

## Final Proposed Filing - Coversheet

### **Instructions:**

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the "Rule on Rulemaking" adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms shall be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of these forms will be used to generate a notice of rulemaking in the portal of "Proposed Rule Postings" online, and the newspapers of record if the rule is marked for publication. Publication of notices will be charged back to the promulgating agency.

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**PLEASE REMOVE ANY COVERSHEET OR FORM NOT  
REQUIRED WITH THE CURRENT FILING BEFORE DELIVERY!**

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**Certification Statement:** As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

### **Reach First Rules**

/s/ Todd W. Daloz , on 4/23/24  
(signature) (date)

### **Printed Name and Title:**

Todd W. Daloz, Deputy Secretary  
Agency of Human Services

RECEIVED BY: \_\_\_\_\_

- Coversheet
- Adopting Page
- Economic Impact Analysis
- Environmental Impact Analysis
- Strategy for Maximizing Public Input
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- ICAR Minutes
- Copy of Comments
- Responsiveness Summary

1. TITLE OF RULE FILING:

**Reach First Rules**

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

24P008

3. ADOPTING AGENCY:

Agency of Human Services

4. PRIMARY CONTACT PERSON:

*(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).*

Name: Heidi Moreau

Agency: Agency of Human Services, Department for  
Children and Families

Mailing Address: 280 State Drive, NOB 1 North, Waterbury,  
VT 05671

Telephone: 802-595-9639 Fax:

E-Mail: heidi.moreau@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*: <https://dcf.vermont.gov/esd/laws-rules/proposed>

5. SECONDARY CONTACT PERSON:

*(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).*

Name: Amanda Beliveau

Agency: Agency of Human Services, Department for  
Children and Families

Mailing Address: 280 State Drive, HC 1 South, Waterbury,  
VT 05671

Telephone: 802-241-0641 Fax:

E-Mail: amanda.beliveau@vermont.gov

6. RECORDS EXEMPTION INCLUDED WITHIN RULE:

*(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE, EXEMPTING IT FROM INSPECTION AND COPYING?)* No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

7. LEGAL AUTHORITY / ENABLING LEGISLATION:



*(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).*

3 V.S.A. § 801(b)(11); 33 V.S.A. § 105(b)(2)

8. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:

33 V.S.A. 105(b)(2) states that the Commissioner has the authority to "fix standards and issue regulations necessary to administer" the laws assigned to the Department. Under 33 V.S.A. § 104(b)(1), the Department is responsible for administering the Reach First program.

9. THE FILING HAS NOT CHANGED SINCE THE FILING OF THE PROPOSED RULE.

10. THE AGENCY HAS NOT INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.

11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE NOT RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.

12. THE AGENCY HAS NOT INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.

13. THE AGENCY HAS NOT INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.

14. CONCISE SUMMARY (150 WORDS OR LESS):

The Reach First program provides cash assistance for up to four months to families experiencing a short-term crisis. The Reach First rules govern the eligibility criteria for the Reach First program. A family that meets eligibility criteria for Reach Up financial assistance (Vermont's Temporary Assistance for Needy Families program) and has needs that can be fully addressed by Reach First payments and support services may be eligible for Reach First. The proposed rule reorganizes and renumbers the rules to conform to a standard outline format, updates terminology, updates statutory references, and replaces deficit-based language with strengths-based language (for example, using the term "engagement" instead of "compliance"). To conform to Act 133 of 2022, the proposed rule

replaces references to the "Reach Up work requirement" with "federal work requirement" and eliminates provisions regarding work-requirement based referrals to other programs and mandatory participation in Reach First.

**15. EXPLANATION OF WHY THE RULE IS NECESSARY:**

The changes in the proposed rule are necessary to update outdated language, improve the readability of the rule, and align with Act 133 of 2022.

**16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:**

The amendments to the Reach First rules are based on: (1) best practices for plain language; and (2) the changes to Reach Up program requirements in Act 133 that impact the Reach First program. The proposed rule is rationally connected to these bases as new language improves the readability of the rule and the removal of references to the "Reach Up work requirement" is necessitated by Act 133. The proposed rule would make sense to a reasonable person because it follows best practices for plain language and is narrowly tailored to conform to Act 133.

**17. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:**

Families applying for or receiving Reach First benefits and the Department for Children and Families.

**18. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):**

The Department anticipates no economic impact. The proposed rule maintains current eligibility criteria and benefit levels.

**19. A HEARING WAS HELD.**

**20. HEARING INFORMATION**

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING, PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

Date: 3/8/2024

Time: 10:00 AM

Street Address: St. Leo's Hall, 109 S Main St, Waterbury, VT

Zip Code:

URL for Virtual: [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_OGM2ZDdiMjEtNjVmOC00NDE4LWFiZmYtMGMyZmIxNDhiN2U2%40thread.v2/0?context=%7b%22Tid%22%3a%220b4933b-baad-433c-9c02-70edcc7559c6%22%2c%22Oid%22%3a%22a7972903-b22b-48ab-91f0-1282d59b4a10%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_OGM2ZDdiMjEtNjVmOC00NDE4LWFiZmYtMGMyZmIxNDhiN2U2%40thread.v2/0?context=%7b%22Tid%22%3a%220b4933b-baad-433c-9c02-70edcc7559c6%22%2c%22Oid%22%3a%22a7972903-b22b-48ab-91f0-1282d59b4a10%22%7d)

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Date:  
Time: AM  
Street Address:  
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**21. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):**

3/15/2024

**KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).**

Reach First

Short-term assistance

Temporary Assistance for Needy Families



## Adopting Page

### **Instructions:**

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. TITLE OF RULE FILING:

**Reach First Rules**

2. ADOPTING AGENCY:

Agency of Human Services

3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment if the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):

Secretary of SOS Log #18-018, Reach First Program, May 8, 2018



**Proposed Rule:** Reach First Rules, Agency of Human Services, Department for Children and Families

**Presented By:** Heidi Moreau and Erin Oalican

Motion made to accept the rule by Sean Brown, seconded by Mike Obuchowski, and passed unanimously with the following recommendation:

1. Public Input Maximization Plan, #3: Include participants noted in #4.

DRAFT

## Economic Impact Analysis

### **Instructions:**

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn’t appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

#### 1. TITLE OF RULE FILING:

**Reach First Rules**

#### 2. ADOPTING AGENCY:

Agency of Human Services

#### 3. CATEGORY OF AFFECTED PARTIES:

*LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:*

Families applying for or receiving Reach First benefits and the Department for Children and Families - the Department anticipates no economic impact to the affected parties as the rules do not change eligibility criteria or benefit levels and the Reach First program is entirely federally funded.

#### 4. IMPACT ON SCHOOLS:

*INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:*

No impact.

5. **ALTERNATIVES:** *CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.*

Not applicable.

6. **IMPACT ON SMALL BUSINESSES:**

*INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):*

No impact.

7. **SMALL BUSINESS COMPLIANCE:** *EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.*

Not applicable.

8. **COMPARISON:**

*COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:*

If the proposed rule were not adopted the economic impact would be the same as there is no economic impact associated with the proposed rule.

9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

The Department determined that the proposed rule will not impose costs or savings on affected parties because there are no changes to eligibility criteria or benefit levels.

## Environmental Impact Analysis

### **Instructions:**

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

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1. TITLE OF RULE FILING:

**Reach First Rules**

2. ADOPTING AGENCY:

Agency of Human Services

3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*  
No impact.

4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*  
No impact.

5. LAND: *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*  
No impact.

6. RECREATION: *EXPLAIN HOW THE RULE IMPACTS RECREATION IN THE STATE:*  
No impact.

7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*

No impact.

8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*

None.

9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

The proposed rule does not impact any of the areas listed above, and therefore, this analysis sufficiently captures that there will be no environmental impact.

## Public Input Maximization Plan

### **Instructions:**

Agencies are encouraged to hold hearings as part of their strategy to maximize the involvement of the public in the development of rules. Please complete the form below by describing the agency's strategy for maximizing public input (what it did do, or will do to maximize the involvement of the public).

This form must accompany each filing made during the rulemaking process:

1. TITLE OF RULE FILING:

**Reach First Rules**

2. ADOPTING AGENCY:

Agency of Human Services

3. PLEASE DESCRIBE THE AGENCY'S STRATEGY TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE, LISTING THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

The Department held a public hearing; published the proposed rule on its website; and notified Reach First participants, community partners, including Vermont Legal Aid, Vermont Network Against Domestic and Sexual Violence, and Designated Agencies, and subscribers of the Department's electronic rules notifications of the proposed rule.

