support is paid to the custodial parent.

#### **15. What are the Rules for Pregnant and Parenting Teens?**

Generally, a pregnant or parenting teenager (under age 18) who applies for FIP must be living with a parent, legal guardian or other adult relative to qualify for benefits. The payment is made to the adult family member.

A pregnant or parenting teenager can also qualify if:

- She has no parent, legal guardian or adult relative with whom to live; or
- Her physical or emotional health or safety, or the health of her child would be jeopardized if she lived with her parent, guardian or relative; or
- She has lived apart from her parent for at least one year prior to becoming pregnant or having the child

The Adolescent Self Sufficiency Collaborative (ASSC) determines whether the teen meets one of the criteria for living apart from her parents. However, in these circumstances, the teen must reside in an approved adult-supervised supportive living arrangement. This means the teen must be supervised through the ASSC or live in an approved setting such as a DCYF-certified foster home or New Opportunity Home funded by DHS. DCYF and DHS jointly determine whether the teen should be referred to a New Opportunity Home and which level of supervised residential care is appropriate.

If the teen parent lives with her parent(s), her parents' income is considered in determining how much cash assistance the teen and her baby receive. A disregard to earned income of \$90/month and an allowance for support of the (grand)parents and

other dependents is applied to determine the countable income. For example: Mary is 17 years old and has 2-month-old baby. She lives with her mother and father and younger brother. Her father earns \$1,200/month.

$$\begin{array}{r}
 \$1,200 \\
 - \quad 90 \\
 \hline
 \$1,110 \\
 - \underline{\$554} \text{ (FIP payment for 3)} \\
 \hline
 \$556
 \end{array}$$

The income counted from the (grand) parents is \$556. Since this is more than the FIP payment of \$449 for 2 – which is what Mary and the baby would receive - they do not receive any FIP assistance.

(RIte Care: as a family of 5, all family members are eligible for Rite Care because income is within the higher RIte Care income limit. If Mary's parents didn't want Rite Care for themselves and their children, Mary's baby could be enrolled in RIte Care. The grandparents' income is not considered available to the baby.)

## 16. What are the Rules for Immigrants?

To be eligible for FIP, a person who is not a citizen must have one of the following immigration statuses:

- Legal Permanent Resident
- Refugee
- Asylee
- Conditional Entrant
- Paroled into the US
- Granted Voluntary Departure
- Cuban Haitian Entrant
- Amerasian

Individuals that come to the U.S. as legal permanent residents (LPR) are generally sponsored into the country. If a legal permanent resident applies for FIP during the first 3 years he/she is in the country, a portion of the sponsor's income and resources will be counted (deemed available) to the legal permanent resident and family in determining the amount of FIP the family can receive.

In addition, as part of the process of sponsoring an individual into the US, a sponsor must sign an Affidavit of Support, which is a legally binding contract under which the sponsor agrees to reimburse the state or federal government for any public benefit received by the sponsored family members until they become citizens or have worked for 40 quarters. At present there is no mechanism in place for the state (or federal government) to seek reimbursement from the sponsor for any FIP received by the LPR family.

Receipt of FIP cash assistance will not affect a legal permanent resident's ability to become a U.S. citizen nor will it affect the status of a person who is a refugee or asylee.

Receipt of FIP can affect the ability of a legal permanent resident to re-enter the United States if he/she leaves the country for more than six months. Also, for people who will want to change status to become a legal permanent resident, receipt of FIP may affect the person's ability to do so under the "public charge" analysis. Receipt of FIP by the person's children should not raise public charge problems, unless that was the family's only support. Moreover, if the person received FIP for just a temporary period of time it should not affect the ability to get a green card. For more information about immigrants and public benefits go to: [www.nilc.org](http://www.nilc.org).

**Mixed Households:** Children born in the U.S. are citizens and may be eligible for FIP cash assistance even though their parents (and other siblings) are not. When the parent is not eligible, his/her income is counted. A work disregard (\$90) is subtracted from gross income as is an amount to meet the needs of the parent (and ineligible children).

