

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred Senate Bill  
3 No. 56 entitled “An act relating to child care and early childhood education”  
4 respectfully reports that it has considered the same and recommends that the  
5 bill be amended by striking out all after the enacting clause and inserting in  
6 lieu thereof the following:

7 \* \* \* Legislative Intent \* \* \*

8 **Sec. 1. LEGISLATIVE INTENT**

9 **It is the intent of the General Assembly that investments in and policy**  
10 **changes to Vermont’s child care system shall:**

11 **(1) increase access to and the quality of child care services throughout**  
12 **the State;**

13 **(2) provide financial stability to child care programs;**

14 **(3) stabilize Vermont’s talented child care workforce;**

15 **(4) address the workforce needs of the State’s employers;**

16 **(5) provide policy recommendations for expanding access and capacity**  
17 **in Vermont’s prekindergarten system; and**

18 **(6) reorganize the Department for Children and Families to ensure**  
19 **greater oversight and focus on child care and early childhood education..**

20 \* \* \* Prekindergarten \* \* \*

21 **Sec. 1a. PREKINDERGARTEN [PLACEHOLDER]**

1                                   \* \* \* Child Care and Child Care Subsidies \* \* \*

2           Sec. 2. 33 V.S.A. § 3512 is amended to read:

3           § 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;

4                                   ELIGIBILITY

5           (a)(1) The Child Care Financial Assistance Program is established to  
6           subsidize, to the extent that funds permit, the costs of child care for families  
7           that need child care services ~~in order to obtain employment, to retain~~  
8           ~~employment, or to obtain training leading to employment. Families seeking~~  
9           ~~employment shall be entitled to participate in the Program for up to three~~  
10           ~~months and the Commissioner may further extend that period.~~

11           (2) The subsidy authorized by this subsection shall be established by the  
12           Commissioner, by rule, and shall bear a reasonable relationship to income and  
13           family size. Families shall be found eligible using an income eligibility scale  
14           based on the current federal poverty level and adjusted for the size of the  
15           family. Co-payments shall be assigned to the whole family and shall not  
16           increase if more than one eligible child is enrolled in child care. Families with  
17           an annual gross income of less than or equal to **150 185** percent of the current  
18           federal poverty guidelines shall not have a family co-payment. Families with  
19           an annual gross income up to and including **350 575** percent of current federal  
20           poverty guidelines, adjusted for family size, shall be eligible for a subsidy  
21           authorized by the subsection. The scale shall be structured so that it

1 encourages employment. If the federal poverty guidelines decrease in a given  
2 year, the Division shall maintain the previous year’s federal poverty guidelines  
3 for the purpose of determining eligibility and benefit amount under this  
4 subsection.

5 (3) Earnings deposited in a qualified child education savings account,  
6 such as the Vermont Higher Education Investment Plan, established in  
7 16 V.S.A. § 2877, or any similar plan qualified under 26 U.S.C. § 529, shall be  
8 disregarded in determining the amount of a family’s income for the purpose of  
9 determining continuing eligibility.

10 (4) ~~After September 30, 2021, a~~ A regulated center-based child care  
11 program or family child care home as defined by the Department in rule shall  
12 not receive funds pursuant to this subsection that are in excess of the usual and  
13 customary rate for services at the center-based child care program or family  
14 child care home.

15 (5) The Department shall ensure that applications for the Child Care  
16 Financial Assistance Program use a simple, plain-language format.  
17 Applications shall be available in both electronic and paper formats.

18 \* \* \*

19 Sec. 3. ~~33 V.S.A. § 3512 is amended to read:~~

20 ~~§ 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;~~

21 ~~ELIGIBILITY~~

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~~(a)(1) The Child Care Financial Assistance Program is established to subsidize, to the extent that funds permit, the costs of child care for families that need child care services.~~

~~(2) The subsidy authorized by this subsection shall be established by the Commissioner, by rule, and shall bear a reasonable relationship to income and family size. Families shall be found eligible using an income eligibility scale based on the current federal poverty level and adjusted for the size of the family. Co-payments shall be assigned to the whole family and shall not increase if more than one eligible child is enrolled in child care. Families with an annual gross income of less than or equal to 185 percent of the current federal poverty guidelines shall not have a family co-payment. Families with an annual gross income up to and including 425 450 percent of current federal poverty guidelines, adjusted for family size, shall be eligible for a subsidy authorized by the subsection. The scale shall be structured so that it encourages employment. If the federal poverty guidelines decrease in a given year, the Division shall maintain the previous year’s federal poverty guidelines for the purpose of determining eligibility and benefit amount under this subsection.~~

~~\*\*\*~~

~~(6)(A) The Department, in consultation with Building Bright Futures, shall adopt by rule, pursuant to 3 V.S.A. chapter 25, a tiered professional~~

1 ~~compensation standard for employees of child care providers, which is~~  
2 ~~comparable to compensation received by early childhood educators in~~  
3 ~~Vermont’s public school system who serve children from prekindergarten~~  
4 ~~through grade three. Annually, the Commissioner shall amend the rule~~  
5 ~~containing the professional compensation standard required by this section to~~  
6 ~~account for inflation and increases due to renegotiated public school teacher~~  
7 ~~compensation levels. The Commissioner shall ensure that the professional~~  
8 ~~compensation standard is posted on the Department’s website.~~

9 ~~(B) To participate in the Child Care Financial Assistance Program,~~  
10 ~~child care providers shall minimally compensate employees providing child~~  
11 ~~care services in accordance with the professional compensation standard~~  
12 ~~established pursuant to this subsection (a).~~

13 \* \* \*

14 [Deleted.]

15 Sec. 4. 33 V.S.A. § 3514 is amended to read:

16 § 3514. PAYMENT TO PROVIDERS

17 (a) The Commissioner shall establish a payment schedule for purposes of  
18 reimbursing providers for full- or part-time child care services rendered to  
19 families who participate in the programs established under section 3512 or  
20 3513 of this title. Payments established under this section shall reflect the  
21 following considerations: whether the provider operates a licensed child care

1 facility or a registered family child care home, type of service provided, cost of  
2 providing the service, and the prevailing market rate for comparable service.  
3 Payments shall be based on enrollment ~~status or any other basis agreed to by~~  
4 ~~the provider and the Division.~~

5 \* \* \*

6 Sec. 5. 33 V.S.A. § 3514 is amended to read:

7 § 3514. PAYMENT TO PROVIDERS

8 \* \* \*

9 (c)(1) The payment schedule established by the Commissioner may  
10 reimburse providers in accordance with the results of the most recent Vermont  
11 Child Care Market Rate Survey.

12 (2) The payment schedule shall include reimbursement rate caps tiered  
13 in relation to provider ratings in the Vermont STARS program, with providers  
14 earning four and five STARS receiving a payment at the 100th percentile of all  
15 reported rates for the same provider setting and providers earning three STARS  
16 or less receiving a reimbursement at the 85th percentile of all reported rates for  
17 the same provider setting if the provider is a center-based child care and  
18 preschool program or at the 95 percentile of all reported rates for the same  
19 provider setting if the provider is a regulated family child care home. The  
20 lower limit of the reimbursement rate caps shall be not less than the 50th  
21 percentile of all reported rates for the same provider setting in each rate

1 ~~category.~~ On years in which a new Vermont Child Care Market Rate Survey is  
2 not available, the rate used to reimburse providers shall be increased in  
3 alignment with the most recent increase in the Employment Cost Index.

4 Sec. 5a. PROVIDER COMPENSATION AND TOTAL COST OF CARE;

5 RECOMMENDATIONS

6 (a) On or before November 1, 2023, the Department of Labor, in  
7 consultation with the Department for Children and Families, the Agency of  
8 Education, Building Bright Futures, and the Vermont Association for the  
9 Education of Young Children, shall develop and submit a tiered professional  
10 pay scale for professionals who provide child care services as defined in 33  
11 V.S.A. § 3511 to the House Committee on Human Services and to the Senate  
12 Committee on Health and Welfare. The pay scale shall be designed to provide  
13 professionals who provide child care services with compensation comparable  
14 to that received by early childhood educators in Vermont's public school  
15 system who serve children from prekindergarten through grade three. The  
16 tiered professional pay scale shall account for professionals' credentialing and  
17 professional child care experience and shall include the addition of an  
18 appropriate fringe benefit rate. In developing the tiered professional pay scale,  
19 the Department of Labor shall refer to the child care and early childhood  
20 education financing study required pursuant to 2021 Acts and Resolves No. 45,  
21 § 14.

1 ~~(b) On or before November 1, 2023, the Department for Children and~~  
2 ~~Families, in consultation with Building Bright Futures and the Vermont~~  
3 ~~Association for the Education of Young Children, shall develop and submit a~~  
4 ~~formula to calculate the total cost of care to serve children in a licensed or~~  
5 ~~regulated child care facility as defined in 33 V.S.A. § 3511 to the House~~  
6 ~~Committee on Human Services and to the Senate Committee on Health and~~  
7 ~~Welfare.~~

8 ~~(c) On or before November 1, 2023, the Department for Children and~~  
9 ~~Families shall submit a report to the House Committee on Human Services and~~  
10 ~~to the Senate Committee on Health and Welfare addressing the following:~~

11 ~~(1) whether and how to integrate a tiered professional pay scale for~~  
12 ~~professionals who provide child care services as part of the Child Care~~  
13 ~~Financial Assistance Program;~~

14 ~~(2) the structure of tiered professional pay scales for professionals who~~  
15 ~~provide child care services that have been implemented in other jurisdictions,~~  
16 ~~including in New Mexico and the District of Columbia; and~~

17 ~~(3) the appropriate legal mechanism to implement any approved tiered~~  
18 ~~professional pay scale for professionals who provide child care services,~~  
19 ~~including consideration of statute, rule, departmental guidance, or some other~~  
20 ~~appropriate mechanism.~~

21 **Sec. 5b. INCENTIVIZING HIGH QUALITY CHILD CARE**



1            On or before February 15, 2024, the Department for Children and Families  
2            shall present information to the House Committee on Human Services and to  
3            the Senate Committee on Health and Welfare on proposals and opportunities to  
4            incentivize the delivery of high quality child care within the Child Care  
5            Financial Assistance Program.

6            Sec. 6. 33 V.S.A. § 3515 is added to read:

7            § 3515. CHILD CARE WAITLIST AND APPLICATION FEES

8            A child care provider shall not charge an application or waitlist fee for child  
9            care services where the applying child qualifies for the Child Care Financial  
10           Assistance Program pursuant to section 3512 of this title. A child care  
11           provider shall reimburse an individual who is charged an application or waitlist  
12           fee for child care services if it is later determined that the applying child  
13           qualified for the Child Care Financial Assistance Program at the time the fee or  
14           fees were paid.

15           Sec. 7. 33 V.S.A. chapter 35, subchapter 6 is added to read:

16           Subchapter 6. Child Care Assistance for Additional Populations

17           § 3551. NONCITIZEN CHILD CARE ASSISTANCE PROGRAM;

18           LEGISLATIVE INTENT

19           In establishing the Noncitizen Child Care Assistance Program to provide  
20           child care subsidies for children who are not eligible for the Child Care  
21           Financial Assistance Program because of their citizenship status, it is the intent

1 of the General Assembly that the benefits and eligibility criteria set forth in  
2 section 3552 of this chapter should align to the greatest extent practicable with  
3 the benefits and eligibility criteria in CCFAP as set forth in section 3512 of this  
4 chapter and corresponding rule.

5 § 3552. NONCITIZEN CHILD CARE ASSISTANCE PROGRAM

6 SUBSIDIES FOR CERTAIN VERMONT RESIDENTS

7 (a) For purposes of this section, the phrase “Vermont residents who have a  
8 citizenship status for which Child Care Financial Assistance Program  
9 (CCFAP) participation is not available” includes children of migrant workers  
10 who are employed in seasonal occupations in this State.

11 (b) The Department for Children and Families shall provide State-funded  
12 child care subsidies equivalent to those offered in the Child Care Financial  
13 Assistance Program (CCFAP) to Vermont residents who have a citizenship  
14 status for which CCFAP participation is not available and meet the service  
15 need and income eligibility standards established by the Department in rule.

16 (c)(1) The Department shall not inquire about or record the citizenship and  
17 immigration status of the applicant or any member of the applicant’s family.

18 (2) All applications submitted and records created pursuant to this  
19 section shall be exempt from public inspection and copying under the Public  
20 Records Act and shall be kept confidential. Absent a request for information  
21 by a U.S. agency pursuant to federal law, the Department shall not disclose any

1 personally identifiable information regarding applicants or enrollees to the U.S.  
2 government.

3 (d) The Department for Children and Families may adopt rules in  
4 accordance with 3 V.S.A. chapter 25 to carry out the purposes of this section.

5 Sec. 8. DEPARTMENT FOR CHILDREN AND FAMILIES; NONCITIZEN  
6 CHILD CARE ASSISTANCE PROGRAM SUBSIDIES; FISCAL  
7 YEAR 2025 ESTIMATE

8 The Department for Children and Families shall provide information on the  
9 estimated fiscal year 2025 costs of providing coverage to Vermont residents  
10 who have a citizenship status for which Child Care Financial Assistance  
11 Program participation is not available pursuant to 33 V.S.A. § 3552 beginning  
12 on July 1, 2024 as part of the Department’s fiscal year 2025 budget  
13 presentation to the House Committees on Appropriations and on Human  
14 Services and the Senate Committees on Appropriations and on Health and  
15 Welfare.