4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

Reach Up and Reach First staff and participants and Integrated Eligibility and Enrollment staff.

## Incorporation by Reference

**THIS FORM IS ONLY REQUIRED WHEN INCORPORATING MATERIALS BY REFERENCE. PLEASE REMOVE PRIOR TO DELIVERY IF IT DOES NOT APPLY TO THIS RULE FILING:**

### **Instructions:**

In completing the incorporation by reference statement, an agency describes any materials that are incorporated into the rule by reference and how to obtain copies.

This form is only required when a rule incorporates materials by referencing another source without reproducing the text within the rule itself (e.g., federal or national standards, or regulations).

Incorporated materials will be maintained and available for inspection by the Agency.

1. TITLE OF RULE FILING:

**Reach First Rules**

2. ADOPTING AGENCY:

Agency of Human Services

3. DESCRIPTION (*DESCRIBE THE MATERIALS INCORPORATED BY REFERENCE*):

The definitions sections of the Reach Up Eligibility rules and Reach Up Services rules.

4. FORMAL CITATION OF MATERIALS INCORPORATED BY REFERENCE:

Reach Up Eligibility Rule 2201 and Reach Up Services Rule 2301.

5. OBTAINING COPIES: (*EXPLAIN WHERE THE PUBLIC MAY OBTAIN THE MATERIAL(S) IN WRITTEN OR ELECTRONIC FORM, AND AT WHAT COST*):

<https://outside.vermont.gov/dept/DCF/Shared%20Documents/ESD/Rules/2200-Reach-Up.pdf>

<https://outside.vermont.gov/dept/DCF/Shared%20Documents/ESD/Rules/2300-RU-Services.pdf>

**6. MODIFICATIONS** (*PLEASE EXPLAIN ANY MODIFICATION TO THE INCORPORATED MATERIALS E.G., WHETHER ONLY PART OF THE MATERIAL IS ADOPTED AND IF SO, WHICH PART(S) ARE MODIFIED*):

Run Spell Check



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## TABLE OF CONTENTS

2100	Reach First
2101	Definitions
2110	Eligibility
2111	Financial Eligibility
2112	Personal Interview
2114	Financial and Self Sufficiency Screening
2115	Ineligible Families
2116	Families Inappropriate for Referral
2117	Families with Mandatory Applicants
2118	Families with No Mandatory Applicants
2120	Payments
2121	Payment Calculation
2122	Payment Disbursement
2130	Services Component
2131	Assessment
2132	Case Management
2133	Family Development Plans
2134	Support Services
2140	Participant Responsibilities
2141	Consequences of Noncompliance
2142	Noncompliance and Good Cause
2143	Conciliation
2150	Referral and Transition to Other Programs
2160	Notice and appeal

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Reach First

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2100 ~~Reach First~~ (04/01/2008, 08-02)

The purpose of the Reach First program is to stabilize families experiencing a short-term crisis, assess their strengths and needs, and orient them to available programs, services, assistance, and participant's responsibilities. The goal is to improve family self-sufficiency, economic independence, and ensure the well-being of children. Reach First helps to stabilize the family by providing monetary payments and support services of limited duration while the family regains its independence and stability, or is assessed and transitions to an appropriate alternative program.

A family that meets eligibility criteria for Reach Up financial assistance and has needs that can be fully addressed by Reach First payments and support services may be eligible for Reach First. Financially eligible families not appropriate or qualified for Reach First shall be referred to other programs available to assist the family in obtaining the opportunities and skills necessary to gain self-sufficiency and economic independence.

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Definitions

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~~2101~~ Definitions (04/01/2008, 08-02)

The definitions applicable to Reach First rules are the definitions at rule 2301 and are incorporated into Reach First rules by this reference.

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Eligibility

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~~2110 — Eligibility — (05/08/2018, 17-20)~~

~~To qualify for Reach First, the applicant family must qualify for Reach Up using Reach Up financial eligibility rules. The 60-month time limit (rule 2238) does not apply to Reach First eligibility. In addition to qualifying for Reach Up financial assistance, the applicant family must meet the Reach First eligibility criteria and, if it has no members who are mandatory applicants (rule 2117), must choose to participate in Reach First.~~

~~Families who qualify for and participate in Reach First are initially certified as eligible for a four-month period (certification period) that commences with the first day of the first calendar month in which the family receives a Reach First payment or support service. The certification period may be shortened if changes in the family's circumstances make them no longer eligible.~~

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Financial Eligibility

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~~2111~~ Financial Eligibility ~~(01/01/2009, 08-20)~~

~~Financial eligibility for Reach First is evaluated and determined using Reach Up financial assistance rules 2200 through 2293.6 which are incorporated into Reach First rules by this reference except for the following sections:~~

- ~~A. Assistance Pending Fair Hearing rule 2215~~
- ~~B. Money Payment rule 2216.2~~

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Personal Interview

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2112 ~~Personal Interview~~ (05/08/2018, 17:20)

~~A personal interview shall be conducted in accordance with Reach Up rule 2211.2. C. The interview shall include sufficient information about programs, benefits, and participant responsibilities to enable applicants to make informed decisions about program participation. At the personal interview, the department shall provide the following to all applicants(s):~~

- ~~A. Information about all programs administered by the department, services and referrals available to the family, program requirements, participant responsibilities, consequences of failure to meet responsibilities, and incentives for participation and obtaining employment;~~
- ~~B. Financial and self-sufficiency screening;~~
- ~~C. Determination of Reach First eligibility related to past receipt of Reach First payment and to the need for ongoing assistance;~~
- ~~D. Determination of appropriateness for Reach First referral; and~~
- ~~E. Determination of whether the family chooses to participate in Reach First, if it is a family with no Reach First mandatory applicants.~~

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Financial and Self Sufficiency Screening

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~~2114 — Financial and Self Sufficiency Screening — (04/01/2008, 08-02)~~

- ~~A. All applicant families who have satisfied financial eligibility criteria for Reach First or financial assistance must complete a financial and self sufficiency screening before determination of eligibility for Reach First, unless it is clear the family is ineligible for Reach First (rule 2115).~~
- ~~B. The financial and self sufficiency screening determines whether the family's circumstances qualify them for Reach First. The screening includes determination of:
  - ~~1. the extent of the family's financial need;~~
  - ~~2. the likelihood that Reach First can address the family's needs within the programs time limits;~~
  - ~~3. the family's prospects for and likelihood of self sufficiency within the next four months;~~
  - ~~4. the family's need for further assessment to determine how to best meet the family's needs and whether Reach First is an appropriate referral;~~
  - ~~5. the work eligible adults interest and desire to participate in Reach First; and~~
  - ~~6. whether any family member is a mandatory Reach First applicants (rule 2115).~~~~

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Ineligible Families

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~~2115 Ineligible Families (04/01/2008, 08-02)~~

~~A. The following families are ineligible for Reach First:~~

- ~~1. families with a work-eligible adult who has received a Reach First payment attributed to any month within the 12 months preceding the month of application; and~~
- ~~2. families who need on-going assistance beyond the four-month Reach First period.~~



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Families Inappropriate for Referral

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~~2116 Families Inappropriate for Referral (04/01/2008, 08-02)~~

- ~~A. Some families who are not appropriate for Reach First may be recognized before assessment in Reach First.~~
- ~~B. The following families, unless they can provide verification that their need for ongoing assistance will end within the four month Reach First period commencing with the calendar month of their application, are not appropriate for Reach First and should be referred to and receive their assessment while in another appropriate program:
  - ~~1. a single parent who qualifies for and wants a deferment to stay home to care for their child under the age of 2;~~
  - ~~2. families with work eligible participants meeting their Reach Up work requirement, but needing ongoing assistance and assessment to determine the best course for gaining self sufficiency.~~~~

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Families with Mandatory Applicants

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2117 Families with Mandatory Applicants (05/08/2018, 17-20)

Families who meet the following criteria are mandatory Reach First Applicants:

1. ~~at least one member of the family is a work-eligible individual;~~
2. ~~work-eligible individuals in the family are neither disregarded from nor meeting their Reach Up work requirement;~~
3. ~~none of the work-eligible adults in the family have received a Reach First payment attributed to any month in the twelve months preceding the month of application; and~~
4. ~~at least one of the work-eligible adults in the family is:~~
  - a. ~~a single parent or caretaker who has no barriers to obtaining and maintaining a job and a recent and stable work history, including receiving wages for his or her most recent job that, when annualized, equal or exceed 150 percent of the federal poverty level applicable to the family;~~
  - b. ~~an able-to-work adult (in a two-parent family when the other parent is able to work part time or unable to work) who has no barriers to obtaining and maintaining a job and a recent and stable work history, including receiving wages for his or her most recent job that, when annualized, equal or exceed 150 percent of the federal poverty level applicable to the family;~~
  - c. ~~an adult (in a two-parent family when both parents are able to work) who is not the primary caretaker of the children; or~~
  - d. ~~an adult who has no barriers to obtaining and maintaining a job and possesses a marketable postsecondary education degree or vocational education certification.~~

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Families with No Mandatory Applicants

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2118 Families with No Mandatory Applicants (05/08/2018; 17-20)

- A. ~~Families with no Reach First mandatory applicants who qualify for participation in Reach First may choose whether to participate in Reach First.~~
- B. ~~An otherwise eligible family that does not include any mandatory Reach First applicants must meet the following criteria to be referred to and participate in Reach First:~~
  - 1. ~~at least one member of the family is a work eligible individual;~~
  - 2. ~~work eligible individuals in the family are neither disregarded from nor meeting their Reach Up work requirement;~~
  - 3. ~~none of the work eligible adults in the family have received a Reach First payment attributed to any month in the twelve months preceding the month of application; and~~
  - 4. ~~after participating in the interview and initial screening, all work eligible adults in the family choose to participate in Reach First.~~

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Payments

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2120 — Payments — (04/01/2008, 08-02)

- A. — ~~Reach First payments must be linked to financial need directly related to the family's immediate financial crisis. The payment must be necessary either to assist the family to avoid the need for Reach Up assistance or to sustain the family while they are assessed and referred to appropriate programs.~~
- B. — ~~Qualifying families may receive Reach First payments and Reach First support services for one certification period in a 12-month period.~~
- C. — ~~Total Reach First payments are limited to no more than the cumulative equivalent of four months of financial assistance for which the family would have qualified in Reach Up.~~
- D. — ~~Reach First payments may be made to the family in monthly installments or, under exceptional situations (rule 2122 C), in payment(s) in excess of the equivalent of the family's monthly Reach Up payment. Reach First payments are only available if needed to avert a crisis as determined in the initial assessment and during the period in which the family seeks immediate employment or participates in assessment and the creation of their family development plan.~~
- E. — ~~Reach First payments may be made to the family by direct deposit, electronic benefit transfer or, if the family requests, by direct payment to the person or other entity providing the lodging, utilities, or other service to the family and as established in Reach Up rule 2222.1.~~
- F. — ~~If a Reach First participant fails, without good cause, to fulfill participant responsibilities, the Reach First payment may be withheld during the conciliation process and until the adult complies.~~
- G. — ~~Reach First payments do not continue while a fair hearing appeal is pending.~~
- H. — ~~Any Reach First payment received by the family for a specific month shall be counted as income in that month for purposes of calculating the amount of financial assistance in Reach Up or a solely state funded program for the same month.~~

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Payment Calculation

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2121 ~~Payment Calculation~~ (04/01/2008, 08-02)

A. ~~Monthly Reach First Payments~~

~~The department shall calculate the Reach First monthly payment amounts using Reach Up rules, provided that the cumulative total of payments received during the four-month certification period does not exceed the Reach First payment maximum (rule 2121-B).~~

B. ~~Reach First Payment Maximum~~

- ~~1. The Reach First payment maximum is the amount used to establish the maximum limit on the cumulative amount of Reach First payments available to the family during the four-month certification period regardless of their frequency of disbursement.~~
- ~~2. The payment maximum shall be determined using Reach Up payment rules with the following additional steps:
  - ~~a. Project and add the amounts of Reach First payments expected for each month of presumptive eligibility relying on the most accurate information regarding the family's circumstances expected for those months and without prorating for partial months.~~
  - ~~b. Reduce the total sum dollar for dollar for any Emergency or General Assistance (EA/GA) payment, other than back rent or mortgage arrearage assistance, received as a result of the current application.~~
  - ~~c. Reduce the total sum dollar for dollar of any child support received or anticipated, other than the first \$50 of current support expected in the current and in each month of presumptive eligibility during the certification period.~~~~
- ~~3. As soon as the family notifies the department of changes in circumstances that affect the amount of payments not yet distributed or the number of months in the certification period, the department shall recalculate the amount remaining in an effort to avoid over- or underpayments.~~

C. ~~Exceptions Limit on the Maximum Payment~~

~~When approved by the commissioner, a Reach First family may receive a payment in excess of the payment limitation if:~~

- ~~1. the payment does not exceed the amount of earned income the family received in their first month of Reach First and receipt of the payment is necessary and relatively certain to divert the family from the Reach Up program; or~~
- ~~2. an unexpected event creates a less than 30-day delay of employment or income that will render the family ineligible for Reach Up and an additional payment in an amount not to exceed the maximum grant size for the family is relatively certain to divert the family from the Reach Up program.~~

D. ~~Payment Adjustments~~

~~When department or applicant errors result in an underpayment or overpayment, payment adjustments shall be made in accordance with Reach Up rule 2224.~~

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Payment Disbursement

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~~2122~~ ~~Payment Disbursement~~ ~~(04/01/2008, 08-02)~~

~~A. Monthly Disbursement~~

~~All Reach First payments, other than the first payment, shall be disbursed on the first of the month.~~

~~B. Disbursements Related to Need~~

~~Payments should be disbursed in an amount that addresses specified and documented needs that are either a result of the family's crisis or necessary to stabilize the family while it regains its independence and stability, or is assessed to determine an appropriate program referral.~~

~~C. Frequency of Payments~~

~~Reach First payments may be disbursed to the family or the designated vendor as follows:~~

~~1. Monthly Disbursements~~

~~Monthly disbursements in an amount equal to or less than the amount for which the family has been determined eligible for in a month shall be the preferred frequency of disbursement.~~

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Payment Disbursement

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~~2. Disbursements in Excess of Monthly Amount~~

~~Disbursements of the maximum payment in a lump sum or in one or more payments greater than the monthly amount shall be made only in exceptional circumstances.~~

~~D. Limits on Monthly Disbursements~~

- ~~1. Disbursements in monthly amounts shall be limited to the amount of the Reach Up grant for which the family would be eligible.~~
- ~~2. Reach First families needing assessment beyond initial financial and stability screening to determine appropriate referral and needs shall qualify only for monthly disbursements until assessment is complete.~~
- ~~3. Families eligible for and receiving monthly disbursements must be cooperating with all Reach First services component requirements.~~

~~E. Limits on One-Time and Disbursements in Excess of Monthly Amounts~~

~~Disbursement of payments in excess of the monthly amount equivalent to a Reach Up payment shall be made only to a family meeting all of the following criteria:~~

- ~~1. The family's initial screening and assessment indicate the family qualifies for Reach First and does not require further in depth assessment;~~
- ~~2. The payment addresses the family's current need in full;~~
- ~~3. It is clear the Reach First payment will end the family's need for any Reach First or Reach Up assistance for the foreseeable future; and~~
- ~~4. The adults in the family understand and agree that should they need to apply for Reach Up in the months attributed to the Reach First payments, that the payment will reduce dollar for dollar any Reach Up financial assistance in the months covered by the payment.~~

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Services Component

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~~2130 — Services Component (04/01/2008, 08-02)~~

- ~~A. The Reach First Services Component consists of assessment, case management, referrals, and services. Reach First participating families must fulfill their initial and ongoing Reach First responsibilities within the services component to continue to receive Reach First payments and services.~~
- ~~B. If needed to determine appropriate referral to improve the family's prospects for job placement and job retention, the commissioner shall provide participating families in depth assessments of the full range of services needed by each family, intensive case management or case consultation services, referral to any agencies or programs that provide the services needed by participating families, and transition to other department programs.~~



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Assessment

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2131 ~~Assessment~~ (04/01/2008, 08-02)

- ~~A. All participants who are referred for assessment shall cooperate in an initial assessment and, if appropriate or necessary, reassessments. The assessment may include tests, other standardized evaluations, and referrals to professionals for evaluation or diagnosis.~~
- ~~B. The assessment shall include, but is not limited to, the following:~~
- ~~1. identification of the individuals strengths, skills, aptitudes, interests, and life and work experience;~~
  - ~~2. determination of whether the individual has limitations and barriers and, if there are barriers or limitations, a determination of how these factors relate to the individuals current or potential participation in the labor force and to the individuals family responsibilities;~~
  - ~~3. literacy evaluation;~~
  - ~~4. determination of the individuals ability to work, including the ability to participate in the various work activities;~~
  - ~~5. the development and well-being of children in the family; and~~
  - ~~6. determination of the services needed to achieve the employment goal.~~