**EXAMPLE:**

Mike has two children, Sara and Peter. Mike is not eligible for FIP because he is undocumented. Peter and Sara were born here and so are citizens. Mike works part-time and earns minimum wage (\$584/month.) Countable earnings = \$494 (\$584 - \$90). Subtract \$105 (an amount to meet Mike's needs). The remainder, \$389, is subtracted from the payment for the children (\$449), so the children receive \$60 in FIP benefits.

**17. What are the Time Limit Rules?**

Generally, a parent can receive FIP cash benefits for 60 months in her lifetime. There are exceptions to this rule, as discussed below at Question 26. The 60-month "time clock" does not start to run until the parent signs an employment plan.

There is no time limit for children.

This means that if the parent reaches the time limit but does not have sufficient income to support her children, the children can still receive benefits. However, the parent is dropped from the payment and is not entitled to work-preparation services from DHS.

For example, a family of 3 receives \$554/month. If the parent reaches her time limit, the payment will be reduced to \$449/month (payment for 2). As long as the family's countable income is less than the payment amount, the children will continue to receive assistance.

If the parent is working less than 30 hours/week at the end of 5 years,<sup>1</sup> and has income from earnings, the earnings minus \$90 work deduction and an amount to meet the parent's needs are deducted from gross pay and the balance is considered available to the

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<sup>1</sup> If the parent is working 30 or more hours/week, the clock is stopped and full earned income deductions are applied.

children. Because the more generous work disregards (\$170 plus ½ balance of income) are no longer applied, the family may become ineligible for a FIP cash supplement.

### **18. How does the Family Apply?**

A parent needs to go to the local DHS office to apply. The first meeting is with a social worker who reviews with the parent the reasons they are seeking assistance, refers the parent to community resources that might help meet immediate needs, and reviews the paperwork that needs to be completed. The parent will sign and date the Application for Assistance. This is the “filing date”. The Department must make a decision on the family’s eligibility within 30 days of this filing date.

The social worker gives the parent a date to return to the office to meet with the eligibility worker. This appointment should be within a week or two.

There is a list of documents that the parent needs to bring to the meeting with the eligibility worker. A rather lengthy booklet describing the family’s circumstances is also completed.

The eligibility worker will go over the information in the booklet and review the documentation. If the parent was unable to get some documentation, the eligibility worker should help the parent collect it.

Once the paperwork is complete, a decision is made on eligibility. The application for FIP includes an application for Medical Coverage through the Rite Care program, Food Stamps and childcare (if necessary).<sup>2</sup>

Generally the family is certified as eligible for six months. (The certification period can be shorter if the family’s circumstances warrant, e.g., the income is likely to change.) Prior to the end of the certification period, the family is sent a new application form and a letter setting the date to meet with the eligibility worker for the “Determination of Continued Eligibility” (“DOCE”).

### **19. What happens after the family is found eligible?**

Unless the parent is exempt (see Question 23), the next step is to develop an Employment Plan with the Social Worker. The plan should identify “realistic short and long term career objectives” and the steps the parent will take to enter the workforce. The plan should be designed to help the parent obtain “financial self sufficiency” in the “shortest practicable time” – and at least within the 60 month time limit.

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<sup>2</sup> Families can apply separately for Rite Care, Food Stamps and Child Care. Families can mail-in an application for Rite Care and for Child Care. No interview with a DHS worker is required. For Food Stamps, a DHS worker must interview the family, but the interview can be held by phone if the parent cannot take time from work to go to the office. Unfortunately, to apply for these 3 programs without FIP, the family must submit 3 separate applications.

The plan should be based on an assessment. The basic assessment includes: the parent's employment history, education history and whether the parent is fluent in English (or the parent's primary language).

If the parent has any assessments or relevant tests from other agencies with which the parent has worked, these should be provided to the DHS worker. Parents may also be referred for formal assessment of educational ability.

There is a special project with the Office of Rehabilitative Services (ORS) to provide services to parents with learning disabilities. ORS staff work directly with parents and provide case management.