16 \* \* \* Special Accommodations Grant \* \* \*

17 Sec. 9. REPORT; SPECIAL ACCOMMODATIONS GRANT

18 On or before January 15, 2024, the Department for Children and Family’s  
19 Child Development Division shall submit a report to the House Committee on  
20 Human Services and to the Senate Committee on Health and Welfare

1 providing a proposal to streamline the application process for special  
2 accommodation grants, including:

3 (1) the suitability of moving to a 12-month grant cycle and for which  
4 populations;

5 (2) improving support and training for providing inclusive care for  
6 children with special needs;

7 (3) determining how to better meet the early learning needs of children  
8 with disabilities within a child care setting; and

9 (4) any other proposals the Department deems essential to the goal of  
10 streamlining the application process for special accommodation grants.

11 \* \* \* Child Care Workforce Retention Grants \* \* \*

12 Sec. 10. FY 2024 APPROPRIATION; CHILD CARE WORKER  
13 RETENTION GRANT PROGRAM

14 In fiscal year 2024, the sum of \$7,300,000.00 is appropriated from the  
15 General Fund to the Department for Children and Families for the early  
16 childhood staff and home-based provider retention grant program established  
17 in 2021 Acts and Resolves No. 74, Sec. G.300(a)(30), as added by 2022 Acts  
18 and Resolves No. 83, Sec. 68.

19 \* \* \* Scholarship for Prospective Early Childhood Providers \* \* \*

20 Sec. 11. 2021 Acts and Resolves No. 45, Sec. 8 is amended to read:

21 Sec. 8. REPEALS

1 (a) 33 V.S.A. § 3541(d) (reference to student loan repayment assistance  
2 program) is repealed on July 1, 2026.

3 (b) ~~33 V.S.A. § 3542 (scholarships for prospective early childhood~~  
4 ~~providers) is repealed on July 1, 2026. [Repealed.]~~

5 (c) 33 V.S.A. § 3543 (student loan repayment assistance program) is  
6 repealed on July 1, 2026.

7 Sec. 12. APPROPRIATION; SCHOLARSHIPS FOR CURRENT EARLY  
8 CHILDHOOD PROVIDERS

9 In fiscal year 2024, \$500,000.00 is appropriated in addition to the base  
10 funding to the Department for Children and Families for the purpose of  
11 funding scholarships for current early childhood providers pursuant to 33  
12 V.S.A. § 3541.

13 \* \* \* Transitional Assistance \* \* \*

14 Sec. 13. BUILDING BRIGHT FUTURES; TECHNICAL ASSISTANCE

15 The Department for Children and Families and Agency of Education shall  
16 consult with and receive technical assistance from Building Bright Futures  
17 shall consult with and provide technical assistance to the Department for  
18 Children and Families and the Agency of Education for the purpose of  
19 implementing the provisions of this act, including any plans to establish or  
20 alter the public prekindergarten education program established pursuant to  
21 16 V.S.A. § 829, reorganize the Department for Children and Families, and

1 implement changes to the Child Care Financial Assistance Program and  
2 establish the Noncitizen Child Care Assistance Program pursuant to 33 V.S.A.  
3 chapter 35. Specifically, Building Bright Futures shall:

4 (1) develop a concrete transition plan in relation to both the  
5 reorganization of the Department and changes to the Child Care Financial  
6 Assistance Program that ensures accountability using various metrics and  
7 addresses workforce and programmatic costs;

8 (2) monitors these transitions over time and reports annually on January  
9 15 between 2025-2028 to the House Committee on Human Services and the  
10 Senate Committee on Health and Welfare with its observations and  
11 recommendations; and

12 (3) defines and measures success in process and outcomes using a  
13 continuous quality improvement framework.

14 \* \* \* Property Tax Exemption; Property Used by a Child Care Provider \* \* \*

15 Sec. 14. 32 V.S.A. § 3802(22) is added to read:

16 (22) Up to \$10,000.00 of value of real and personal property:

17 (A) owned by a home-based child care provider as defined by  
18 33 V.S.A. § 3511(3) and used to provide child care services as defined by  
19 33 V.S.A. § 3511(4); or

20 (B) rented at not less than 25 percent below fair market value as  
21 determined by the prevailing area market prices for comparable space or

1 property to a center-based child care provider as defined by 33 V.S.A.  
2 § 3511(3) and used to provide child care services as defined by 33 V.S.A.  
3 § 3511(4).

4 Sec. 15. 32 V.S.A. § 3800(q) is added to read:

5 (q) The statutory purpose of the exemption for property owned by or rented  
6 to a child care provider in subdivision 3802(22) of this title is to lower the cost  
7 of providing child care services in Vermont.

8 Sec. 16. 32 V.S.A. § 5401(7) is amended to read:

9 (7) “Homestead”:

10 (A) “Homestead” means the principal dwelling and parcel of land  
11 surrounding the dwelling, owned and occupied by a resident individual as the  
12 individual’s domicile or owned and fully leased on April 1, provided the  
13 property is not leased for more than 182 days out of the calendar year or, for  
14 purposes of the renter credit under subsection 6066(b) of this title, is rented  
15 and occupied by a resident individual as the individual’s domicile.

16 \* \* \*

17 (F) A homestead also includes any other improvement or structure on  
18 the homestead parcel that is not used for business purposes. A homestead does  
19 not include that portion of a principal dwelling used for business purposes if  
20 the portion used for business purposes includes more than 25 percent of the  
21 floor space of the building.

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(H)(i) A homestead does not include any portion of a dwelling that is rented, and a dwelling is not a homestead for any portion of the year in which it is rented.

(ii) Notwithstanding subdivision (i) of this subdivision (7)(H), a homestead shall include a dwelling, or a portion of a dwelling, that otherwise qualifies as a homestead and that is rented at not less than 25 percent below fair market value as determined by the prevailing area market prices for comparable space or property to a center-based child care provider as defined by 33 V.S.A. § 3511(3) and is used to provide child care services as defined by 33 V.S.A. § 3511(4).

\* \* \* Department for Children and Families Restructure and Creation of  
Department of Economic Empowerment \* \* \*

Sec. 17. 3 V.S.A. § 212 is amended to read:

§ 212. DEPARTMENTS CREATED

The following administrative departments are hereby created, through the instrumentality of which the Governor, under the Constitution, shall exercise such functions as are by law assigned to each department respectively:

\* \* \*

(24) The Department of Vermont Health Access-

(25) The Department of Economic Empowerment.



1 Sec. 18. 3 V.S.A. § 241 is amended to read:

2 § 241. BACKGROUND INVESTIGATIONS

3 (a) “Federal tax information” or “FTI” means returns and return  
4 information as defined in 26 U.S.C. § 6103(b) that are received directly from  
5 the Internal Revenue Service or obtained through an IRS-authorized secondary  
6 source, that are in the Recipient’s possession or control, and that are subject to  
7 the confidentiality protections and safeguarding requirements of the Internal  
8 Revenue Code and corresponding federal regulations and guidance.

9 (b) As used in this chapter, “Recipient” means the following authorities of  
10 the Executive Branch of State government that receive FTI:

11 (1) Agency of Human Services, including:

12 (A) Department for Children and Families;

13 (B) Department of Economic Empowerment;

14 (C) Department of Health;

15 ~~(D)~~ Department of Mental Health; and

16 ~~(E)~~ Department of Vermont Health Access.

17 (2) Department of Labor.

18 (3) Department of Motor Vehicles.

19 (4) Department of Taxes.

20 (5) Agency of Digital Services.

21 (6) Department of Buildings and General Services.

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Sec. 19. 3 V.S.A. § 816 is amended to read:

§ 816. EXEMPTIONS

(a) Sections 809–813 of this title shall not apply to:

(1) Acts, decisions, findings, or determinations by the Human Services Board or the ~~Commissioner~~ Commissioners of Economic Empowerment or for Children and Families or a duly authorized agent, and to procedures or hearings before and by the Board or Commissioner or agent.

\* \* \*

Sec. 20. 3 V.S.A. § 3002 is amended to read:

§ 3002. CREATION OF AGENCY

(a) An Agency of Human Services is created consisting of the following:

- (1) The Department of Corrections.
- (2) The Department for Children and Families.
- (3) The Department of Health.
- (4) The Department of Disabilities, Aging, and Independent Living.
- (5) The Human Services Board.
- (6) The Department of Vermont Health Access.
- (7) The Department of Mental Health.
- (8) The Department of Economic Empowerment.

\* \* \*

1 Sec. 21. 3 V.S.A. § 3051 is amended to read:

2 § 3051. COMMISSIONERS; DEPUTY COMMISSIONERS;

3 APPOINTMENT; TERM

4 \* \* \*

5 (c) For the Department for Children and Families, the Secretary, with the  
6 approval of the Governor, shall appoint deputy commissioners for the  
7 following divisions of the Department:

8 (1) ~~Economic Services;~~

9 ~~(2)~~ Child Development; and

10 ~~(3)~~(2) Family Services.

11 \* \* \*

12 (e) For the Department of Economic Empowerment, the Secretary, with the  
13 approval of the Governor, shall appoint deputy commissioners for the  
14 following divisions of the Department:

15 (1) Disability Determination Services; and

16 (2) Economic Services Division.

17 (f) Deputy commissioners shall be exempt from the classified service.

18 Their appointments shall be in writing and shall be filed in the Office of the  
19 Secretary of State.

20 Sec. 22. 3 V.S.A. § 3084 is amended to read:

21 § 3084. DEPARTMENT FOR CHILDREN AND FAMILIES

1 (a) The Department for Children and Families is created within the Agency  
2 of Human Services ~~as the successor to and the continuation of the Department~~  
3 ~~of Social and Rehabilitation Services, the Department of Prevention,~~  
4 ~~Assistance, Transition, and Health Access, excluding the Department of~~  
5 ~~Vermont Health Access, the Office of Economic Opportunity, and the Office~~  
6 ~~of Child Support. The Department shall also include a Division of Child~~  
7 Development Programs to promote the healthy development of children and  
8 youth, oversee and support a system of high-quality child care programs in  
9 home- and community-based settings, and provide assistance and support to  
10 parents and families. It shall include the Divisions of Child Development and  
11 of Family Services and the Office of Children with Special Health Needs and  
12 of Maternal and Child Health.

13 (b) An investigations unit is created within the Department for Children  
14 and Families as the successor to and continuation of the investigation functions  
15 of the Social Services Division of the Department of Social and Rehabilitation  
16 Services under 33 V.S.A. chapter 49.

17 Sec. 23. 3 V.S.A. § 3091 is amended to read:

18 § 3091. HEARINGS

19 (a) An applicant for or a recipient of assistance, benefits, or social services  
20 from the Department for Children and Families, of Economic Empowerment,  
21 of Vermont Health Access, of Disabilities, Aging, and Independent Living, or

1 of Mental Health, ~~or~~; an applicant for a license from one of those departments;  
2 or a licensee may file a request for a fair hearing with the Human Services  
3 Board. An opportunity for a fair hearing ~~will~~ shall be granted to any individual  
4 requesting a hearing because ~~his or her~~ the individual's claim for assistance,  
5 benefits, or services is denied; or is not acted upon with reasonable  
6 promptness; or because the individual is aggrieved by any other Agency action  
7 affecting ~~his or her~~ the individual's receipt of assistance, benefits, or services,  
8 or license or license application; or because the individual is aggrieved by  
9 Agency policy as it affects ~~his or her~~ the individual's situation.

10 \* \* \*

11 Sec. 24. 3 V.S.A. § 3094 is amended to read:

12 § 3094. OFFICE OF CHILD SUPPORT

13 (a) The Office of Child Support is created within the Department ~~for~~  
14 ~~Children and Families~~ of Economic Empowerment and shall be designated the  
15 IV-D agency for purposes of Title IV-D of the federal Social Security Act.

16 (b) The Office shall be headed by a Director who shall be appointed by the  
17 Secretary of Human Services subject to section 3054 of this title.

18 Sec. 25. 3 V.S.A. § 3098 is added to read:

19 § 3098. DEPARTMENT OF ECONOMIC EMPOWERMENT

20 The Department of Economic Empowerment is created within the Agency  
21 of Human Services to empower families and individuals through the provision

1 of financial support, case management, and other assistance aimed at building  
2 skills and independence. It shall include the Office of Child Support, the  
3 Office of Economic Opportunity, the Disability Determination Services  
4 Division, and the Economic Services Division.

5 Sec. 26. 4 V.S.A. § 953 is amended to read:

6 § 953. SOURCES OF NAMES

7 (a) The clerk, in order to ascertain names of persons eligible as jurors, may  
8 consult the latest census enumeration, the latest published city, town, or village  
9 telephone or other directory, the listers' records, the elections records, and any  
10 other general source of names.

11 (b) Notwithstanding any law to the contrary, the Court Administrator may  
12 obtain the names, addresses, and dates of birth of persons ~~which~~ that are  
13 contained in the records of the Department of Motor Vehicles, the Department  
14 of Labor, the Department of Taxes, the Department of Health, the Department  
15 of Economic Empowerment, and the Department for Children and Families.

16 The Court Administrator may also obtain the names of voters from the  
17 Secretary of State. After the names have been obtained, the Court  
18 Administrator shall compile them and provide the names, addresses, and dates  
19 of birth to the clerk in a form that will not reveal the source of the names. The  
20 clerk shall include the names provided by the Court Administrator in the list of  
21 potential jurors.