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Case Management

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2132 ~~Case Management~~ (04/01/2008, 08-02)

- ~~A. Case management shall be available to any eligible family needing or requesting in depth assessment or ongoing services.~~
- ~~B. The case manager, with the full involvement of the family, shall recommend, and the commissioner shall establish and modify as necessary, a family development plan for each participating family in need of ongoing services, with a right of appeal as provided by Reach Up rule 2380.~~
- ~~C. A case manager shall be assigned to a participating family as soon as the family is determined to be eligible for Reach First and in need of services.~~
- ~~D. Caseload size shall be limited consistent with limits in the Reach Up program (rule 2302.1).~~
- ~~E. If after assessment and establishment of the family development plan, it is determined that the family is not appropriate for Reach First, the case manager shall review other program alternatives with the family and, if requested by the family, attempt to transfer the family to a more appropriate program alternative.~~

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Family Development Plans

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~~2133 Family Development Plans (04/01/2008, 08-02)~~

- ~~A. The family development plan shall include:~~
- ~~1. each parent or caretakers employment goal;~~
  - ~~2. an assessment of each parent or caretakers strengths and barriers;~~
  - ~~3. a literacy evaluation followed by a referral to an appropriate resource or program;~~
  - ~~4. an identification of the services, supports, and accommodations needed to overcome any barriers, enable the family to achieve self sufficiency, and fulfill each parent or caretakers personal and family responsibilities; and~~
  - ~~5. an assignment of responsibilities, family development plan requirements, and activities among the case manager and family members, together with a time schedule for such responsibilities, requirements, and activities.~~
- ~~B. The initial family development plan shall include all referrals and assessment responsibilities and shall be completed within 30 days of the first meeting with the case manager.~~
- ~~C. The case manager shall establish a schedule for periodic review of the family development plan that shall remain in place if the family transfers to another program in which such review is appropriate.~~

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Support Services

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~~2134 Support Services (04/01/2008, 08-02)~~

- ~~A. Support services are services needed by the family to improve the participants prospects for job placement and retention.~~
- ~~B. Reach First families are eligible for and subject to the same conditions for receiving Reach Up services governed by Reach Up rule 2310 and its subsections.~~

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Participant Responsibilities

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2140 Participant Responsibilities (05/08/2018, 17-20)

- A. ~~Each participating adult who is being assessed in Reach First or for whom a family development plan is needed shall participate in the development of his or her family development plan.~~
- B. ~~Each participating adult whose case manager refers for assessment and evaluation activities shall report as directed by the department for such activities.~~
- C. ~~Each participating adult shall begin to comply with his or her family development plan requirements as soon as possible, and no later than 10 days following identification of initial requirements at the initial family development plan meeting.~~
- D. ~~Each participating adult shall continue to comply with such family development plan requirements until such time as the family is ineligible or transferred to Reach Up or other program.~~
- E. ~~If a family is transferred to another program, the rules of that program apply.~~

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Consequences of Noncompliance

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2141 Consequences of Noncompliance (05/08/2018, 17-20)

~~Reach First participants who fail or refuse to comply with Reach First participants responsibilities without good cause shall not receive Reach First payments until the participant comes into compliance.~~

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Noncompliance and Good Cause

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2142 — ~~Noncompliance and Good Cause~~ — (04/01/2008, 08-02)

- A. ~~Reach First participants must comply with all participant requirements unless good cause exists for noncompliance.~~
- B. ~~Noncompliance may be the result of a de facto refusal, which is implied by the participant's failure to comply with a requirement, or an overt refusal. The department will excuse noncompliance supported by good cause.~~

C. ~~Examples of Noncompliance~~

~~Instances of noncompliance include, but are not limited to, the participant's failure or refusal to:~~

- ~~1. appear for assessment after being directed to attend;~~
- ~~2. cooperate in the development of the FDP;~~
- ~~3. attend and participate fully in FDP activities;~~
- ~~4. refrain from behavior that is disruptive to a program activity or the orderly administration of the program;~~
- ~~5. refrain from behavior that constitutes a threat or hazard to fellow participants;~~
- ~~6. accept appropriate child care (rule 2373.3) or other services that would allow participation in FDP activities;~~
- ~~7. follow through on treatment or rehabilitation services plans;~~
- ~~8. appear for a referral to or interview for a job consistent with the FDP; and~~
- ~~9. apply for or comply with the requirements of unemployment compensation, if otherwise eligible.~~

D. ~~De Facto Refusal~~

~~De facto refusal occurs when noncompliance is implied by an individual's failure to meet one or more Reach First requirements without good cause. The case manager shall prepare a written record of the circumstances associated with and the substance of the individual's noncompliance. If the case manager determines that the participant had good cause for noncompliance, the noncompliance process ends. Otherwise, the case manager initiates the conciliation process or, for individuals no longer eligible for conciliation, the case manager shall apply the Reach Up sanctions and transfer the family to Reach Up.~~

E. ~~Overt Refusal~~

~~Overt refusal occurs when, without good cause, an individual declares, orally or in writing, an unwillingness to comply with participant requirements. The case manager will ask the individual to put oral refusals in writing. If the individual will not put the refusal in writing, the case manager shall prepare a written record of the circumstances associated with and the substance of the individual's noncompliance. The case manager shall begin the sanctions process immediately and transfer the family to Reach Up.~~

F. ~~Determination of Good Cause~~

~~The case manager shall make a good faith effort to contact the individual to discuss the act or pattern of noncompliance with the individual. The individual will provide sufficient documentation to substantiate a claim of good cause. On the basis of this discussion and documentation, if any, the case manager will determine whether there was a good cause basis for~~

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Noncompliance and Good Cause

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the individual's noncompliance. If the individual does not respond to or fully cooperate with the case manager's attempt to establish good cause, the case manager will determine that there was no good cause basis for the noncompliance. The case manager shall complete the good cause determination within 10 days of becoming aware of the individual's noncompliance.

G. ~~Good Cause Criteria~~

~~Circumstances beyond the control of the participant may constitute good cause for an individual's noncompliance. The following constitute good cause for failing to comply with Reach First FDP and participation requirements.~~

- ~~1. The participant, after making a good faith effort, was unable to arrange transportation to or from the place of employment or FDP activity or child care essential for employment or participation in the activity, and the participant informed the employer or appropriate person as soon as possible.~~
- ~~2. Inclement weather prevented the person from traveling to work or participating in an FDP activity, and the participant contacted the employer or appropriate person as early as possible on the day of the inclement weather to explain the situation.~~
- ~~3. The person's participation in a drug or alcohol treatment program precluded participation in the FDP activity.~~
- ~~4. The person was required to appear in court or was incarcerated, and the participant contacted the appropriate person in advance or, if it could not have been anticipated, as soon as possible following the incident.~~
- ~~5. A family emergency requiring the participant's immediate attention, such as the death, illness, or injury of a family member, or the participant's own illness prevented the participant from complying with a requirement, and the participant notified the appropriate person of the situation at the earliest possible moment.~~
- ~~6. Failure to comply with a requirement was due to the effects of domestic violence. The participant must have had reason to anticipate that compliance would have resulted in serious physical or emotional harm to the participant or the child in participant's care and that such harm would have significantly impaired the participant's capacity either to fulfill program requirements or to care for the child adequately. The department may request documentation from the participant to determine whether the effects of domestic violence constitute a good cause basis, using the same standards relied on for a Reach Up deferment due to domestic violence.~~
- ~~7. The participant had to be absent from the Reach First activity to go to a medical appointment, and the participant requested and received approval from the case manager or the person conducting the activity for time off to attend the appointment in advance.~~
- ~~8. The participant had to be absent from an FDP activity to go to an interview for an unsubsidized job, and the participant requested and received supervisory approval for time off to attend the interview in advance.~~
- ~~9. The participant, after making a good faith effort, was unable to make necessary child care arrangements (Reach Up rule 2373.3), and the participant notified the case manager or appropriate person of the situation at the earliest possible moment.~~
- ~~10. The participant was absent from the FDP activity or Reach First required activity due to an unforeseeable emergency such as fire, flood, or accident.~~



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Noncompliance and Good Cause