## **20. What are the Activities that can be Included in the Employment Plan?**

It depends on (1) whether there are one or two parents in the home, (2) the month of the Employment Plan and (3) what is appropriate to help the parent obtain "stable full-time paid employment". In addition to the activities described below, there are special rules for families that are **homeless** and families that **are involved with DCYF**.

**Homeless Families:** If a family is homeless or is in immediate danger of becoming homeless (as evidenced by a notice of eviction), **housing search activities** can be included in the employment plan for up to 180 days. The activities can comprise all or part of the required hours.

**Families involved with DCYF:** Effective February 1, 2006, up to 10 hours of activities required by a DCYF Service Plan can be counted as part of the parent's FIP Employment Plan. The hours may be part of the required number of hours (20 or 30 hours depending on the age of the youngest child) at any time during the parent's 60 month receipt of assistance. If the DCYF activities are in addition to the required number of hours then child care and other support services can be provided by DHS. For example, a parent who has a 4 year old child is engaged in a training program for 20 hours/week and attends a substance abuse treatment program 5 hours/week under her DCYF Service Plan. If the treatment program is included as part of the FIP Employment Plan (bringing plan hours up to 25), the parent is entitled to child care during the time she attends the classes. The DCYF social worker and the DHS social case worker are required to coordinate the activities in the Employment Plan and the Service Plan so the parent is able to comply with both plans.

## **21. What are the Options for Single Parent Families?**

There is a broader range of activities in which the parent can engage during the first 24 months of the employment plan. During the 25-60<sup>th</sup> months, the activities are more limited, unless the parent meets an exception. Parents with children age 6 and older must be engaged in an activity, or combination of activities, at least 30 hours/week. A parent with a child under age 6 must be engaged in activities at least 20 hours/week.

### First 24 Months

- Literacy or ESL. If the parent does not have basic literacy or English literacy skills, she can participate “on a full time basis” in a program to secure these skills.
- Vocational education, skills or job training – participation on a full-time basis.
- Post-secondary education, if the program is likely to result in regular full-time employment at wages sufficient to eliminate eligibility for cash assistance. Parent must have reading, math and language skills at or above 9<sup>th</sup> grade; attend for 12 or more credit hours and maintain a cumulative GPA of 2.0 or more
- Training or work-readiness program at a job site.
- Work readiness program (during the first 6 months, or longer if the department determines it is necessary for the parent to obtain stable full-time employment). Attending programs that reduce barriers to employment or help the parent prepare for the world of work can be counted as “job readiness” activities. This can include substance abuse and mental health treatment and parenting classes.
- Rapid job entry program (during the first 3 months, or longer, if necessary)
- Paid employment
- Community work experience

### Months 25 – 60

- Paid employment
- Community Work Experience
- Training Program at a job site

### **Exceptions after the 24<sup>th</sup> Month:**

Parents may be able to continue in education or training as their only activity after the 24<sup>th</sup> month in the following circumstances:

- Parent without basic literacy or English Language Skills who is participating in full-time program but is unable to complete a literacy or language skills program during the 1<sup>st</sup> 24 months or who the department has determined is unable to secure paid employment without additional language or literacy skills.  
e.g. TABE test results of grade level 5.9 or less and sporadic employment history
- Parent is participating in a vocational education, skills or job training program, including post-secondary which the parent started before month 25. This activity can continue through month 36 as the parent’s only activity.

### **Combining Work and Education after the 24<sup>th</sup> Month:**

After the 25<sup>th</sup> month, if the parent does not meet at exception and cannot engage in literacy, ESL or post-secondary education as their only activity, the parent can do a work activity and participate in education (or training) for an additional number of hours. Childcare is provided so the parent can participate. If the parent has a child age 6+, she is required to do one of the limited work activities for 30 hours. Education/training would be in addition, often not feasible for a single parent. If the youngest child is under age 6, the parent could do work activity for 20 hours and education/training for additional time.