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Sec. 27. 8 V.S.A. § 10204 is amended to read:

§ 10204. EXCEPTIONS

This subchapter does not prohibit any of the activities listed in this section. This section shall not be construed to require any financial institution to make any disclosure not otherwise required by law. This section shall not be construed to require or encourage any financial institution to alter any procedures or practices not inconsistent with this subchapter. This section shall not be construed to expand or create any authority in any person or entity other than a financial institution.

\* \* \*

(4) Disclosure of information sought by the Department for Children and Families pursuant to its authority and obligations under 33 V.S.A. § 112.

\* \* \*

(27) Disclosure of information sought by the Department of Economic Empowerment pursuant to its authority and obligations under 33 V.S.A. § 212.

Sec. 28. 9 V.S.A. § 2480h is amended to read:

§ 2480h. SECURITY FREEZE BY CREDIT REPORTING AGENCY; TIME  
IN EFFECT

\* \* \*

1 (l) The provisions of this section, including the security freeze, do not  
2 apply to the use of a consumer report by the following:

3 \* \* \*

4 (5) The Economic Services Division of the Department ~~for Children and~~  
5 ~~Families~~ of Economic Empowerment or the Department of Vermont Health  
6 Access or its agents or assignee acting to investigate welfare or Medicaid  
7 fraud.

8 \* \* \*

9 Sec. 29. 9 V.S.A. § 2483a is amended to read:

10 § 2483a. SECURITY FREEZE FOR PROTECTED CONSUMER; TIME IN  
11 EFFECT

12 \* \* \*

13 (l) The provisions of this section, including the protected consumer security  
14 freeze, do not apply to the use of a consumer report by the following:

15 \* \* \*

16 (5) The Economic Services Division of the Department ~~for Children and~~  
17 ~~Families~~ of Economic Empowerment or the Department of Vermont Health  
18 Access or its agents or assignees acting to investigate welfare or Medicaid  
19 fraud.

20 \* \* \*

21 Sec. 30. 9 V.S.A. § 4472 is amended to read:



1 § 4472. RIGHT TO TERMINATE RENTAL AGREEMENT

2 \* \* \*

3 (b) Not less than 30 days before the date of termination, the protected  
4 tenant shall provide to the landlord:

5 (1) a written notice of termination; and

6 (2) documentation from one or more of the following sources supporting  
7 ~~his or her~~ the tenant's reasonable belief that it is necessary to vacate the  
8 dwelling unit:

9 (A) a court, law enforcement, or other government agency;

10 (B) an abuse, sexual assault, or stalking assistance program;

11 (C) a legal, clerical, medical, or other professional from whom the  
12 tenant, or the minor or dependent of the tenant, received counseling or other  
13 assistance concerning abuse, sexual assault, or stalking; or

14 (D) a self-certification of a protected tenant's status as a victim of  
15 abuse, sexual assault, or stalking, signed under penalty of perjury, on a  
16 standard form adopted for that purpose by:

17 (i) a federal or State government entity, including the federal  
18 Department of Housing and Urban Development, the Vermont Department of  
19 Economic Empowerment, or the Vermont Department for Children and  
20 Families; or

1 (ii) a nonprofit organization that provides support services to  
2 protected tenants.

3 \* \* \*

4 Sec. 31. 10 App. V.S.A. § 16 is amended to read:

5 § 16. SUSPENSION OF LICENSES: ENFORCEMENT OF CHILD  
6 SUPPORT ORDERS, 15 V.S.A. § 798

7 \* \* \*

8 16.3 All notices of compliance with a child support order shall be upon a  
9 standard compliance form, as devised and approved by the court, the Vermont  
10 Agency of Human Services, Department of ~~Children and Families~~ Economic  
11 Empowerment, and this Department.

12 16.4 If the motion for the court order was brought by the Vermont Agency  
13 of Human Services, Department of ~~Children and Families~~ Economic  
14 Empowerment, then notice of compliance shall only be accepted from the  
15 Vermont Agency of Human Services, Department of ~~Children and Families~~  
16 Economic Empowerment or the court.

17 \* \* \*

18 16.8 Department personnel shall direct all inquiries from persons seeking  
19 reinstatement to the court or the Vermont Agency of Human Services,  
20 Department of ~~Children and Families~~ Economic Empowerment, if the Vermont  
21 Agency of Human Services, Department of ~~Children and Families~~ Economic

1     Empowerment was the entity ~~which~~ that brought the motion for suspension  
2     before this court.

3     Sec. 32. 12 V.S.A. § 3169 is amended to read:

4     § 3169. HEARING ON MOTION; FINDINGS; ORDER

5         (a) At the hearing on the motion the court shall determine on the basis of  
6     the motion and any affidavit of the judgment creditor, the record in the civil  
7     action and any testimony offered by either party, and by the trustee whether the  
8     judgment debtor has neglected or refused to pay or make reasonable  
9     arrangements to pay the money judgment in question. If the court so finds, it  
10    shall also determine:

11           (1) the amount of the judgment unpaid;

12           (2) the amount of the judgment debtor’s weekly disposable earnings;

13           (3) whether the judgment debtor has been a recipient of assistance from  
14    the Vermont ~~Department~~ Departments for Children and Families, of Economic  
15    Empowerment, or the ~~Department~~ of Vermont Health Access within the two  
16    months preceding the date of the hearing; and

17   \* \* \*

18    Sec. 33. 12 V.S.A. § 3170 is amended to read:

19    § 3170. EXEMPTIONS; ISSUANCE OF ORDER

20         (a) No order approving the issuance of trustee process against earnings  
21    shall be entered against a judgment debtor who was, within the two-month

1 period preceding the hearing provided in section 3169 of this title, a recipient  
2 of assistance from the Vermont Department ~~for Children and Families~~ of  
3 Economic Empowerment or the Department of Vermont Health Access. The  
4 judgment debtor must establish this exemption at the time of hearing.

5 \* \* \*

6 Sec. 34. 13 V.S.A. § 1028 is amended to read:

7 § 1028. ASSAULT OF PROTECTED PROFESSIONAL; ASSAULT WITH  
8 BODILY FLUIDS

9 \* \* \*

10 (d) As used in this section:

11 (1) “Protected professional” ~~shall mean~~ means a law enforcement  
12 officer; a firefighter; a health care worker; an employee, contractor, or grantee  
13 of the Department for Children and Families or Department of Economic  
14 Empowerment; or any emergency medical personnel as defined in 24 V.S.A.  
15 § 2651(6).

16 \* \* \*

17 Sec. 35. 15 V.S.A. § 294 is amended to read:

18 § 294. ~~MAN~~ UNRELATED ADULT IN THE HOUSE

19 (a) When the ~~mother~~ parent of minor children is residing within the same  
20 household as a ~~man~~ an adult unrelated to ~~her~~ the parent and not otherwise  
21 liable for the support of the ~~mother and her~~ parent and the parent’s children, on

1 the complaint of the ~~mother~~ parent or, if ~~she~~ the parent is receiving public  
2 assistance, the ~~Department~~ Departments of Economic Empowerment or for  
3 Children and Families, the Superior Court shall make such decree concerning  
4 the support of the ~~mother~~ parent and the care, custody, maintenance, and  
5 education of the children as in cases where the ~~husband~~ nonresidential parent  
6 refuses without just cause to support ~~his wife~~ the parent living with the  
7 children and the children. The decree shall by its terms continue in force for so  
8 long as the defendant resides within the household or until further order of the  
9 court.

10 (b) This section shall not apply to persons living in boarding houses.

11 Sec. 36. 15 V.S.A. § 606 is amended to read:

12 § 606. ACTION TO RECOVER MAINTENANCE, CHILD SUPPORT, AND  
13 SUIT MONEY; SANCTION FOR NONCOMPLIANCE

14 (a) When a judgment or order for the payment of either temporary or  
15 permanent maintenance, child support, or suit money has been made by the  
16 Family Division of the Superior Court, and personal jurisdiction of the person  
17 liable for the payment of money under the judgment or order has been  
18 obtained, the party entitled by the terms of the judgment or order to payment  
19 thereunder, or the Office of Child Support in all cases in which the party or  
20 dependent children of the parties are the recipients of financial assistance from  
21 the ~~Department~~ Departments of Economic Empowerment or for Children and

1 Families, may file a motion in the Family Division of the Superior Court  
2 asking for a determination of the amount due. Upon notice to the other party  
3 and hearing thereon, the Family Division of the Superior Court shall render  
4 judgment for the amount due under the judgment or order; the court may order  
5 restitution to the ~~Department~~ Departments, order that payments be made to the  
6 Office of Child Support for distribution, or make such other orders or  
7 conditions as it deems proper. The judgment shall be as binding and as  
8 enforceable in all respects as though rendered in any other civil action. Notice  
9 shall be given in such manner as the Supreme Court shall by rule provide. An  
10 additional motion may be brought at any time for further unpaid balances. The  
11 Family Division of the Superior Court in which the cause was pending at the  
12 time the original judgment or order was made shall have jurisdiction of  
13 motions under the provisions of this section, irrespective of the amount in  
14 controversy or the residence of the parties. The motions may be brought and  
15 judgment obtained on judgments, decrees, and orders previously rendered and  
16 still in force.

17 \* \* \*

18 Sec. 37. 15 V.S.A. § 658 is amended to read:

19 § 658. SUPPORT

20 (a) In an action under this chapter or under chapter 21 of this title, the court  
21 shall order either or both parents owing a duty of support to a child to pay an

1 amount for the support of the child in accordance with the support guidelines  
2 as set forth in this subchapter; unless otherwise determined under section 659  
3 of this title.

4 (b) A request for support may be made by either parent, a guardian, or the  
5 Department for Children and Families, Department of Economic  
6 Empowerment, or the Department of Vermont Health Access, if a party in  
7 interest. A court may also raise the issue of support on its own motion.

8 \* \* \*

9 Sec. 38. 16 V.S.A. § 1592 is amended to read:

10 § 1592. POWERS AND RESPONSIBILITIES OF BOARD OF TRUSTEES

11 With respect to the provision of postsecondary career technical education  
12 programs, in addition to those powers and responsibilities set forth in chapter  
13 72 of this title, the Vermont State Colleges Board of Trustees shall:

14 \* \* \*

15 (3) coordinate such programs with other employment and training  
16 programs such as those offered by the Department of Employment and  
17 Training, the Department of Labor, the Department ~~for Children and Families~~  
18 of Economic Empowerment, the Agency of Commerce and Community  
19 Development, independent colleges, and the Vermont Student Assistance  
20 Corporation; and

1 (4) possess all other necessary and implied powers to carry out such  
2 responsibilities.

3 Sec. 39. 18 V.S.A. § 5227 is amended to read:

4 § 5227. RIGHT TO DISPOSITION

5 \* \* \*

6 (d)(1) If the disposition of the remains of a decedent is determined under  
7 subdivision (a)(10) of this section, the Office of the Chief Medical Examiner  
8 may contract with a funeral director or disposition facility to cremate the  
9 remains of the decedent.

10 (2)(A) If the cremation of the decedent is arranged and paid for under 33  
11 V.S.A. § 2301, the Department ~~for Children and Families~~ of Economic  
12 Empowerment shall pay the cremation expenses to the funeral home, up to the  
13 maximum payment permitted by rule by the Department ~~for Children and~~  
14 ~~Families~~ of Economic Empowerment.

15 (B) If the cremation of the decedent is not arranged and paid for  
16 under 33 V.S.A. § 2301, the Department of Health shall pay the cremation  
17 expenses to the funeral home, up to the maximum payment permitted by rule  
18 by the Department ~~for Children and Families~~ of Economic Empowerment.

19 \* \* \*

20 Sec. 40. 18 V.S.A. § 8101 is amended to read:

21 § 8101. LIABILITY



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\* \* \*

(e) In ~~his or her~~ the Commissioner's investigation, keeping of accounts, and collection of charges, the Commissioner shall have the support and cooperation of the Department ~~for Children and Families~~ of Economic Empowerment insofar as the records of that Department relate to the ability to pay.

\* \* \*

Sec. 41. 28 V.S.A. § 755 is amended to read:

§ 755. DISPOSITION OF EARNINGS

An inmate participating in a work release program shall cause to be given to the Commissioner the inmate's total earnings less payroll deductions authorized by law, including income taxes. Upon receipt of the earnings the Commissioner, to the extent reasonable, may:

(1) Deduct an amount determined to be equivalent to the cost of providing for the living expenses of the inmate.

(2) Cause to be paid, as are needed, any of the following:

(A) Any costs or fine imposed by the sentencing court.

(B) Any restitution included as part of the sentence of the inmate by the court.

(C) Any sum as is needed for the support of the dependents of the inmate, in which case the Commissioner shall notify the ~~Commissioner~~

1 Commissioners of Economic Empowerment and for Children and Families of  
2 the support payments.

3 \* \* \*

4 Sec. 42. 30 V.S.A. § 218 is amended to read:

5 § 218. JURISDICTION OVER CHARGES AND RATES

6 \* \* \*

7 (c)(1) The Public Utility Commission shall take any action necessary to  
8 enable the State of Vermont and telecommunications companies offering  
9 service in Vermont to participate in the federal Lifeline program administered  
10 by the Federal Communications Commission (FCC) or its agent and also the  
11 Vermont Lifeline program described in subdivision (2) of this subsection.