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11. ~~The participant asserts that the noncompliance was the direct result of a previously unacknowledged medical condition, provided that the following conditions are met:~~
  - a. ~~the medical condition is expected to last at least 90 days;~~
  - b. ~~the participant appears eligible for and is referred to vocational rehabilitation services; and~~
  - c. ~~the participant is eligible for and demonstrates compliance with the vocational rehabilitation services provider.~~
  
12. ~~The participant was called away from the FDP or required Reach First activity to attend to a school emergency involving the participants child, the participants foster child (placed by the Department for Children and Families or other licensed child placement agency), or another child in the care and physical custody of the participant, and the participant informed appropriate person of this situation before leaving the activity site or, when this was not possible, as soon as possible thereafter.~~

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Conciliation

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2143— Conciliation — (7/1/2015, 15-08)

- A. ~~Conciliation is the process by which disputes related to an individual's failure or refusal to comply with Reach First participant responsibilities are resolved.~~
- B. ~~The case manager shall initiate conciliation to determine the reason for non-compliance when an adult participant fails or refuses without good cause to comply with Reach First participant requirements applicable to the individual without good cause.~~
- C. ~~The case manager shall initiate conciliation under the following circumstances:~~
- ~~1. The case manager shall initiate conciliation for a participating adult who without good cause fails or refuses to participate in the development of his or her family development plan as directed.~~
  - ~~2. The case manager shall initiate conciliation for a participating adult who fails or refuses to report as directed by the department for assessment and evaluation activities without good cause.~~
  - ~~3. The case manager shall initiate conciliation for a participating adult with a family development plan who without good cause fails or refuses to comply with his or her family development plan requirements as soon as possible, and no later than 10 days following identification of initial requirements at the initial family development plan meeting.~~
  - ~~4. The case manager shall initiate conciliation for a participating adult with a family development plan who without good cause fails or refuses to comply with such family development plan requirements.~~
- D. ~~Conciliation Process for Noncompliance~~
- ~~1. When the conditions for conciliation for noncompliance (rule 2374) are met, the case manager shall mail a notice scheduling a conciliation conference to the individual within 10 days of the date the case manager became aware of the noncompliance. The case manager should schedule the conference as soon as administratively possible, but no sooner than the fourth workday after the date the notice is mailed. A client may waive advance notice of the conciliation conference by signing a waiver of notice. The waiver must include the information listed in subsection (2) below.~~
  - ~~2. The notice of the conciliation conference must include the following:~~
    - ~~a. the reason for the determination of noncompliance without good cause;~~
    - ~~b. the steps in the conciliation resolution;~~
    - ~~c. the right to have a representative present at the conciliation conference; and~~
    - ~~d. the consequences if conciliation is unsuccessful.~~
  - ~~3. Participants may conciliate cumulative Reach Up and Reach First disputes only once within a calendar year (January—December). A conciliation counts in the year in which it was initiated. Any subsequent noncompliance without good cause within this time period will result in the immediate initiation of the sanctions process, if applicable, without an opportunity for conciliation.~~
  - ~~4. Any time an individual makes a claim of good cause and the case manager determines that documentation of such good cause is necessary, the individual will have 10 days from the~~

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Conciliation

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date the claim was communicated to the case manager to provide documentation. When the individual is unable to obtain required documentation and requests the case managers help to obtain it, the case manager shall provide that help, if possible.

5. ~~When it is determined, at any time during a conciliation process that the individual had good cause for noncompliance, conciliation will end. Under these circumstances, there will be no conciliation resolution plan, and the conciliation will not be counted toward the limit of one conciliations in a calendar year, as defined above.~~
6. ~~The conciliation resolution period begins on the date of the first scheduled conciliation conference and lasts for no more than 15 consecutive calendar days.~~
7. ~~The conciliation resolution period is the time frame during which the case manager and the individual meet and explore, through the processes of fact finding and problem solving, ways in which the individual may satisfy the Reach First requirements. They will review and, if possible, resolve any circumstances hindering compliance. This review shall also include a review of all applicable good cause criteria.~~
8. ~~The product of the conciliation conference is a conciliation resolution plan. This plan describes what the individual must do to achieve satisfactory participation and the time frames involved. The case manager and participant will revise the FDP in accordance with the conciliation resolution plan.~~
9. ~~The case manager shall advise the individual of the right to terminate the conciliation process at any time. Such termination of conciliation will result in a determination of unsuccessful resolution and immediate initiation of the sanctions process and transfer to Reach Up, if applicable. Individuals who have received over 60 cumulative, countable months of Reach Up shall not be transferred to Reach Up. These individuals shall be terminated from Reach First and may apply for Reach Up pursuant to rule 2238.2(D).~~

E. ~~Successful Resolution~~

~~Conciliation is considered successfully resolved when the individual demonstrates compliance with the activities outlined in the conciliation resolution plan and the revised FDP.~~

F. ~~Unsuccessful Resolution~~

~~The conciliation process shall be determined unsuccessful when the individual:~~

1. ~~fails without good cause to respond to one written notice of a scheduled conciliation conference;~~
2. ~~exhibits a pattern of behavior from which refusal to participate can be reasonably inferred;~~
3. ~~fails without good cause to participate satisfactorily in activities outlined in the conciliation resolution plan and included in the revised FDP for the required time period; or~~
4. ~~voluntarily terminates the conciliation process before a successful resolution has been reached.~~

~~When the case manager determines that the resolution of a single conciliation within a calendar year has been unsuccessful, the case manager's supervisor shall review the conciliation process and the basis for the case manager's determination, prior to initiation of the sanction process.~~

~~When conciliation is not an option or resolution of the conciliation is unsuccessful, the case manager begins the process necessary to apply the appropriate sanctions and transfer the family to Reach Up, or terminate the Reach First grant for individuals who have received over 60 cumulative, countable months of Reach Up. Both the sanction and termination process begins with a written notice to the individual at least 10 days before the action takes effect. This notice explains the action being taken, the~~

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Conciliation

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~~reason for the action, and the individual's right to appeal the decision. The individual then has 90 days in which to appeal. If a fair hearing is requested and the basis for the decision being appealed did not involve an exploration of good cause with the individual, the case manager will attempt again to contact the individual to determine whether there was good cause for noncompliance. If the individual requests a fair hearing before the sanction or termination takes effect, the individual shall receive continuing benefits pursuant to rule 2215.~~

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Referral and Transition to Other Programs

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2150 ~~Referral and Transition to Other Programs~~ (7/1/2015, 15-08)

- A. ~~The department shall transfer the family to another appropriate program if, after four months of receiving support in Reach First or sooner at the departments discretion, a family needs additional time and services, unless the family chooses not to participate.~~
- B. ~~If a family finds unsubsidized employment meeting or exceeding the work requirements for Reach Up for the family's size and composition, but is financially eligible for Reach Up, the department shall transfer the family to Reach Up, unless the family chooses not to participate. A family transferring from Reach First to Reach Up shall be treated as a recipient for the purposes of income calculation.~~
- C. ~~If a family finds unsubsidized employment meeting or exceeding the work requirements for Reach Up for the family's size and composition, is not financially eligible for Reach Up, but qualifies for Reach Ahead in accordance with Reach Ahead rules the department shall transfer the family to Reach Ahead, unless the family chooses not to participate. If an adult member of the family is employed when it leaves Reach First and is not eligible for Reach Up or Reach Ahead, the family shall qualify for support services as though it was a Reach Up leaver family, unless the family chooses not to participate. (rule 2311)~~
- D. ~~A family transferring to another program under subsections (A) through (C) of this section shall not be required to complete a new application. Verification of income or other documentation related to changes in circumstances may be required as provided for by rule.~~
- E. ~~Transitional medical assistance of up to 36 months shall be provided to families with a working adult who leaves Reach First and is not eligible for Reach Up, unless family income exceeds 185 percent of the federal poverty level, provided that federal financial participation is available for such transitional medical assistance.~~

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Notice and appeal

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~~2160 — Notice and appeal — (04/01/2008, 08-02)~~

- ~~A. — A participant may appeal decisions in accordance with Reach Up rule 2380 except that Reach First payments do not continue while an appeal is pending.~~
- ~~B. — The commissioner shall provide notice to each participant of the standards and procedures applicable to such appeals. All federal and agency of human services rules regarding conciliation, notice, hearing, and appeal shall be followed in connection with such appeals.~~