### **22. What are the Employment Plan Options for Two Parent Families?**

One parent must be engaged in work activities at least 35 hours/week. At least 30 of the hours must be in one of the following activities:

- Employment
- Subsidized employment
- Work experience
- On the job training
- Job search
- Community work experience
- Vocational education (maximum 12 months/individual)
- Providing childcare to a person who is participating in a community work experience

Second parent: Must complete an assessment and can choose whether to have an employment plan. However, unless exempt, this parent's 5 year clock begins to "tick" from the date of the assessment. This means that if the parent chooses not to participate in any work-readiness activities, his/her eligibility for FIP will still end after 60 months.

#### Employment plan options (second parent)

To qualify for childcare payment, the second parent must be doing one of the following activities at least 20 hours/week:

- Employment
- Subsidized employment
- Work experience
- On the job training
- Community Work Experience

If the parent does not need childcare to participate in an activity, s/he could participate in educational activities.

### 23. When Can a Parent Be Exempt from the Work Requirement?

The parent may be exempt from participating in a work requirement for several reasons, as listed below. In all but two circumstances, when the parent is exempt, the “clock stops ticking”. The tolling of the clock applies to both the 60-month “life time” clock and the 24 month “education and training” clock.

For example, a parent applies for FIP in January, 2002 because she is recovering from a car accident and is unable to work. She is exempt from the work requirement because of temporary disability. She recovers in April, 2002 and enters into an employment plan. Her 60-month clock starts in April, 2002. Also, she has 24 months from April, 2002 in which to participate in education or training as her only activity.

A parent applies for FIP in January, 2002 because she is pregnant. She chooses not to develop an employment plan. After she gives birth in March, 2002, she stays home with her baby and does not enter into an employment plan until March, 2003. Although she was not required to have an employment plan (based on pregnancy and caring for an infant), her time clock was still running. Now she has only 46 months (60 – 14) left to receive FIP benefits and she can participate in education/training as her only activity for only 10 months (24-14).

REASON FOR EXEMPTION	CLOCKS STOP?
• Domestic Violence	Yes
• Temporary Illness	Yes
• Physical or mental disability that prevents parent from working	Yes
• Providing full-time care to minor child who is disabled or providing care to an adult in the home who is disabled	Yes
• Sixty years old or older	Yes
• Caring for a child under one	No
• Pregnant woman in 3 <sup>rd</sup> trimester	No

### 24. How Does A Parent Know How Many Months of the 60 Months Have Been Used?

Every 3 months, DHS sends recipients a notice summarizing the number of months they have used and the number of months remaining. Once a year, DHS sends a detailed list showing each month that the parent has received assistance and whether the month counted toward the time limit. These notices can be difficult to understand and the parent may want to check with his/her case worker about the number of months remaining.

## **25. Are There Months That Do Not Count Toward the Time Limit?**

Yes. Any month in which the parent is exempt and the clock is stopped, as described above, does not count.

Any month in which the parent is working 30 hours/week or more does not count.

## **26. Can a Parent Receive Assistance after the 60 Months Have Expired?**

Yes. If the parent meets one of the criteria for a “hardship extension”, she can still be included in the payment. The criteria are:

- Works less than 30 hrs/week but cannot work more due to physical or mental incapacity.
- Employed more than 20 hours/week (but less than 30 hrs) and participating in an approved education activity.
- Parent is unable to secure paid employment without additional language or literacy skills and is participating full-time (at least 20 hrs/week) in an approved literacy or ESL activity.
- Family is homeless
- Temporarily unable to participate in employment plan due to lack of childcare.

Note: An extension is not available to the parent who is sanctioned when the 60<sup>th</sup> month is reached.

If the family has left FIP and needs to reapply for assistance, the children can always receive a payment. If the parent has already received FIP for 60 months, she may still receive a payment if the need for FIP is due to domestic violence, or because the parent is disabled, or because the family is homeless.

## **27. What if the Parent Fails to Cooperate in Developing or Participating in An Employment Plan?**

If the parent fails to comply without good cause, the grant to the family will initially be reduced. If the parent is out of compliance for a total of 18 months, the grant to the entire family is stopped.