12 \* \* \*

13 (4) Notwithstanding any provisions of this subsection to the contrary, a  
14 subscriber who is enrolled in the Lifeline program and has obtained a final  
15 relief from abuse order in accordance with the provisions of 15 V.S.A. chapter  
16 21 or 33 V.S.A. chapter 69 shall qualify for a Lifeline benefit credit for the  
17 amount of the incremental charges imposed by the local telecommunications  
18 company for treating the number of the subscriber as nonpublished and any  
19 charges required to change from a published to a nonpublished number. As  
20 used in this section, “nonpublished” means that the customer’s telephone  
21 number is not listed in any published directories, is not listed on directory

1 assistance records of the company, and is not made available on request by a  
2 member of the general public, notwithstanding any claim of emergency a  
3 requesting party may present. The Department ~~for Children and Families of~~  
4 Economic Empowerment shall develop an application form and certification  
5 process for obtaining this Lifeline benefit credit.

6 \* \* \*

7 Sec. 43. 32 V.S.A. § 308b is amended to read:

8 § 308b. HUMAN SERVICES CASELOAD RESERVE

9 (a) There is created within the General Fund a the Human Services  
10 Caseload Reserve. Expenditures from the Reserve shall be subject to an  
11 appropriation by the General Assembly or approval by the Emergency Board.  
12 Expenditures from the Reserve shall be limited to Agency of Human Services  
13 caseload-related needs primarily in the Departments for Children and Families,  
14 of Economic Empowerment, of Health, of Mental Health, of Disabilities,  
15 Aging, and Independent Living, of Vermont Health Access, and settlement  
16 costs associated with managing the Global Commitment waiver.

17 \* \* \*

18 Sec. 44. 32 V.S.A. § 1003 is amended to read:

19 § 1003. STATE OFFICERS

20 \* \* \*

1 (b) The Governor may appoint each officer of the Executive Branch listed  
2 in this subsection at a starting salary ranging from the base salary stated for  
3 that position to a salary that does not exceed the maximum salary unless  
4 otherwise authorized by this subsection. The maximum salary for each  
5 appointive officer shall be 50 percent above the base salary. Annually, the  
6 Governor may grant to each of those officers an annual salary adjustment  
7 subject to the maximum salary. The annual salary adjustment granted to  
8 officers under this subsection shall not exceed the average rate of adjustment  
9 available to classified employees under the collective bargaining agreement  
10 then in effect. In addition to the annual salary adjustment specified in this  
11 subsection, the Governor may grant a special salary increase subject to the  
12 maximum salary, or a bonus, to any officer listed in this subsection whose job  
13 duties have significantly increased, or whose contributions to the State in the  
14 preceding year are deemed especially significant. Special salary increases or  
15 bonuses granted to any individual shall not exceed the average rate of  
16 adjustment available to classified employees under the collective bargaining  
17 agreement then in effect.

18 (1) Heads of the following Departments and Agencies:

19	Base Salary	Base Salary
20	as of	as of
21	January 5, 2020	July 4, 2021

1	(A)	Administration	\$121,634	\$126,378
2	(B)	Agriculture, Food and Markets	121,634	126,378
3	(C)	Financial Regulation	113,710	118,145
4	(D)	Buildings and General Services	113,710	118,145
5	(E)	Children and Families	113,710	118,145
6	(F)	Commerce and Com-		
7		munity Development	121,634	126,378
8	(G)	Corrections	113,710	118,145
9	(H)	Defender General	113,710	118,145
10	(I)	Disabilities, Aging, and	113,710	118,145
11		Independent Living		
12	(J)	Economic Development	103,149	107,172
13	(K)	Education	121,634	126,378
14	(L)	Environmental Conservation	113,710	118,145
15	(M)	Finance and Management	113,710	118,145
16	(N)	Fish and Wildlife	103,149	107,172
17	(O)	Forests, Parks and Recreation	103,149	107,172
18	(P)	Health	113,710	118,145
19	(Q)	Housing and Community	103,149	107,172
20		Development		
21	(R)	Human Resources	113,710	118,145

1	(S)	Human Services	121,634	126,378
2	(T)	Digital Services	121,634	126,378
3	(U)	Labor	113,710	118,145
4	(V)	Libraries	103,149	107,172
5	(W)	Liquor and Lottery	103,149	107,172
6	(X)	[Repealed.]		
7	(Y)	Mental Health	113,710	118,145
8	(Z)	Military	113,710	118,145
9	(AA)	Motor Vehicles	103,149	107,172
10	(BB)	Natural Resources	121,634	126,378
11	(CC)	Natural Resources Board Chair	103,149	107,172
12	(DD)	Public Safety	113,710	118,145
13	(EE)	Public Service	113,710	118,145
14	(FF)	Taxes	113,710	118,145
15	(GG)	Tourism and Marketing	103,149	107,172
16	(HH)	Transportation	121,634	126,378
17	(II)	Vermont Health Access	113,710	118,145
18	(JJ)	Veterans' Home	113,710	118,145
19	<u>(KK)</u>	<u>Economic Empowerment</u>	<u>113,710</u>	<u>118,145</u>

20 \* \* \*

1 Sec. 45. 32 V.S.A. § 3102 is amended to read:

2 § 3102. CONFIDENTIALITY OF TAX RECORDS

3 \* \* \*

4 (f) Notwithstanding the provisions of this section, information obtained  
5 from the Commissioner for Children and Families under 33 V.S.A. § 112(c),  
6 from the Commissioner of Economic Empowerment under 33 V.S.A. § 212(c),  
7 from the Vermont Student Assistance Corporation under 16 V.S.A. § 2843, or  
8 from the Dental Health Program under 33 V.S.A. § 4507 shall be confidential,  
9 and it shall be unlawful for anyone to divulge such information except in  
10 accordance with a judicial order or as provided under another provision of law.

11 \* \* \*

12 Sec. 46. 32 V.S.A. § 5932 is amended to read:

13 § 5932. DEFINITIONS

14 As used in this chapter:

15 \* \* \*

16 (2) “Debtor” means any individual owing a debt to a claimant agency or  
17 owing any support debt that may be collected by the ~~Department~~ Departments  
18 for Children and Families and of Economic Empowerment.

19 \* \* \*

20 Sec. 47. 33 V.S.A. chapter 1 is amended to read:

21 CHAPTER 1. DEPARTMENT FOR CHILDREN AND FAMILIES

1                    Subchapter 1. Policy, Organization, Powers, and Duties

2            § 101. POLICY

3            It is the policy of the State of Vermont that:

4            (1) Its social and child welfare programs shall provide assistance,  
5            support, and benefits to persons of the State in proven need ~~thereof and eligible~~  
6            ~~for such assistance and benefits~~ of and eligible for assistance, support, and  
7            benefits under the provisions of this title.

8            (2) It is the purpose of its social and child welfare laws to establish and  
9            support programs that contribute to the prevention of dependency and social  
10            maladjustment and contribute to the rehabilitation and protection of persons of  
11            the State.

12            (3) Assistance and benefits shall be administered promptly, with due  
13            regard for the welfare of children and youth and the preservation of family life,  
14            and without restriction of individual rights or discrimination on account of  
15            gender, sexual orientation, gender identity, race, religion, political affiliation,  
16            or place of residence within the State.

17            (4) Assistance and benefits shall be ~~so~~ administered ~~as~~ to maintain and  
18            encourage dignity, self-respect, and self-reliance. It is the legislative intent  
19            that assistance granted shall be adequate to maintain a reasonable standard of  
20            health and decency based on current cost of living indices. ~~Notwithstanding~~  
21            ~~this subdivision, the Department will amend rules that establish new maximum~~



1 ~~Reach Up grant amounts only when the General Assembly has taken~~  
2 ~~affirmative action to increase or decrease the Reach Up financial assistance~~  
3 ~~appropriation.~~

4 (5) The programs of the Department for Children and Families shall be  
5 designed to strengthen family life for the care and protection of children;  
6 promote healthy child development and support a high-quality child care  
7 system throughout the State; to assist and encourage the use by any family of  
8 all available personal and reasonable community resources to this end; and to  
9 provide substitute care of children only when the family, with the use of  
10 available resources, is unable to provide the necessary care and protection to  
11 ensure the right of any child to sound health and to normal physical, mental,  
12 spiritual, and moral development.

13 (6) The child care system shall provide affordable, high-quality care in a  
14 manner that fosters child brain development, nurtures socio-emotional skills,  
15 and supports young families. The Department shall provide leadership and  
16 expertise to early educators and child care programs to ensure that children  
17 receive age-appropriate care tailored to their unique needs.

18 \* \* \*

19 § 104. FUNCTION AND POWERS OF DEPARTMENT

20 (a) The Department shall administer all laws specifically assigned to it for  
21 administration.

1 (b) In addition to other powers vested in it by law, the Department may do  
2 all of the following:

3 (1) ~~Provide for the administration of the following programs and~~  
4 ~~services:~~

5 ~~(A) aid to the aged, blind, and disabled;~~

6 ~~(B) Reach Up financial assistance and support services;~~

7 ~~(C) [Repealed.]~~

8 ~~(D) federal Supplemental Nutrition Assistance Program benefits;~~

9 ~~(E) General Assistance;~~

10 ~~(F) medical assistance; and~~

11 ~~(G) public assistance programs funded with State general funds or the~~  
12 ~~Temporary Assistance to Needy Families (TANF) block grant. [Repealed.]~~

13 (2) Cooperate with the appropriate federal agencies in receiving, to the  
14 extent available, federal funds in support of programs that the Department  
15 administers.

16 (3) Submit plans and reports, adopt rules, and in other respects comply  
17 with the provisions of the Social Security Act that pertain to programs  
18 administered by the Department.

19 (4) Receive and disburse funds that are assigned, donated, or bequeathed  
20 to it for charitable purposes or for the benefit of recipients of assistance,  
21 benefits, or social services. This subdivision shall not be construed to require

1 the Department to accept funds or trusts when the Commissioner, with the  
2 approval of the Governor, considers it in the best interests of the State to refuse  
3 them.

4 (5) Receive in trust and expend, in accordance with the provisions of the  
5 trust, funds and property assigned, donated, devised, or bequeathed to it for  
6 charitable purposes or for the benefit of recipients of assistance, benefits, or  
7 social services. Trust funds accepted by the Department shall be safely  
8 invested by the State Treasurer. Real property received in trust may, at the  
9 discretion of the Commissioner, be administered by the Department of  
10 Buildings and General Services of the Agency of Administration. This  
11 subdivision shall not be construed to require the Department to accept funds or  
12 trusts when the Commissioner, with the approval of the Governor, considers it  
13 in the best interests of the State to refuse them.

14 (6) Aid and assist in charitable work as in the judgment of the  
15 Commissioner will best promote the general welfare of the State.

16 (7) Visit all institutions, homes, places, and establishments soliciting  
17 public support and located in the State that are devoted to or used for the care  
18 of ~~needy persons~~ children.

19 (8) Visit all institutions, homes, places, and establishments providing  
20 room, board, or care to ~~persons~~ children receiving social services or benefits  
21 from the Department.

1           (9) Supervise and control children under its care and custody and  
2 provide for their care, maintenance, and education.

3           (c) The Department for Children and Families, in cooperation with the  
4 Department of Corrections, shall have the responsibility to administer a  
5 comprehensive program for youthful offenders and children who commit  
6 delinquent acts, including utilization of probation services; of a range of  
7 community-based and other treatment, training, and rehabilitation programs;  
8 and of secure detention and treatment programs when necessary in the interests  
9 of public safety, designed with the objective of preparing those children to live  
10 in their communities as productive and mature adults.

11       § 105. COMMISSIONER; APPOINTMENT, TERM, DUTIES, AND  
12           POWERS

13           (a) The Commissioner may exercise the powers and perform duties  
14 required for effective administration of the Department; and ~~he or she~~ shall  
15 determine the policies of the Department.

16           (b) In addition to other duties imposed by law, the Commissioner shall:

17               (1) administer the laws assigned to the Department;

18               (2) fix standards and adopt rules necessary to administer those laws and  
19 for the custody and preservation of records of the Department;

20               (3) appoint all necessary assistants, prescribe their duties, and adopt  
21 rules necessary to ensure that the assistants shall hold merit system status while

1 in the employ of the Department, unless otherwise specifically provided by  
2 law.

3 (c) ~~The Commissioner or the Governor, whenever the federal law so~~  
4 ~~provides, may cooperate with the federal government in providing relief and~~  
5 ~~work relief and community work and training programs in the State shall hold~~  
6 at least a master's level degree in child development, early childhood  
7 education, or related field.

8 (d) The Commissioner, with the approval of the Attorney General, may  
9 enter into reciprocal agreements with social and child welfare agencies in other  
10 states in matters relating to social welfare, children, and families.

11 (e) The Commissioner shall ensure the provision of services to children and  
12 adolescents with a severe emotional disturbance in coordination with the  
13 Secretary of Education and the Commissioners of Mental Health and of  
14 Disabilities, Aging, and Independent Living in accordance with the provisions  
15 of chapter 43 of this title.

16 (f) Notwithstanding any other provision of law, the Commissioner may  
17 delegate to any appropriate employee of the Department any of the  
18 administrative duties and powers imposed on ~~him or her~~ the Commissioner by  
19 law, with the exception of the duties and powers enumerated in this section.

20 The delegation of authority and responsibility shall not relieve the

1 Commissioner of accountability for the proper administration of the  
2 Department.

3 (g) The Commissioner may publicly disclose findings or information about  
4 any case of child abuse or neglect that has resulted in the fatality or near  
5 fatality of a child, including information obtained under chapter 49 of this title,  
6 unless the State’s Attorney or Attorney General who is investigating or  
7 prosecuting any matter related to the fatality requests the Commissioner to  
8 withhold disclosure, in which case the Commissioner shall not disclose any  
9 information until completion of any criminal proceedings related to the fatality  
10 or until the State’s Attorney or Attorney General consents to disclosure,  
11 whichever occurs earlier.