## Table of Contents

2100	Reach First	2
2101	Definitions	2
2102	Eligibility	3
2103	Financial Eligibility	3
2104	Interview	3
2104.1	Financial and Household Stability Screening	4
2105	Ineligible Households	4
2106	Reach First Benefits	4
2107	Benefit Calculation	5
2108	Benefit Disbursement	5
2109	Reach First Services	6
2110	Assessment	7
2111	Case	7
2112	Family Development Plans	7
2113	Support Services	8
2114	Participant Responsibilities	8
2115	Non-Engagement	8
2116	Types of Non-Engagement	8
2116.1	De Facto Refusal	9
2116.2	Overt Refusal	9
2117	Determination of Good Cause	9
2117.1	Good Cause Criteria	9
2118	Conciliation	10
2119	Referral and Transition to Reach Up or PSE	10
2120	Notice and Appeal	10
2121	Severability	11

2100 Reach First

- a. The purpose of the Reach First program is to assist households experiencing a short-term crisis, assess their strengths and needs, and orient them to available programs, services, and assistance.
- b. The goal of the Reach First program is to help households overcome obstacles, explore opportunities, and improve their finances.
- c. Reach First helps households by providing monetary payments and support services of limited duration while they regain their independence or are assessed and transitioned to an appropriate alternative program.
- d. A household that meets eligibility criteria for Reach Up benefits and has needs that can be fully addressed by the Reach First program may be eligible for Reach First.
- e. Households that are financially eligible for Reach First benefits but have needs that cannot be fully addressed by the Reach First program shall be referred to other programs to assist them in obtaining the opportunities and skills necessary to achieve their goals, including their employment goals.

2101 Definitions

- a. The terms defined in the Reach Up Eligibility and Reach Up Services definitions at rules 2201 and 2301 are incorporated into the Reach First rules by this reference.
- b. In addition, the following definitions apply to the terms used in the rules for the Reach First program:
  - 1. “Eligible child” means a child under the age of 18.
    - i. An 18-year-old child is eligible if they are a full-time student in a secondary school, or an equivalent educational program, and the child is expected to complete high school or the equivalent program before reaching their 19th birthday.
    - ii. An eligible child under subsection (b)(1)(i) above is eligible for Reach First benefits for the full calendar month they graduate high school or complete their educational program.
    - iii. Children who are not full-time secondary school students on the day before their 18th birthday are eligible for Reach First benefits for the full calendar month during which their 18th birthday occurs.
    - iv. An otherwise eligible 18-year-old child with a documented disability is eligible for Reach First benefits as follows:
      - A. If they are a full-time student in a secondary school, or an equivalent educational program, and the child will not complete high school or the equivalent program before their 19th birthday solely because of their disability.
      - B. An eligible child under subsection (b)(1)(iv)(A) above is eligible for Reach First benefits for the full calendar month during which their 19th birthday occurs.



2. “Reach First” means Vermont’s Temporary Assistance for Needy Families (TANF) diversion program established under chapter 10 of title 33 of the Vermont Statutes Annotated and operated in accordance with Reach First rules 2100 to 2121.
3. “Reach First benefit” means one or more cash payments to assist a household to improve their finances and avert the need for Reach Up benefits.
4. “Reach First services” means the services of the Reach First program consisting of assessment, case management services, support services, and referrals provided to eligible households to assist them in improving their finances.

#### 2102 Eligibility

- a. To qualify for Reach First, the household must meet the income and resource eligibility requirements for Reach Up.
- b. The household must include an eligible child.
- c. The 60-month time limit (Reach Up Eligibility rule 2234) does not apply to Reach First eligibility.
- d. In addition to qualifying for Reach Up benefits, the applicant must meet the Reach First eligibility criteria.
- e. Households that qualify for, and participate in, Reach First are initially certified as eligible for a four – month certification period that begins with the first day of the first calendar month in which the household receives Reach First benefits.
  1. The certification period may be shortened if changes in the household's circumstances make them ineligible.

#### 2103 Financial Eligibility

- a. A household is financially eligible for Reach First if the household’s income and resources are below the limits established for the Reach Up program, which are incorporated into Reach First rules by reference except for the following sections:
  1. Benefit Payment (Reach Up Eligibility rule 2214.1);
  2. Cooperation with Office of Child Support (Reach Up Eligibility rule 2232.2); and
  3. Appeal of Reach Up Decision (Reach Up Eligibility rule 2262.3).

#### 2104 Interview

- a. An interview shall be conducted in accordance with Reach Up Eligibility rule 2208.2.
- b. The interview shall include enough information about programs, benefits, and participant responsibilities to enable applicants to make informed decisions about program participation.
- c. During the interview the Department shall provide the following to all applicants:

1. Information about all programs administered by the department, services and referrals available to the household, program requirements, participant responsibilities, consequences of not meeting these responsibilities, and incentives for participation and obtaining employment;
2. Financial and household stability screening;
3. Determination of Reach First eligibility related to prior receipt of Reach First benefits and the need for ongoing benefits;
4. Determination of appropriateness for Reach First referral; and
5. Determination of whether the household chooses to participate in Reach First.

#### 2104.1 Financial and Household Stability Screening

- a. All applicants who are financially eligible for Reach First benefits must complete a financial and household stability screening unless it is clear the household is ineligible for Reach First (rule 2105).
- b. The financial and household stability screening determines whether the household's circumstances qualify them for Reach First, including a review of:
  1. The extent of the household's financial need;
  2. The likelihood that Reach First can address the household's needs within the program's time limits;
  3. The household's likelihood of not needing the program within the next four months;
  4. The household's need for further assessment to determine how to best meet its needs and whether Reach First is an appropriate referral; and
  5. The interest and desire to participate in Reach First of the applicant and any other work eligible adult (rule 2301) in the household.

#### 2105 Ineligible Households

- a. The following households are ineligible for Reach First:
  1. Households that have received a Reach First benefit attributed to any month within the 12 months preceding the month of application; and
  2. Households that need on-going benefits beyond the four-month Reach First period.

#### 2106 Reach First Benefits

- a. Reach First benefits must be directly related to the household's immediate financial crisis.
  1. The benefit must be necessary either to avoid the household's need for Reach Up benefits or to sustain them while they are assessed and referred to appropriate programs.
- b. Eligible households may receive Reach First benefits and support services for up to four months within a 12-month period.
- c. Total Reach First benefits shall not exceed the cumulative equivalent of four months of Reach Up



benefits for which the household is financially eligible.

- d. Reach First payments may be made to the household by direct deposit, electronic benefit transfer (EBT) or, if the household requests, by direct payment to the person or other entity providing the housing, utilities, or other service to the household and as established in rule 2220.6.
- e. If a Reach First participant does not, without good cause (rule 2118.1), fulfill participant responsibilities, the Reach First benefit payment may be withheld during the conciliation process (rule 2121.1) until they comply.
- f. Reach First benefit payments do not continue while a fair hearing appeal is pending.
- g. Any Reach First benefit payment received by the household for a specific month shall be counted as income in that month for purposes of calculating the amount of benefits in Reach Up.

#### 2107 Benefit Calculation

- a. The Department shall calculate the Reach First monthly benefits using Reach Up rules, provided the cumulative total of payments received during the four-month certification period does not exceed the Reach First benefit maximum.
- b. The Reach First benefit maximum is the amount used to establish the maximum limit on the cumulative amount of Reach First payments available to the household during the four-month certification period, regardless of the frequency of disbursement.
  - 1. The benefit maximum shall be determined using Reach Up Eligibility payment rules (Reach Up Eligibility rules 2238 through 2242) with the following additional steps:
    - i. Project and add the amounts of Reach First benefits expected for each month of presumptive eligibility relying on the most accurate information regarding the household's circumstances expected for those months without prorating for partial months;
    - ii. Reduce the total amount dollar for dollar for any Emergency Assistance or General Assistance (EA/GA) payment, other than back rent or mortgage arrearage assistance, received as a result of the current application; and
    - iii. Reduce the total amount dollar for dollar of any child support received or anticipated, other than the first \$100 of child support expected in the current and subsequent months of presumptive eligibility, during the certification period.
  - 2. As soon as the household notifies the Department of changes in circumstances that affect the amount of benefits not yet distributed, or the number of months in the certification period, the Department shall recalculate the benefit remaining in an effort to avoid an overpayment or underpayment.
- c. When Department or applicant/participant error results in an underpayment or overpayment, benefit adjustments shall be made in accordance with Reach Up Eligibility rules 2218 and 2219.