During the first 18 months of non-compliance – whether or not consecutive - the grant is reduced by the parent’s portion of the payment. For example, a parent with two children usually receives \$554/month. If the parent is “sanctioned”, the grant will be reduced to a 2-person grant of \$449/month.<sup>3</sup>

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<sup>3</sup> For a single parent and child (family of 2), the benefit is reduced by \$105/month if the parent fails to comply.

The parent can end the sanction by complying with the employment plan requirement or showing that she is exempt from the work requirement. Benefits are restored beginning the first of the month following the date the parent complies with the plan or establishes an exemption. The parent must attend the required activity for 2 weeks to demonstrate compliance.

If the parent fails to comply without good cause for a total of 18 months, the grant to the entire family is stopped. This is referred to as “full family sanction”. To become eligible for benefits, the parent must reapply for FIP and must participate in an agreed upon activity for two weeks. The grant is restored the month after the month of compliance.

Before the sanction is implemented, the DHS worker must offer to meet with the parent in a conciliation process. This should be a time for worker and parent to explore any barriers the parent may have to cooperating with the work requirement and to come to agreement about an activity that is acceptable. The parent can also show “good cause” for not cooperating.

“Good cause” for non-cooperation with a particular assignment includes reasons such as:

- Lack of child care or care for an incapacitated individual living in the home;
- Lack of transportation;
- A family or household crisis or change in family circumstances such as a death in the family or housing crisis;
- Illness of the parent;
- Illness of another family member sufficiently serious to require the presence of the parent;
- Court-required appearance.

The parent can show other “good cause” reasons for not attending a required activity.

Before the sanction (reducing the benefit or closing the case) is imposed, the parent will receive a written notice at least 10 days before the proposed action. The parent can request a fair hearing to challenge the proposed sanction.

## **28. What are the Child Support Cooperation Rules?**

When a parent applies for FIP, she automatically assigns (gives) to the state her right to collect child support from an absent parent. The Office of Child Support Enforcement is responsible for establishing a child support order and collecting child support.

The custodial parent is required to cooperate by identifying and locating the parent(s), helping to establish paternity and obtaining child support payments. The parent must appear as a witness in court, if requested and provide any information she has about the absent parent(s).

If the parent fails to cooperate without good cause, the FIP grant is reduced by 25% and the parent is terminated from Rite Care.

To establish “good cause”, the parent shows that:

- Cooperation is reasonably anticipated to result in physical or emotional harm to the child, parent or other relative with whom the child is living;
- The child was conceived as a result of incest or rape;
- The child is being adopted and the legal proceedings have started;
- The parent is discussing with a social service agency whether to place the child for adoption.

### **29. What is the Domestic Violence Waiver Option ?**

DHS has a contract with the Coalition Against Domestic Violence to provide services and safety planning to parents who disclose they are experiencing domestic violence. There are two advocates on call at all times to receive referrals. The advocates complete a family violence assessment and make a recommendation to DHS as to whether the parent should be granted a waiver from the child support cooperation requirement and/or the work requirement. The DHS supervisor makes a final determination on the waiver request. The waiver(s) can be granted for a maximum of 6 months and can be renewed with the Regional Managers approval.

### **30. What if a Person Disagrees with a Decision Made By DHS?**

It may be helpful to try to resolve a problem by discussing it with the DHS caseworker. If the person is not satisfied, she should ask to speak with the caseworker’s supervisor. The chief casework supervisor is the “next in line” to resolve a problem and finally one of the three Regional Managers.

A person can always request a “fair hearing”. A hearing officer will hear the case and make a decision. The person can be represented at the hearing.

RI Legal Services (Providence: 274-2652; Newport: 253-2090) may be able to provide help in resolving problems and/or representation at a hearing.

Whenever DHS decides to reduce or terminate benefits, the family is sent a notice in advance of the action. The parent has 30 days from the date on the notice to request a hearing. If the hearing is requested within 10 days of the date on the notice, the action is not taken and benefits can continue until the hearing decision is reached. If the parent loses the hearing, the benefits will need to be repaid.