12 \* \* \*

13 § 112a. FINANCIAL INSTITUTIONS TO FURNISH INFORMATION;

14 ASSET VERIFICATION

15 (a)(1) A financial institution, when requested by Department, shall furnish  
16 to the Commissioner or the Commissioner’s designee information in the  
17 possession of the financial institution about the assets of any applicant who is  
18 applying for or is receiving assistance or benefits from the Department or the  
19 applicant’s spouse. The Department shall issue instructions to the financial  
20 institution detailing the nature of the request and the information necessary to  
21 satisfy the request.

1           (2) A financial institution or employee of a financial institution shall not  
2           be subject to criminal or civil liability for actions taken in accordance with this  
3           subsection.

4           (b)(1) Each application for assistance or benefits submitted to the  
5           Department shall contain a form of authorization, executed by the applicant,  
6           granting authority for the Department and its authorized agents to obtain  
7           financial information about the applicant's assets from financial intuitions in  
8           order to verify the applicant's eligibility for the applicable program. The  
9           Department or its authorized agent shall obtain the applicant's authorization  
10          prior to requesting the applicant's financial information from any financial  
11          institution.

12          (2) The Department shall ensure the applicant receives notice written in  
13          plain language explaining the Department's electronic asset verification  
14          system.

15          (c) In the event that the financial information of an applicant's spouse is  
16          required to determine an applicant's eligibility for a program, the Department  
17          shall provide written notice regarding the asset verification process to the  
18          spouse and shall obtain the spouse's written authorization for the Department  
19          and its agents to obtain the spouse's financial information from financial  
20          institutions prior to requesting the spouse's financial information from any

1 financial institution. The Department may determine an applicant to be  
2 ineligible if the applicant’s spouse refuses to provide or revokes consent.

3 (d) As used in this section:

4 (1) “Bank” has the same meaning as in 8 V.S.A. § 11101.

5 (2) “Broker-dealer” has the same meaning as in 9 V.S.A. § 5102.

6 (3) “Credit union” has the same meaning as in 8 V.S.A. § 30101.

7 (4) “Financial institution” means any Vermont financial institution, state  
8 financial institution, and national financial institution, including a bank, credit  
9 union, broker-dealer, investment advisor, mutual fund, or investment company.

10 (5) “Investment advisor” has the same meaning as in 9 V.S.A. § 5102.

11 (6) “Mutual fund” has the same meaning as in 8 V.S.A. § 3461.

12 \* \* \*

13 Subchapter 3. Provisions of General Applicability

14 § 121. CANCELLATION OF ASSISTANCE OR BENEFITS

15 If at any time the Commissioner for Children and Families ~~or the~~  
16 ~~Commissioner of Vermont Health Access~~ has reason to believe that assistance  
17 or benefits have been improperly obtained, ~~he or she~~ the Commissioner shall  
18 cause an investigation to be made and may suspend assistance or benefits  
19 pending the investigation. If, on investigation, the Commissioner for Children  
20 and Families ~~or the Commissioner of Vermont Health Access~~ is satisfied that  
21 the assistance or benefits were illegally obtained, ~~he or she~~ the Commissioner



1 shall immediately cancel them. A person having illegally obtained assistance  
2 or benefits shall not be eligible for reinstatement until ~~his or her~~ the person's  
3 need has been reestablished.

4 § 122. RECOVERY OF PAYMENTS

5 (a) The amount of assistance or benefits may be changed or cancelled at  
6 any time if the Commissioner for Children and Families ~~or the Commissioner~~  
7 ~~of Vermont Health Access~~ finds that the recipient's circumstances have  
8 changed. Upon granting assistance or benefits, the Department for Children  
9 and Families ~~or the Department of Vermont Health Access~~ shall inform the  
10 recipient that changes in ~~his or her~~ the recipient's circumstances must be  
11 promptly reported to the Department.

12 (b) When on the death of a person receiving assistance it is found that the  
13 recipient possessed income or property in excess of that reported to the  
14 Department for Children and Families ~~or the Department of Vermont Health~~  
15 ~~Access~~, up to double the total amount of assistance in excess of that to which  
16 the recipient was lawfully entitled may be recovered by the Commissioner for  
17 Children and Families ~~or the Commissioner of Vermont Health Access~~ as a  
18 preferred claim from the estate of the recipient. The Commissioner for  
19 Children and Families ~~or the Commissioner of Vermont Health Access~~ shall  
20 calculate the amount of the recovery by applying the legal interest rate to the

1 amount of excess recovery paid, except that the recovery shall be capped at  
2 double the excess assistance paid.

3 (c) When the Commissioner for Children and Families ~~or the~~  
4 ~~Commissioner of Vermont Health Access~~ finds that a recipient of benefits  
5 received assistance in excess of that to which the recipient was lawfully  
6 entitled, because the recipient possessed income or property in excess of  
7 Department standards, the Commissioner for Children and Families ~~or the~~  
8 ~~Commissioner of Vermont Health Access~~ may take actions to recover the  
9 overpayment.

10 (d) In the event of recovery, an amount may be retained by the  
11 Commissioner for Children and Families ~~or the Commissioner of Vermont~~  
12 ~~Health Access~~ in a special fund for use in offsetting program expenses and an  
13 amount equivalent to the pro rata share to which the United States of America  
14 is equitably entitled shall be paid promptly to the appropriate federal agency.

15 § 123. ~~GUARDIAN OR LEGAL REPRESENTATIVE~~

16 ~~(a) If the Commissioner finds that an applicant for or recipient of assistance~~  
17 ~~is incapable of taking care of himself or herself or his or her business affairs,~~  
18 ~~the Commissioner may direct the payment of the assistance to a guardian~~  
19 ~~appointed by the Probate Division of the Superior Court.~~

20 ~~(b) If the Commissioner finds that an applicant for or recipient of assistance~~  
21 ~~is incapable of prudently attending to his or her business affairs, the~~

1 ~~Commissioner may direct the payment of the assistance to the legal~~  
2 ~~representative of the person appointed by the Probate Division of the Superior~~  
3 ~~Court. [Repealed.]~~

4 \* \* \*

5 Subchapter 5. Prohibited Practices; Penalties

6 § 141. FRAUD

7 (a) A person who knowingly fails, by false statement, misrepresentation,  
8 impersonation, or other fraudulent means, to disclose a material fact used to  
9 determine whether that person is qualified to receive aid or benefits under a  
10 State or federally funded assistance program; or who knowingly fails to  
11 disclose a change in circumstances in order to obtain or continue to receive aid  
12 or benefits to which ~~he or she~~ the person is not entitled or in an amount larger  
13 than that to which ~~he or she~~ the person is entitled; or who knowingly aids and  
14 abets another person in the commission of any such act shall be punished as  
15 provided in section 143 of this title.

16 (b) ~~A person who knowingly uses, transfers, acquires, traffics, alters,~~  
17 ~~forges, or possesses; or who knowingly attempts to use, transfer, acquire,~~  
18 ~~traffic, alter, forge, or possess; or who knowingly aids and abets another person~~  
19 ~~in the use, transfer, acquisition, traffic, alteration, forgery, or possession of a~~  
20 ~~Supplemental Nutrition Assistance Program benefit card, authorization for the~~  
21 ~~purchase of Supplemental Nutrition Assistance Program benefits, certificate of~~

1 ~~eligibility for medical services, or State health care program identification card~~  
2 ~~in a manner not authorized by law shall be punished as provided in section 143~~  
3 ~~of this title. [Repealed.]~~

4 (c) ~~A person who administers a State or federally funded assistance~~  
5 ~~program who fraudulently misappropriates, attempts to misappropriate, or aids~~  
6 ~~and abets in the misappropriation of a Supplemental Nutrition Assistance~~  
7 ~~Program benefit, authorization for Supplemental Nutrition Assistance Program~~  
8 ~~benefits, a Supplemental Nutrition Assistance Program benefit identification~~  
9 ~~card, certificate of eligibility for prescribed medicine, State health care~~  
10 ~~program identification card, or assistance from any other State or federally~~  
11 ~~funded program with which he or she has been entrusted or of which he or she~~  
12 ~~has gained possession by virtue of his or her position; or who knowingly~~  
13 ~~misappropriates, attempts to misappropriate, or aids or abets in the~~  
14 ~~misappropriation of funds given in exchange for Supplemental Nutrition~~  
15 ~~Assistance Program benefits shall be punished as provided in section 143 of~~  
16 ~~this title. [Repealed.]~~

17 (d) A person who knowingly files, attempts to file, or aids and abets in the  
18 filing of a claim for services to a recipient of benefits under a State or federally  
19 funded assistance program for services that were not rendered; or who  
20 knowingly files a false claim or a claim for unauthorized items or services  
21 under such a program; or who knowingly bills the recipient of benefits under

1 such a program or ~~his or her~~ the person's family for an amount in excess of  
2 that provided for by law or regulation; or who knowingly fails to credit the  
3 State or its agent for payments received from Social Security, insurance, or  
4 other sources; or who in any way knowingly receives, attempts to receive, or  
5 aids and abets in the receipt of unauthorized payment as provided herein shall  
6 be punished as provided in section 143 of this title.

7 (e) A person providing service for which compensation is paid under a  
8 State or federally funded assistance program who requests, and receives, either  
9 actually or constructively, any payment or contribution through a payment,  
10 assessment, gift, devise, bequest, or other means, whether directly or  
11 indirectly, from either a recipient of assistance from the assistance program or  
12 from the family of the recipient shall notify the Commissioner for Children and  
13 Families ~~or the Commissioner of Vermont Health Access~~, on a form provided  
14 by ~~him or her~~ the Commissioner, of the amount of the payment or contribution  
15 and of such other information as specified by the Commissioner for Children  
16 and Families ~~or the Commissioner of Vermont Health Access~~ within 10 days  
17 after the receipt of the payment or contribution or, if the payment or  
18 contribution is to become effective at some time in the future, within 10 days  
19 ~~of~~ following the consummation of the agreement to make the payment or  
20 contribution. Failure to notify the Commissioner for Children and Families ~~or~~

1 ~~the Commissioner of Vermont Health Access~~ within the time prescribed is  
2 punishable as provided in section 143 of this title.

3 (f) Repayment of assistance or services wrongfully obtained shall not  
4 constitute a defense to or ground for dismissal of criminal charges brought  
5 under this section.

6 § 142. BRINGING ~~NEEDY~~ PERSON IN NEED INTO THE STATE

7 (a) Any person who knowingly brings or causes to be brought a ~~needy~~  
8 person in need from out of the state into this State for the purpose of securing  
9 assistance for the ~~needy~~ person in need or making ~~him or her~~ the person in  
10 need a public charge, shall be obligated to support the ~~needy~~ person in need at  
11 ~~his or her~~ the person's own expense for as long as the ~~needy~~ person in need or  
12 persons dependent on the ~~needy~~ person in need remain in the State.

13 (b) The Commissioner may bring a civil action on this statute to enforce  
14 support of the ~~needy~~ person in need and ~~his or her~~ the person's dependents. In  
15 the action, the court may make an order, which shall be subject to change by  
16 the court from time to time as the circumstances require, directing the  
17 defendant to pay a certain sum periodically to the Department for the benefit of  
18 the ~~needy~~ person in need and ~~his or her~~ the person's dependents residing in the  
19 State. The court may punish for violation of the order as for contempt.

20 § 143. GENERAL PENALTY

1 (a) A person who knowingly violates a provision of this title for which no  
2 penalty is specifically provided shall:

3 (1) if the assistance or benefits obtained pursuant to a single fraudulent  
4 scheme or a course of conduct are in violation of subsection 141(a) ~~or (b)~~ of  
5 this title involving \$1,000.00 or less, be fined not more than the amount of  
6 assistance or benefits wrongfully obtained or be imprisoned not more than one  
7 year, or both;

8 (2) if the assistance or benefits obtained pursuant to a single fraudulent  
9 scheme or course of conduct are in violation of subsection (a) ~~or (b)~~ of section  
10 141 of this title and involve more than \$1,000.00, be fined not more than an  
11 amount equal to the assistance or benefits wrongfully obtained or be  
12 imprisoned not more than three years, or both; or

13 (3) if the violation is under subsection ~~(c), (d)~~, 141(d) or (e) ~~of section~~  
14 ~~141~~ of this title, be fined up to \$1,000.00 or up to an amount equal to twice the  
15 amount of assistance, benefits, or payments wrongfully obtained; or be  
16 imprisoned for not more than 10 years, or both.

17 (b) If the person convicted is receiving assistance, benefits, or payments,  
18 the Commissioner for Children and Families or the Commissioner of Vermont  
19 Health Access may recoup the amount of assistance or benefits wrongfully  
20 obtained by reducing the assistance, benefits, or payments periodically paid to  
21 the recipient, as limited by federal law, until the amount is fully recovered.