#### 2108 Benefit Disbursement

- a. All Reach First benefits, other than the first payment, shall be disbursed on the first of the month.
- b. Benefits shall be disbursed in an amount that addresses specified and documented needs that are:

1. A result of the household's crisis;
  2. Necessary to stabilize the household while it regains its independence and stability; or
  3. Used to assess whether other program referrals are appropriate for the household.
- c. Reach First benefits shall be disbursed to the household or the designated vendor in monthly installments in an amount equal to or less than the amount the household has been determined eligible for in a month.
1. Disbursements of the maximum benefit in a lump sum or in one or more payments greater than the monthly amount shall be made only in exceptional circumstances (rule 2108(e)).
- d. Monthly disbursements shall be limited to the benefit amount the household would receive on Reach Up.
1. Reach First households needing assessment beyond the initial financial and stability screening shall qualify only for monthly disbursements until the additional assessments are complete.
  2. Reach First households eligible for and receiving monthly disbursements must be cooperating with all Reach First services requirements.
- e. Disbursement of Reach First benefits in a lump sum or in one or more payments greater than the monthly amount the household would receive on Reach Up shall be made only to a household meeting the following exceptional circumstances:
1. The household's initial financial and stability screening indicates the household qualifies for Reach First and does not require further in-depth needs assessment;
  2. The benefit addresses the household's current need in full;
  3. It is clear the Reach First benefit will end the household's need for any Reach First or Reach Up benefits for the foreseeable future, including:
    - i. An unexpected event that creates a less than 30-day delay of employment or income that will render the household ineligible for Reach Up, and an additional benefit, in an amount not to exceed the Reach Up benefit amount for the household, is relatively certain to divert them from the Reach Up program; and
  4. The participants in the household acknowledge that if they need to apply for Reach Up in the months attributed to the Reach First benefits, the Reach Up benefit will be reduced by the amount of the Reach First benefit.

#### 2109 Reach First Services

- a. Reach First services consist of assessment, case management, referrals, and support services.
- b. Reach First participants must fulfill their responsibilities to continue to receive Reach First benefits and services.
- c. If needed to improve the participant's prospects for job placement and job retention, the Department shall provide the following:
  1. In-depth assessments of the full range of services needed by each household;

2. Intensive case management or case consultation services;
3. Referral to any programs that provide the services needed; and
4. Transition to Reach Up or Post Secondary Education (PSE).

2110 Assessment

- a. All Reach First participants shall cooperate in initial and ongoing assessments.
- b. The assessment includes the following:
  1. Identification of the participant's strengths, skills, goals, interests, and work experience;
  2. Determination of whether the participant has obstacles and how these obstacles relate to their goals and ability to work;
  3. Literacy evaluation; and
  4. Determination of the services needed to achieve the participant's employment and other applicable goals through implementation of their family development plan (FDP).

2111 Case Management

- a. Case management shall be available to any Reach First household.
- b. A case manager shall be assigned to each Reach First participant as soon as they begin to receive benefits.
- c. Caseloads shall be consistent with Reach Up services caseload size (rule 2302.1).
- d. When, after assessment and establishment of the FDP, it is determined the household is not appropriate for Reach First, the case manager shall review Reach Up and PSE with them and, if requested by the household, attempt to transfer them.

2112 Family Development Plans

- a. Every Reach First participant must create an FDP.
- b. The FDP shall include:
  1. Each participant's employment and other applicable goals;
  2. An assessment of each participant's strengths and obstacles;
  3. A literacy evaluation followed by a referral to an appropriate resource or program;
  4. An identification of the services, supports, and accommodations needed to overcome any obstacles and move the participant towards their goals; and
  5. An outline of participant and department responsibilities with a time schedule for fulfillment of these responsibilities and activities.
- c. The FDP shall be completed within 30 days of the first meeting with Reach First program staff.
- d. Reach First program staff and participants shall establish a schedule for periodic review of the FDP

that shall remain in place, as appropriate, if the household transfers to Reach Up or PSE.

2113 Support Services

- a. Support services are services and referrals needed for the accomplishment of the participant's goals and the implementation of their FDP.
- b. Reach First households are eligible for and subject to the same conditions for receiving Reach Up support services as indicated in rule 2303 and its subsections.

2114 Participant Responsibilities

- a. Each Reach First participant shall participate in their FDP requirements.
- b. Each participant shall continue to work on goals outlined on their FDP until the household is ineligible or transferred to Reach Up or PSE.
- c. If a household is transferred to Reach Up or PSE, the rules of that program apply.

2115 Non-Engagement

- a. Participants, who do not engage with Reach First services responsibilities without good cause (rule 2120.1), shall not receive Reach First benefits until they engage.

2116 Types of Non-Engagement

- a. Participants must engage in all Reach First services requirements unless good cause exists for non-engagement.
- b. The Department will excuse non-engagement supported by good cause (rules 2120 and 2120.1).
- c. Non-engagement exists when the participant refuses to, or does not, engage in the following actions:
  - 1. Appear for an assessment after one written request by the Department;
  - 2. Cooperate in the development of the FDP;
  - 3. Attend and participate fully in FDP activities;
  - 4. Refrain from behavior that is disruptive to a program activity or the orderly administration of the program;
  - 5. Refrain from behavior that constitutes a threat or hazard to fellow participants;
  - 6. Accept appropriate child care (Reach Up Services rule 2326) or other support services that would allow participation in FDP activities;
  - 7. Follow through on treatment or rehabilitation services plans;
  - 8. Appear for a referral to, or interview for, a job consistent with the FDP; or
  - 9. Apply for, or comply with, the requirements of unemployment compensation, if otherwise eligible.

2116.1 De Facto Refusal

- a. De facto refusal occurs when non-engagement is implied by a participant not engaging in one or more Reach First requirements without good cause.
- b. The Department shall prepare a written record of the participant's non-engagement.
- c. If the Department determines that the participant had good cause for non-engagement, the non-engagement process ends.
- d. If no good cause for non-engagement exists, the Department will initiate the conciliation process or, for participants ineligible for conciliation, the Reach Up sanctions process (Reach Up Services rule 2328) and transfer the household to Reach Up.

2116.2 Overt Refusal

- a. Overt refusal occurs when, without good cause, a participant declares, verbally or in writing, an unwillingness to engage in Reach First services requirements.
  - 1. The Department will ask the participant to put verbal refusals in writing and if they refuse, the verbal refusal will be accepted.
- b. The Department shall prepare a written record of the participant's non-engagement.
- c. If the Department determines that the participant had good cause for non-engagement, the non-engagement process ends.
- d. If no good cause for non-engagement exists, the Department will initiate the conciliation process (Reach Up Services rule 2327.1) or, for participant's ineligible for conciliation, begin the Reach Up sanctions process (Reach Up Services rule 2328) and transfer the household to Reach Up.

2117 Determination of Good Cause

- a. The Department shall make a good-faith effort to contact the participant to determine whether there is good cause for the non-engagement.
- b. The Department may require the participant to provide documentation to support a claim of good cause.
- c. The Department will determine whether there was good cause for the participant's non-engagement.
  - 1. The Department will determine that no good cause exists if the participant does not fully cooperate with the Department's attempt to establish good cause.
- d. The Department shall complete the good cause determination within 10 days of becoming aware of the participant's non-engagement.

2117.1 Good Cause Criteria

- a. Circumstances beyond the control of the participant may constitute good cause for an individual's non-engagement.
- b. The good cause criteria listed in Reach Up Services rule 2326.2 constitute good cause for not engaging in Reach First FDP and participation requirements.



2118 Conciliation

- a. Conciliation is when the Department provides a Reach First participant an opportunity to re-engage with Reach First services requirements prior to being sanctioned and transferred to Reach Up.
- b. Reach Up Services rules 2327.1 – 2327.4 apply to conciliations within the Reach First program.
- c. The Department shall initiate conciliation when one of the following circumstances, without good cause, exist:
  1. A participant does not engage in the development of their FDP;
  2. A participant does not attend assessment and evaluation activities; or
  3. A participant does not engage with their FDP requirements.

2119 Referral and Transition to Reach Up or PSE

- a. The Department shall transfer the household to Reach Up or PSE if, after four months of receiving Reach First benefits, or sooner at the Department's discretion, a household needs additional time and services.
  1. The Reach First household may choose not to be transferred to Reach Up or PSE.
- b. If a household finds unsubsidized employment that meets the federal work requirements for the household's size and composition, but is financially eligible for Reach Up, the Department shall transfer the household to Reach Up.
  1. The Reach First household may choose not to be transferred to Reach Up.
  2. A household transferring from Reach First to Reach Up shall be treated as a participant for the purposes of resource calculation.
- c. If a participant is employed when they leave Reach First and are not eligible for Reach Up or PSE, the household shall qualify for support services for a period of 6 months (rule 2304), unless the household chooses not to participate.
- d. A Reach First household transferring to Reach Up or PSE shall not be required to complete a new application.
  1. Verification of income, assignment of support rights, or other documentation related to changes in circumstances may be required.
  2. If transferring to PSE, a PSE plan must be created and approved.
- e. A Reach First household with a working adult who leaves Reach First and is not eligible for Reach Up may be eligible for Transitional Medical Assistance for up to 12 months, beginning with the month immediately following the month in which they become ineligible.