1       (c) ~~If a provider of services is convicted of a violation of subsection 141(d)~~  
2 ~~or (e) of this title, the Commissioner of Vermont Health Access shall, within~~  
3 ~~90 days of the conviction, suspend the provider from further participation in~~  
4 ~~the medical assistance program administered under Title XIX of the Social~~  
5 ~~Security Act for a period of four years. The suspension required by this~~  
6 ~~subsection may be waived by the Secretary of Human Services only upon a~~  
7 ~~finding that the recipients served by the convicted provider would suffer~~  
8 ~~substantial hardship through a denial of medical services that could not~~  
9 ~~reasonably be obtained through another provider. [Repealed.]~~

10       § 143a. CIVIL REMEDIES

11       (a) A person who violates subsection 141~~(e)~~, (d), or (e) of this title with  
12 actual knowledge may be subject to a civil suit by the Attorney General for:

13           (1) restitution of the amount of assistance, benefits, or payments  
14 wrongfully obtained;

15           (2) interest; and

16           (3) a civil penalty of up to three times the amount of the wrongfully  
17 obtained assistance, benefits, or payments; or \$500.00 per false claim; or  
18 \$500.00 for each false document submitted in support of a false claim,  
19 whichever is greatest.

20       (b) The remedies provided in this section shall be in addition to any other  
21 remedies provided by law.



1 (c) The right to a jury trial shall attach to actions under this section.

2 § 143b. ~~EDUCATION AND INFORMATION~~

3 ~~By January 1, 2005, the Department of Vermont Health Access shall issue~~  
4 ~~rules establishing a procedure for health care providers enrolled in State and~~  
5 ~~federally funded medical assistance programs to obtain advisory opinions~~  
6 ~~regarding coverage and reimbursement under those programs. Each advisory~~  
7 ~~opinion issued by the Department of Vermont Health Access shall be binding~~  
8 ~~on that Department and the party or parties requesting the opinion only with~~  
9 ~~regard to the specific questions posed in the opinion, the facts and information~~  
10 ~~set forth in it, and the statutes and rules specifically noted in the opinion.~~

11 [Repealed.]

12 § 144. STATUTORY CONSTRUCTION

13 (a) ~~Section 143 of this title shall not preclude prosecution under 13 V.S.A.~~  
14 ~~§ 1801, 1802, or 2002 when the alleged violation involves forging an~~  
15 ~~economic assistance check or where duplicate economic assistance checks~~  
16 ~~have been wrongfully negotiated during any one welfare period. [Repealed.]~~

17 (b) Section 143 of this title shall not preclude prosecution under any other  
18 title or sections of this title when the alleged violation is under subsection  
19 141(e) ~~or~~ (d) of this title.

20 \* \* \*

1 Sec. 48. 33 V.S.A. chapter 2 is added to read:

2 CHAPTER 2. DEPARTMENT OF ECONOMIC EMPOWERMENT

3 Subchapter 1. Policy, Organization, Powers, and Duties

4 § 201. POLICY

5 It is the policy of the State of Vermont that:

6 (1) Its social and child welfare programs shall provide assistance and  
7 benefits to persons of the State in proven need thereof and eligible for such  
8 assistance and benefits under the provisions of this title.

9 (2) It is the purpose of its social and child welfare laws to establish and  
10 support programs that contribute to the prevention of dependency and social  
11 maladjustment and contribute to the rehabilitation and protection of persons of  
12 the State.

13 (3) Assistance and benefits shall be administered promptly, with due  
14 regard for the preservation of family life, and without restriction of individual  
15 rights or discrimination on account of gender, race, age, religion, ethnicity,  
16 sexual orientation, gender identity, political affiliation, disability status,  
17 primary language, or place of residence within the State.

18 (4) Assistance and benefits shall be so administered as to maintain and  
19 encourage dignity, self-respect, and self-reliance. It is the legislative intent  
20 that assistance granted shall be adequate to maintain a reasonable standard of  
21 health and decency based on current cost of living indices. Notwithstanding

1 this subdivision, the Department shall amend rules that establish new  
2 maximum Reach Up grant amounts only when the General Assembly has taken  
3 affirmative action to increase or decrease the Reach Up financial assistance  
4 appropriation.

5 (5) The programs of the Department of Economic Empowerment shall  
6 be designed to strengthen family life for the care and protection of children and  
7 to assist and encourage the use by any family of all available personal and  
8 reasonable community resources to this end.

9 § 202. DEFINITIONS AND CONSTRUCTION

10 (a) As used in this chapter:

11 (1) “Aid” means financial assistance.

12 (2) “Assistance,” when not modified by an adjective, means general  
13 assistance or public assistance, or both.

14 (3) “Benefits” means aid or commodities furnished under chapter 17 of  
15 this title.

16 (4) “Commissioner” means the Commissioner of Economic  
17 Empowerment.

18 (5) “Department” means the Department of Economic Empowerment.

19 (6) “Federal department” or “federal agency” means a department or  
20 agency of the United States of America.

1           (7) “Guardian” means a legal guardian appointed by a Probate Division  
2           of the Superior Court or by a court in a divorce or other proceeding or action.

3           (8) “Public assistance” means aid provided by the Department under  
4           Title IV, XVI, or XIX of the Social Security Act.

5           (9) “Regulation” means a rule or regulation.

6           (10) “Social Security Act” means the federal Social Security Act and  
7           regulations promulgated under the Act, as amended at any time.

8           (b) The laws relating to the Department of Economic Empowerment and its  
9           programs shall be construed liberally to carry out the policies stated in this  
10           chapter.

11           § 203. COMPOSITION OF DEPARTMENT

12           The Department of Economic Empowerment, created pursuant to 3 V.S.A.  
13           §§ 212 and 3098, shall consist of the Commissioner of Economic  
14           Empowerment and all divisions, councils, boards, committees, and offices  
15           within the Department.

16           § 204. FUNCTION AND POWERS OF DEPARTMENT

17           (a) The Department shall administer all laws specifically assigned to it for  
18           administration.

19           (b) In addition to other powers vested in it by law, the Department may do  
20           all of the following:

- 1           (1) Provide for the administration of the following programs and  
2 services:
- 3           (A) aid to the aged, blind, and disabled;  
4           (B) Reach Up financial assistance and support services;  
5           (C) federal Supplemental Nutrition Assistance Program benefits;  
6           (D) General Assistance;  
7           (E) medical assistance; and  
8           (F) public assistance programs funded with State general funds or the  
9 Temporary Assistance to Needy Families (TANF) block grant.
- 10           (2) Cooperate with the appropriate federal agencies in receiving, to the  
11 extent available, federal funds in support of programs that the Department  
12 administers.
- 13           (3) Submit plans and reports, adopt rules, and in other respects comply  
14 with the provisions of the Social Security Act that pertain to programs  
15 administered by the Department.
- 16           (4) Receive and disburse funds that are assigned, donated, or bequeathed  
17 to it for charitable purposes or for the benefit of recipients of assistance,  
18 benefits, or social services. This subdivision shall not be construed to require  
19 the Department to accept funds or trusts when the Commissioner, with the  
20 approval of the Governor, considers it in the best interests of the State to refuse  
21 them.

1           (5) Receive in trust and expend, in accordance with the provisions of the  
2           trust, funds, and property assigned, donated, devised, or bequeathed to it for  
3           charitable purposes or for the benefit of recipients of assistance, benefits, or  
4           social services. Trust funds accepted by the Department shall be safely  
5           invested by the State Treasurer. Real property received in trust may, at the  
6           discretion of the Commissioner, be administered by the Department of  
7           Buildings and General Services of the Agency of Administration. This  
8           subdivision shall not be construed to require the Department to accept funds or  
9           trusts when the Commissioner, with the approval of the Governor, considers it  
10           in the best interests of the State to refuse them.

11           (6) Aid and assist in charitable work as in the judgment of the  
12           Commissioner will best promote the general welfare of the State.

13           (7) Visit all institutions, homes, places, and establishments soliciting  
14           public support and located in the State that are devoted to or used for the care  
15           of persons in need.

16           (8) Visit all institutions, homes, places, and establishments providing  
17           room, board, or care to persons receiving social services or benefits from the  
18           Department.

19           § 205. COMMISSIONER; APPOINTMENT, TERM, DUTIES, AND

20           POWERS

1       (a) The Commissioner may exercise the powers and perform duties  
2       required for effective administration of the Department and shall determine the  
3       policies of the Department.

4       (b) In addition to other duties imposed by law, the Commissioner shall:

5           (1) administer the laws assigned to the Department;

6           (2) fix standards and adopt rules necessary to administer those laws and  
7       for the custody and preservation of records of the Department; and

8           (3) appoint all necessary assistants, prescribe their duties, and adopt  
9       rules necessary to ensure that the assistants shall hold merit system status while  
10       in the employ of the Department unless otherwise specifically provided by law.

11       (c) The Commissioner or the Governor, whenever the federal law so  
12       provides, may cooperate with the federal government in providing relief and  
13       work relief and community work and training programs in the State.

14       (d) Notwithstanding any other provision of law, the Commissioner may  
15       delegate to any appropriate employee of the Department any of the  
16       administrative duties and powers imposed on the Commissioner by law, with  
17       the exception of the duties and powers enumerated in this section. The  
18       delegation of authority and responsibility shall not relieve the Commissioner of  
19       accountability for the proper administration of the Department.

1                                    Subchapter 2. General Administrative Provisions

2                    § 211. RECORDS; RESTRICTIONS; PENALTIES

3                    (a) The names of or information pertaining to applicants for or recipients of  
4                    assistance or benefits, including information obtained under section 212 of this  
5                    title, shall not be disclosed to anyone, except for the purposes directly  
6                    connected with the administration of the Department or when required by law.

7                    (b) A person shall not publish, use, disclose, or divulge any of those  
8                    records for purposes not directly connected with the administration of  
9                    programs of the Department or contrary to rules adopted by the Commissioner.

10                    § 212. BANKS AND AGENCIES TO FURNISH INFORMATION

11                    (a) An officer of a financial institution, as described in 8 V.S.A.  
12                    § 11101(32); a credit union; or an independent trust company in this State,  
13                    when requested by the Commissioner, shall furnish the Commissioner  
14                    information in the possession of the bank or company with reference to any  
15                    person or the person's spouse who is applying for or is receiving assistance or  
16                    benefits from the Department.

17                    (b) Any governmental official or agency in the State, when requested by  
18                    the Commissioner, shall furnish to the Commissioner information in the  
19                    official's or agency's possession with reference to aid given or money paid or  
20                    to be paid to any person or person's spouse who is applying for or is receiving  
21                    assistance or benefits from the Department.



1       (c) The Commissioner of Taxes, when requested by the Commissioner of  
2       Economic Empowerment, and unless otherwise prohibited by federal law, shall  
3       compare the information furnished by an applicant or recipient of assistance  
4       with the State income tax returns filed by such person and shall report the  
5       Commissioner of Taxes' findings to the Commissioner of Economic  
6       Empowerment. Each application for assistance shall contain a form of  
7       consent, executed by the applicant, granting permission to the Commissioner  
8       of Taxes to disclose such information to the Commissioner for Economic  
9       Empowerment.

10       § 212a. FINANCIAL INSTITUTIONS TO FURNISH INFORMATION;

11       ASSET VERIFICATION

12       (a)(1) A financial institution, when requested by Department, shall furnish  
13       to the Commissioner or the Commissioner's designee information in the  
14       possession of the financial institution about the assets of any applicant who is  
15       applying for or is receiving assistance or benefits from the Department or the  
16       applicant's spouse. The Department shall issue instructions to the financial  
17       institution detailing the nature of the request and the information necessary to  
18       satisfy the request.

19       (2) A financial institution or employee of a financial institution shall not  
20       be subject to criminal or civil liability for actions taken in accordance with this  
21       subsection.

1           **(b)(1) Each application for assistance or benefits submitted to the**  
2           **Department shall contain a form of authorization, executed by the applicant,**  
3           **granting authority for the Department and its authorized agents to obtain**  
4           **financial information about the applicant’s assets from financial institutions in**  
5           **order to verify the applicant’s eligibility for the applicable program. The**  
6           **Department or its authorized agent shall obtain the applicant’s authorization**  
7           **prior to requesting the applicant’s financial information from any financial**  
8           **institution.**

9           **(2) The Department shall ensure the applicant receives notice written in**  
10           **plain language explaining the Department’s electronic asset verification**  
11           **system.**

12           **(c) In the event that the financial information of an applicant’s spouse is**  
13           **required to determine an applicant’s eligibility for a program, the Department**  
14           **shall provide written notice regarding the asset verification process to the**  
15           **spouse and shall obtain the spouse’s written authorization for the Department**  
16           **and its agents to obtain the spouse’s financial information from financial**  
17           **institutions prior to requesting the spouse’s financial information from any**  
18           **financial institution. The Department may determine an applicant to be**  
19           **ineligible if the applicant’s spouse refuses to provide or revokes consent.**

20           **(d) As used in this section:**

21           **(1) “Bank” has the same meaning as in 8 V.S.A. § 11101.**

1           (2) “Broker-dealer” has the same meaning as in 9 V.S.A. § 5102.

2           (3) “Credit union” has the same meaning as in 8 V.S.A. § 30101.

3           (4) “Financial institution” means any Vermont financial institution, state  
4           financial institution, and national financial institution, including a bank, credit  
5           union, broker-dealer, investment advisor, mutual fund, or investment company.

6           (5) “Investment advisor” has the same meaning as in 9 V.S.A. § 5102.

7           (6) “Mutual fund” has the same meaning as in 8 V.S.A. § 3461.

8           § 214. ALLOCATION OF PAYMENTS WHEN APPROPRIATION  
9                           INSUFFICIENT

10           Should the funds available for assistance be insufficient to provide  
11           assistance to all those eligible, the amounts of assistance granted in any  
12           program or portion thereof shall be reduced equitably, in the discretion of the  
13           Commissioner of Economic Empowerment or the Commissioner of Vermont  
14           Health Access by rule.

15                           Subchapter 3. Provisions of General Applicability

16           § 221. CANCELLATION OF ASSISTANCE OR BENEFITS

17           If at any time the Commissioner of Economic Empowerment or the  
18           Commissioner of Vermont Health Access has reason to believe that assistance  
19           or benefits have been improperly obtained, the Commissioner shall cause an  
20           investigation to be made and may suspend assistance or benefits pending the  
21           investigation. If on investigation the Commissioner of Economic

1 Empowerment or the Commissioner of Vermont Health Access is satisfied that  
2 the assistance or benefits were illegally obtained, the Commissioner shall  
3 immediately cancel them. A person having illegally obtained assistance or  
4 benefits shall not be eligible for reinstatement until the person’s need has been  
5 reestablished.

6 § 222. RECOVERY OF PAYMENTS

7 (a) The amount of assistance or benefits may be changed or cancelled at  
8 any time if the Commissioner of Economic Empowerment or the  
9 Commissioner of Vermont Health Access finds that the recipient’s  
10 circumstances have changed. Upon granting assistance or benefits, the  
11 Department of Economic Empowerment or the Department of Vermont Health  
12 Access shall inform the recipient that changes in the recipient’s circumstances  
13 must be promptly reported to the Department.

14 (b) When on the death of a person receiving assistance it is found that the  
15 recipient possessed income or property in excess of that reported to the  
16 Department of Economic Empowerment or the Department of Vermont Health  
17 Access, up to double the total amount of assistance in excess of that to which  
18 the recipient was lawfully entitled may be recovered by the Commissioner of  
19 Economic Empowerment or the Commissioner of Vermont Health Access as a  
20 preferred claim from the estate of the recipient. The Commissioner of  
21 Economic Empowerment or the Commissioner of Vermont Health Access

1 shall calculate the amount of the recovery by applying the legal interest rate to  
2 the amount of excess recovery paid, except that the recovery shall be capped at  
3 double the excess assistance paid.

4 (c) When the Commissioner of Economic Empowerment or the  
5 Commissioner of Vermont Health Access finds that a recipient of benefits  
6 received assistance in excess of that to which the recipient was lawfully  
7 entitled because the recipient possessed income or property in excess of  
8 Department standards, the Commissioner of Economic Empowerment or the  
9 Commissioner of Vermont Health Access may take actions to recover the  
10 overpayment.

11 (d) In the event of recovery, an amount may be retained by the  
12 Commissioner of Economic Empowerment or the Commissioner of Vermont  
13 Health Access in a special fund for use in offsetting program expenses, and an  
14 amount equivalent to the pro rata share to which the United States of America  
15 is equitably entitled shall be paid promptly to the appropriate federal agency.

16 § 224. INALIENABILITY OF ASSISTANCE PAYMENTS

17 All rights to and all monies or orders granted to persons as assistance shall  
18 be inalienable by assignment, transfer, attachment, trustee process, execution,  
19 or otherwise. In case of bankruptcy, the assistance shall not pass to or through  
20 a trustee or other person acting on behalf of creditors.

21 Subchapter 4. Prohibited Practices; Penalties

1     § 241. FRAUD

2           (a) A person who knowingly fails, by false statement, misrepresentation,  
3           impersonation, or other fraudulent means, to disclose a material fact used to  
4           determine whether that person is qualified to receive aid or benefits under a  
5           State or federally funded assistance program; or who knowingly fails to  
6           disclose a change in circumstances in order to obtain or continue to receive aid  
7           or benefits to which the person is not entitled or in an amount larger than that  
8           to which the person is entitled; or who knowingly aids and abets another  
9           person in the commission of any such act shall be punished as provided in  
10          section 143 of this title.

11          (b) A person who knowingly uses, transfers, acquires, traffics, alters,  
12          forges, or possesses; or who knowingly attempts to use, transfer, acquire,  
13          traffic, alter, forge, or possess; or who knowingly aids and abets another person  
14          in the use, transfer, acquisition, traffic, alteration, forgery, or possession of a  
15          Supplemental Nutrition Assistance Program benefit card, authorization for the  
16          purchase of Supplemental Nutrition Assistance Program benefits, certificate of  
17          eligibility for medical services, or State health care program identification card  
18          in a manner not authorized by law shall be punished as provided in section 143  
19          of this title.

20          (c) A person who administers a State or federally funded assistance  
21          program who fraudulently misappropriates, attempts to misappropriate, or aids

1 and abets in the misappropriation of a Supplemental Nutrition Assistance  
2 Program benefit, authorization for Supplemental Nutrition Assistance Program  
3 benefits, a Supplemental Nutrition Assistance Program benefit identification  
4 card, certificate of eligibility for prescribed medicine, State health care  
5 program identification card, or assistance from any other State or federally  
6 funded program with which the person has been entrusted or of which the  
7 person has gained possession by virtue of the person's position; or who  
8 knowingly misappropriates, attempts to misappropriate, or aids or abets in the  
9 misappropriation of funds given in exchange for Supplemental Nutrition  
10 Assistance Program benefits shall be punished as provided in section 143 of  
11 this title.

12 (d) A person who knowingly files, attempts to file, or aids and abets in the  
13 filing of a claim for services to a recipient of benefits under a State or federally  
14 funded assistance program for services that were not rendered; or who  
15 knowingly files a false claim or a claim for unauthorized items or services  
16 under such a program; or who knowingly bills the recipient of benefits under  
17 such a program or the recipient's family for an amount in excess of that  
18 provided for by law or regulation; or who knowingly fails to credit the State or  
19 its agent for payments received from Social Security, insurance, or other  
20 sources; or who in any way knowingly receives, attempts to receive, or aids

1 and abets in the receipt of unauthorized payment as provided herein shall be  
2 punished as provided in section 143 of this title.

3 (e) A person providing service for which compensation is paid under a  
4 State or federally funded assistance program who requests, and receives, either  
5 actually or constructively, any payment or contribution through a payment,  
6 assessment, gift, devise, bequest, or other means, whether directly or  
7 indirectly, from either a recipient of assistance from the assistance program or  
8 from the family of the recipient shall notify the Commissioner of Economic  
9 Empowerment or the Commissioner of Vermont Health Access, on a form  
10 provided by the Commissioner, of the amount of the payment or contribution  
11 and of such other information as specified by the Commissioner of Economic  
12 Empowerment or the Commissioner of Vermont Health Access within 10 days  
13 after the receipt of the payment or contribution or, if the payment or  
14 contribution is to become effective at some time in the future, within 10 days  
15 after the consummation of the agreement to make the payment or contribution.  
16 Failure to notify the Commissioner of Economic Empowerment or the  
17 Commissioner of Vermont Health Access within the time prescribed is  
18 punishable as provided in section 143 of this title.

19 (f) Repayment of assistance or services wrongfully obtained shall not  
20 constitute a defense to or ground for dismissal of criminal charges brought  
21 under this section.



1        § 242. BRINGING PERSON IN NEED INTO THE STATE

2            (a) Any person who knowingly brings or causes to be brought a person in  
3        need from out of the state into this State for the purpose of securing assistance  
4        for the person in need or making the person in need a public charge shall be  
5        obligated to support the person in need at the person’s own expense for as long  
6        as the person in need or persons dependent on the person in need remain in the  
7        State.

8            (b) The Commissioner may bring a civil action on this statute to enforce  
9        support of the person in need and the person’s dependents. In the action, the  
10       court may make an order, which shall be subject to change by the court from  
11       time to time as the circumstances require, directing the defendant to pay a  
12       certain sum periodically to the Department for the benefit of the person in need  
13       and the person’s dependents residing in the State. The court may punish for  
14       violation of the order as for contempt.

15       § 243. GENERAL PENALTY

16           (a) A person who knowingly violates a provision of this title for which no  
17        penalty is specifically provided shall:

18            (1) if the assistance or benefits obtained pursuant to a single fraudulent  
19        scheme or a course of conduct are in violation of subsection 241(a) or (b) of  
20        this title involving \$1,000.00 or less, be fined not more than the amount of

1 assistance or benefits wrongfully obtained or be imprisoned not more than one  
2 year, or both;

3 (2) if the assistance or benefits obtained pursuant to a single fraudulent  
4 scheme or course of conduct are in violation of subsection 241(a) or (b) of this  
5 title and involve more than \$1,000.00, be fined not more than an amount equal  
6 to the assistance or benefits wrongfully obtained or be imprisoned not more  
7 than three years, or both; or

8 (3) if the violation is under subsection 241(c), (d), or (e) of this title, be  
9 fined up to \$1,000.00 or up to an amount equal to twice the amount of  
10 assistance, benefits, or payments wrongfully obtained or be imprisoned for not  
11 more than 10 years, or both.

12 (b) If the person convicted is receiving assistance, benefits, or payments,  
13 the Commissioner of Economic Empowerment or the Commissioner of  
14 Vermont Health Access may recoup the amount of assistance or benefits  
15 wrongfully obtained by reducing the assistance, benefits, or payments  
16 periodically paid to the recipient, as limited by federal law, until the amount is  
17 fully recovered.

18 (c) If a provider of services is convicted of a violation of subsection 241(d)  
19 or (e) of this title, the Commissioner of Vermont Health Access shall, within  
20 90 days following the conviction, suspend the provider from further  
21 participation in the medical assistance program administered under Title XIX

1 of the Social Security Act for a period of four years. The suspension required  
2 by this subsection may be waived by the Secretary of Human Services only  
3 upon a finding that the recipients served by the convicted provider would  
4 suffer substantial hardship through a denial of medical services that could not  
5 reasonably be obtained through another provider.

6 § 243a. CIVIL REMEDIES

7 (a) A person who violates subsection 241(c), (d), or (e) of this title with  
8 actual knowledge may be subject to a civil suit by the Attorney General for:

9 (1) restitution of the amount of assistance, benefits, or payments  
10 wrongfully obtained;

11 (2) interest; and

12 (3) a civil penalty of up to three times the amount of the wrongfully  
13 obtained assistance, benefits, or payments; \$500.00 per false claim; or \$500.00  
14 for each false document submitted in support of a false claim, whichever is  
15 greatest.

16 (b) The remedies provided in this section shall be in addition to any other  
17 remedies provided by law.

18 (c) The right to a jury trial shall attach to actions under this section.

19 § 243b. EDUCATION AND INFORMATION

20 The Department of Vermont Health Access shall issue rules establishing a  
21 procedure for health care providers enrolled in State and federally funded

1 medical assistance programs to obtain advisory opinions regarding coverage  
2 and reimbursement under those programs. Each advisory opinion issued by  
3 the Department of Vermont Health Access shall be binding on that Department  
4 and the party or parties requesting the opinion only with regard to the specific  
5 questions posed in the opinion, the facts and information set forth in it, and the  
6 statutes and rules specifically noted in the opinion.

7 § 244. STATUTORY CONSTRUCTION

8 (a) Section 243 of this title shall not preclude prosecution under 13 V.S.A.  
9 § 1801, 1802, or 2002 when the alleged violation involves forging an  
10 economic assistance check or where duplicate economic assistance checks  
11 have been wrongfully negotiated during any one welfare period.

12 (b) Section 243 of this title shall not preclude prosecution under any other  
13 title or sections of this title when the alleged violation is under subsection  
14 241(c) or (d) of this title.

15 Sec. 49. 33 V.S.A. § 1001 is amended to read:

16 § 1001. DEFINITIONS

17 As used in this chapter:

18 \* \* \*

19 (8) “Commissioner” means the Commissioner ~~for Children and Families~~  
20 ~~or his or her~~ of Economic Empowerment or designee.

1 (9) “Department” means the Department ~~for Children and Families~~ of  
2 Economic Empowerment.

3 \* \* \*

4 Sec. 50. 33 V.S.A. § 1101 is amended to read:

5 § 1101. DEFINITIONS

6 As used in this chapter:

7 \* \* \*

8 (8) “Commissioner” means the Commissioner ~~for Children and Families~~  
9 ~~or his or her~~ of Economic Empowerment or designee.

10 (9) “Department” means the Department ~~for Children and Families~~ of  
11 Economic Empowerment.

12 \* \* \*

13 Sec. 51. 33 V.S.A. § 1107 is amended to read:

14 § 1107. CASE MANAGEMENT; FAMILY DEVELOPMENT PLANS;  
15 COORDINATED SERVICES

16 \* \* \*

17 (d) The Secretary of Education, with the assistance and support of the  
18 Commissioner ~~for Children and Families~~ of Economic Empowerment, the  
19 Commissioner of Disabilities, Aging, and Independent Living, and the  
20 Commissioner of Labor, shall develop and implement comparable and  
21 reciprocally recognized literacy assessment protocols that will be used for all

1 clients seeking adult education and literacy services; related services of the  
2 Agency of Education; or the services of the Department of Disabilities, Aging,  
3 and Independent Living, the Department of Labor, or the Department ~~for~~  
4 ~~Children and Families~~ of Economic Empowerment, when such services are  
5 being sought for the purpose of developing or strengthening competencies or  
6 skills related to the clients’ current or future employment. Such protocols  
7 shall, to the extent practicable, utilize the same terminology and apply  
8 comparable criteria, consistent with individual program purposes and  
9 authorization, in determining when testing, other standardized measurement  
10 tools, or referrals to relevant professionals for evaluation or diagnosis are  
11 appropriate.

12 \* \* \*

13 Sec. 52. 33 V.S.A. § 1201 is amended to read:

14 § 1201. DEFINITIONS

15 As used in this chapter:

16 \* \* \*

17 (4) “Commissioner” means the Commissioner ~~for Children and Families~~  
18 ~~or his or her~~ of Economic Empowerment or designee.

19 (5) “Department” means the Department ~~for Children and Families~~ of  
20 Economic Empowerment.

21 \* \* \*

1 Sec. 53. 33 V.S.A. § 1301 is amended to read:

2 § 1301. ELIGIBILITY REQUIREMENTS—; GENERAL

3 To be eligible for State aid to the aged, blind, or disabled, in addition to the  
4 requirements in sections 1301–1303 of this chapter governing eligibility for a  
5 specific program, an individual shall:

6 \* \* \*

7 (4) Not have sufficient income or other resources to provide a  
8 reasonable subsistence compatible with decency and health, and not be  
9 receiving or able to secure support from persons legally responsible for the  
10 individual’s support. In determining whether the income of an applicant for or  
11 a recipient of aid is sufficient, the Department ~~for Children and Families~~ of  
12 Economic Empowerment may disregard, within the limits of available funds,  
13 income used to further the purposes of rehabilitation and self-support.

14 Sec. 54. 33 V.S.A. § 1306 is amended to read:

15 § 1306. APPLICATION AND INVESTIGATION

16 Applications for State aid to the aged, blind, or disabled may be made at  
17 any office of the Department ~~for Children and Families~~ of Economic  
18 Empowerment. Upon receipt of an application, the Commissioner ~~for Children~~  
19 ~~and Families~~ of Economic Empowerment shall investigate and prescribe the  
20 amount of the grant to be given, if any. No individual shall receive more than  
21 one type of grant or aid under this chapter.

1 Sec. 55. 33 V.S.A. § 1307 is amended to read:

2 § 1307. AMOUNT OF STATE AID

3 The amount of State aid to which an eligible individual is entitled shall be  
4 determined with due regard to the income, resources, and maintenance  
5 available to the individual and, when an eligible individual lives with the  
6 individual's ineligible spouse or ~~a needy~~ an essential person in need, or both,  
7 as defined by the Commissioner, with due regard to the needs of the ineligible  
8 spouse and with due regard to the needs, income, and resources of the ~~needy~~  
9 essential person in need. To the extent funds are available, aid shall provide a  
10 reasonable subsistence compatible with decency and health. The  
11 Commissioner ~~for Children and Families~~ of Economic Empowerment may by  
12 rule fix maximum amounts of aid and take measures to ensure that the  
13 expenditures for the programs shall not exceed the funds provided for them.

14 Sec. 56. 33 V.S.A. § 1308 is amended to read:

15 § 1308. RULES

16 In fixing standards and adopting rules under this chapter, the Commissioner  
17 ~~for Children and Families~~ of Economic Empowerment shall be guided by the  
18 statutory standards set forth in this chapter, which standards shall not be  
19 deemed necessarily to incorporate by reference decisional or statutory law  
20 applicable to the aid to the aged, blind, and disabled program in effect prior to  
21 January 1, 1974.





1 Sec. 59. 33 V.S.A. § 1901b is amended to read:

2 § 1901b. PHARMACY PROGRAM ENROLLMENT

3 (a) The Department of Vermont Health Access and the Department ~~for~~  
4 ~~Children and Families~~ of Economic Empowerment shall monitor actual  
5 caseloads, revenue, and expenditures; anticipated caseloads, revenue, and  
6 expenditures; and actual and anticipated savings from implementation of the  
7 preferred drug list, supplemental rebates, and other cost containment activities  
8 in each State pharmaceutical assistance program, including VPharm. When  
9 applicable, the Departments shall allocate supplemental rebate savings to each  
10 program proportionate to expenditures in each program.

11 \* \* \*

12 Sec. 60. 33 V.S.A. § 2101 is amended to read:

13 § 2101. DEFINITIONS

14 As used in this chapter:

15 (1) “Commissioner” means the Commissioner ~~for Children and Families~~  
16 of Economic Empowerment.

17 \* \* \*

18 Sec. 61. 33 V.S.A. § 2103 is amended to read:

19 § 2103. ELIGIBILITY

20 (a) Consistent with available appropriations, the Department ~~for Children~~  
21 ~~and Families~~ of Economic Empowerment shall furnish General Assistance

1 under this chapter, except as provided in this section, to any otherwise eligible  
2 individual unable to provide the necessities of life for the individual and for  
3 those whom the individual is legally obligated to support. Except for those in  
4 catastrophic situations as defined in rules, no General Assistance shall be  
5 provided in the following situations:

6 (1) to any individual whose income from any source, including the  
7 Department ~~for Children and Families~~ of Economic Empowerment, during the  
8 30 days immediately preceding the date on which assistance is sought is equal  
9 to the General Assistance eligibility standard; and

10 (2) to any able-bodied individual without minor dependents included in  
11 ~~his or her~~ the individual's application.

12 \* \* \*

13 (e) As used in this section, “able-bodied individual” does not include a  
14 person subject to such conditions as are determined, by rule of the  
15 Commissioner ~~for Children and Families~~ of Economic Empowerment, to  
16 constitute barriers to employment.

17 (f) [Repealed.]

18 Sec. 62. 33 V.S.A. § 2114 is amended to read:

19 § 2114. RENTAL OR MORTGAGE ARREARAGE PROGRAM

20 (a) The Department ~~for Children and Families~~ of Economic Empowerment  
21 shall provide up to three months of rental or mortgage arrearage assistance to

1 eligible families. Assistance under this section is not an entitlement and shall  
2 be limited to the funds appropriated.

3 \* \* \*

4 Sec. 63. 33 V.S.A. § 2115 is amended to read:

5 § 2115. GENERAL ASSISTANCE PROGRAM REPORT

6 On or before September 1 of each year, the Commissioner ~~for Children and~~  
7 ~~Families of Economic Empowerment~~ shall submit a written report to the Joint  
8 Fiscal Committee; the House Committees on Appropriations, on General; and  
9 ~~Housing, and Military Affairs~~, and on Human Services; and the Senate  
10 Committees on Appropriations and on Health and Welfare. The report shall  
11 contain the following:

12 \* \* \*

13 Sec. 64. 33 V.S.A. § 2301 is amended to read:

14 § 2301. BURIAL RESPONSIBILITY

15 \* \* \*

16 (d) As used in this chapter:

17 (1) “Burial” means the final disposition of human remains, including  
18 interring or cremating a decedent and the ceremonies directly related to that  
19 cremation or interment at the gravesite.

20 (2) “Department” means the Department ~~for Children and Families of~~  
21 Economic Empowerment.





1 under the support obligation shall be sent to the Office of Child Support upon  
2 notice to the responsible parent, without further order of the court. When an  
3 assignment is in effect pursuant to subsection (a) of this section, any amounts  
4 accrued under the support obligation as of the date of assignment, and any  
5 amount accruing while the assignment is in effect, shall be owing to and  
6 payable to the Department ~~for Children and Families~~ without further order of  
7 the court.

8 \* \* \*

9 (e) If a support order has been entered and the legal custodian and obligee  
10 relinquishes physical responsibility of the child to a caretaker without  
11 modifying the physical rights and responsibilities order, the Office of Child  
12 Support may change the payee of support upon the caretaker's receipt of Reach  
13 Up family assistance from the Department ~~for Children and Families~~. The  
14 obligor's obligation under the support order to pay child support and medical  
15 support continues but shall be payable to the Office of Child Support upon the  
16 caretaker's receipt of Reach Up family assistance and shall continue ~~so~~ for as  
17 long as the assignment is in effect. The Office of Child Support shall notify  
18 the obligor and obligee under the support order, by first-class mail at last  
19 known address, of the change of payee.

1 Sec. 68. 33 V.S.A. § 3903 is amended to read:

2 § 3903. CHILD SUPPORT DEBT

3 (a) Except as otherwise provided in this section, any payment of Reach Up  
4 financial assistance made to or for the benefit of a dependent child creates a  
5 debt due and owing to the Department ~~for Children and Families~~ by any  
6 responsible parent in an amount equal to the amount of Reach Up financial  
7 assistance paid.

8 (b) Collection of child support debts shall be made as provided by this  
9 section and section 3902 of this title and by 15 V.S.A. chapter 11, subchapter  
10 7. Regardless of the amount of Reach Up financial assistance paid, the court  
11 may limit the child support debt, taking into consideration the criteria of  
12 15 V.S.A. § 659. The Department ~~for Children and Families~~ and the  
13 responsible parent may limit the child support debt by stipulation, which shall  
14 be enforceable on its terms unless it is modified.

15 Sec. 69. TRANSFER OF RULEMAKING AUTHORITY; TRANSFER OF

16 RULES TO THE DEPARTMENT OF ECONOMIC

17 EMPOWERMENT

18 (a) The statutory authority to adopt the following rules by the Department  
19 for Children and Families adopted under 3 V.S.A. chapter 25 is transferred  
20 from the Department for Children and Families to the Department of Economic  
21 Empowerment:



- 1           (1) Child Support Guidelines (CVR 13-161-001);
- 2           (2) OCS Administrative Review (CVR 13-161-002);
- 3           (3) Reach First Program (CVR 13-170-210);
- 4           (4) Reach Up (CVR 13-170-220);
- 5           (5) Reach Up Services (CVR 13-170-230);
- 6           (6) Postsecondary Education (CVR 13-170-240);
- 7           (7) Reach Ahead (CVR 13-170-250);
- 8           (8) General Assistance (CVR 130-170-260);
- 9           (9) Assistance to the Aged, Blind, or Disabled (CVR 130-170-270);
- 10          (10) Emergency Assistance (CVR 130-170-280);
- 11          (11) Fuel (CVR 130-170-290); and
- 12          (12) Refugee Cash Assistance (CVR 130-170-300).

13           (b) All rules listed in subsection (a) of this section adopted by the  
14           Department for Children and Families under 3 V.S.A. chapter 25 prior to  
15           July 1, 2024 shall be deemed the rules of the Department of Economic  
16           Empowerment and remain in effect until amended or repealed by the  
17           Department of Economic Empowerment pursuant to 3 V.S.A. chapter 25.

18           (c) The Department of Economic Empowerment shall provide notice of the  
19           transfer to the Secretary of State and the Legislative Committee on  
20           Administrative Rules in accordance with 3 V.S.A. § 848(d)(2).

1 ~~Sec. 70. TRANSFER OF RULEMAKING AUTHORITY; TRANSFER OF~~  
2 ~~RULES TO THE DEPARTMENT FOR CHILDREN AND~~  
3 ~~FAMILIES~~

4 ~~(a) The statutory authority to adopt the following rules by the Department~~  
5 ~~of Health adopted under 3 V.S.A. chapter 25 is transferred from the~~  
6 ~~Department of Health to the Department for Children and Families:~~

7 ~~(1) Newborn Screening Program Regulations (CVR 13-140-057);~~

8 ~~(2) Blood Lead Screening, Reporting and Response Rule (CVR 13-140-~~  
9 ~~070);~~

10 ~~(3) Maternal Mortality Review Panel Rule (CVR 13-140-057);~~

11 ~~(4) Maternal Child Health; Subchapter 4 Home Visiting Rule (CVR 13-~~  
12 ~~140-074); and~~

13 ~~(5) Birth Information Network (CVR 13-140-078);~~

14 ~~(b) All rules listed in subsection (a) of this section and adopted by the~~  
15 ~~Department of Health under 3 V.S.A. chapter 25 prior to July 1, 2024 shall be~~  
16 ~~deemed the rules of the Department for Children and Families and remain in~~  
17 ~~effect until amended or repealed by the Department for Children and Families~~  
18 ~~pursuant to 3 V.S.A. chapter 25.~~

19 ~~(c) The Department for Children and Families shall provide notice of the~~  
20 ~~transfer to the Secretary of State and the Legislative Committee on~~  
21 ~~Administrative Rules in accordance with 3 V.S.A. § 848(d)(2).~~

\* \* \* Effective Dates \* \* \*

1  
2 Sec. 70. EFFECTIVE DATES

3 (a) Except as provided in subsection (b) of this section, this act shall take  
4 effect on July 1, 2023, with the Department for Children and Families making  
5 child care subsidies available to Vermont residents who have an immigration  
6 status for which Child Care Financial Assistance Program participation is not  
7 available pursuant to 33 V.S.A. § 3552 beginning on July 1, 2024, subject to  
8 fiscal year 2025 appropriations for this purpose.

9 (b)(1) Sec. 2 (Child Care Financial Assistance Program; eligibility) shall  
10 take effect on January 1, 2024.

11 (2) Sec. 2 (Child Care Financial Assistance Program; eligibility) and  
12 Sec. 5 (provider payments) shall take effect on January 1, 2024, subject to  
13 fiscal year 2025 appropriations for this purpose, except that the Commissioner  
14 for Children and Families shall adopt any rules necessary prior to that date in  
15 order to perform the Commissioner’s duties under this act.

16 (3) Secs. 14–16 (property tax exemption; property used by child care  
17 providers) shall take effect on July 1, 2024.

18 (4) Secs. 17–69 (relating to the reorganization of the Department for  
19 Children and Families and creation of the Department of Economic  
20 Empowerment) shall take effect on July 1, 2024.

21

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7 (Committee vote: \_\_\_\_\_)

8

\_\_\_\_\_

9

Senator \_\_\_\_\_

10

FOR THE COMMITTEE