2120 Notice and Appeal

- a. A participant may appeal decisions made by the Department in accordance with Reach Up Services rule 2331, except that Reach First benefits do not continue while an appeal is pending.
- b. The Department shall provide notice to each participant of the standards and procedures applicable to such appeals.

2121 Severability

- a. If any part of these Rules is held invalid by a court of competent jurisdiction, the invalidity shall not be construed to render the remaining parts of the Rules invalid.

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## Table of Contents

2100	Reach First.....	2
2101	Definitions .....	2
2102	Eligibility .....	3
2103	Financial Eligibility .....	3
2104	Interview.....	3
2104.1	Financial and Household Stability Screening.....	4
2105	Ineligible Households.....	4
2106	Reach First Benefits.....	4
2107	Benefit Calculation .....	5
2108	Benefit Disbursement .....	5
2109	Reach First Services.....	6
2110	Assessment .....	7
2111	Case.....	7
2112	Family Development Plans.....	7
2113	Support Services.....	8
2114	Participant Responsibilities.....	8
2115	Non-Engagement .....	8
2116	Types of Non-Engagement.....	8
2116.1	De Facto Refusal.....	8
2116.2	Overt Refusal.....	9
2117	Determination of Good Cause.....	9
2117.1	Good Cause Criteria .....	9
2118	Conciliation .....	9
2119	Referral and Transition to Reach Up or PSE.....	10
2120	Notice and Appeal.....	10
2121	Severability.....	10

2100 Reach First

- a. The purpose of the Reach First program is to assist households experiencing a short-term crisis, assess their strengths and needs, and orient them to available programs, services, and assistance.
- b. The goal of the Reach First program is to help households overcome obstacles, explore opportunities, and improve their finances.
- c. Reach First helps households by providing monetary payments and support services of limited duration while they regain their independence or are assessed and transitioned to an appropriate alternative program.
- d. A household that meets eligibility criteria for Reach Up benefits and has needs that can be fully addressed by the Reach First program may be eligible for Reach First.
- e. Households that are financially eligible for Reach First benefits but have needs that cannot be fully addressed by the Reach First program shall be referred to other programs to assist them in obtaining the opportunities and skills necessary to achieve their goals, including their employment goals.

2101 Definitions

- a. The terms defined in the the Reach Up Eligibility and Reach Up Services definitions at rules 2201 and 2301 and are incorporated into the Reach First rules by this reference.
- b. In addition, the following definitions apply to the terms used in the rules for the Reach First program:
  - 1. "Eligible child" means a child under the age of 18.
    - i. An 18-year-old child is eligible if they are a full-time student in a secondary school, or an equivalent educational program, and the child is expected to complete high school or the equivalent program before reaching their 19th birthday.
    - ii. An eligible child under subsection (b)(1)(i) above is eligible for Reach First benefits for the full calendar month they graduate high school or complete their educational program.
    - iii. Children who are not full-time secondary school students on the day before their 18th birthday are eligible for Reach First benefits for the full calendar month during which their 18th birthday occurs.
    - iv. An otherwise eligible 18-year-old child with a documented disability is eligible for Reach First benefits as follows:
      - A. If they are a full-time student in a secondary school, or an equivalent educational program, and the child will not complete high school or the equivalent program before their 19th birthday solely because of their disability.
      - B. An eligible child under subsection (b)(1)(iv)(A) above is eligible for Reach First benefits for the full calendar month during which their 19th birthday occurs.

2. "Reach First" means Vermont's Temporary Assistance for Needy Families (TANF) diversion program established under chapter 10 of title 33 of the Vermont Statutes Annotated and operated in accordance with Reach First rules 2100 to 2121.
3. "Reach First benefit" means one or more cash payments to assist a household to improve their finances and avert the need for Reach Up benefits.
4. "Reach First services" means the services of the Reach First program consisting of assessment, case management services, support services, and referrals provided to eligible households to assist them in improving their finances.

#### 2102 Eligibility

- a. To qualify for Reach First, the applicant must meet the income and resource eligibility requirements for Reach Up.
- b. The 60-month time limit (Reach Up Eligibility rule 2234) does not apply to Reach First eligibility.
- c. In addition to qualifying for Reach Up benefits, the applicant must meet the Reach First eligibility criteria.
- d. Households that qualify for, and participate in, Reach First are initially certified as eligible for a four – month certification period that begins with the first day of the first calendar month in which the household receives Reach First benefits.
  1. The certification period may be shortened if changes in the household's circumstances make them ineligible.

#### 2103 Financial Eligibility

- a. A household is financially eligible for Reach First if the household's income and resources are below the limits established for the Reach Up program, which are incorporated into Reach First rules by reference except for the following sections:
  1. Benefit Payment (Reach Up Eligibility rule 2214.1);
  2. Cooperation with Office of Child Support (Reach Up Eligibility rule 2232.2); and
  3. Appeal of Reach Up Decision (Reach Up Eligibility rule 2262.3).

#### 2104 Interview

- a. An interview shall be conducted in accordance with Reach Up Eligibility rule 2208.2.
- b. The interview shall include enough information about programs, benefits, and participant responsibilities to enable applicants to make informed decisions about program participation.
- c. During the interview the Department shall provide the following to all applicants:
  1. Information about all programs administered by the department, services and referrals available to the household, program requirements, participant responsibilities, consequences of not meeting these responsibilities, and incentives for participation and obtaining employment;

2. Financial and household stability screening;
3. Determination of Reach First eligibility related to prior receipt of Reach First benefits and the need for ongoing benefits;
4. Determination of appropriateness for Reach First referral; and
5. Determination of whether the household chooses to participate in Reach First.

#### 2104.1 Financial and Household Stability Screening

- a. All applicants who are financially eligible for Reach First benefits must complete a financial and household stability screening unless it is clear the household is ineligible for Reach First (rule 2105).
- b. The financial and household stability screening determines whether the household's circumstances qualify them for Reach First, including a review of:
  1. The extent of the household's financial need;
  2. The likelihood that Reach First can address the household's needs within the program's time limits;
  3. The household's likelihood of not needing the program within the next four months;
  4. The household's need for further assessment to determine how to best meet its needs and whether Reach First is an appropriate referral; and
  5. The interest and desire to participate in Reach First of the applicant and any other work eligible adult (rule 2301) in the household.

#### 2105 Ineligible Households

- a. The following households are ineligible for Reach First:
  1. Households that have received a Reach First benefit attributed to any month within the 12 months preceding the month of application; and
  2. Households that need on-going benefits beyond the four-month Reach First period.

#### 2106 Reach First Benefits

- a. Reach First benefits must be directly related to the household's immediate financial crisis.
  1. The benefit must be necessary either to avoid the household's need for Reach Up benefits or to sustain them while they are assessed and referred to appropriate programs.
- b. Eligible households may receive Reach First benefits and support services for up to four months within a 12-month period.
- c. Total Reach First benefits shall not exceed the cumulative equivalent of four months of Reach Up benefits for which the household is financially eligible.
- d. Reach First payments may be made to the household by direct deposit, electronic benefit transfer (EBT) or, if the household requests, by direct payment to the person or other entity providing the

housing, utilities, or other service to the household and as established in rule 2220.6.

- e. If a Reach First participant does not, without good cause (rule 2118.1), fulfill participant responsibilities, the Reach First benefit payment may be withheld during the conciliation process (rule 2121.1) until they comply.
- f. Reach First benefit payments do not continue while a fair hearing appeal is pending.
- g. Any Reach First benefit payment received by the household for a specific month shall be counted as income in that month for purposes of calculating the amount of benefits in Reach Up.

#### 2107 Benefit Calculation

- a. The Department shall calculate the Reach First monthly benefits using Reach Up rules, provided the cumulative total of payments received during the four-month certification period does not exceed the Reach First benefit maximum.
- b. The Reach First benefit maximum is the amount used to establish the maximum limit on the cumulative amount of Reach First payments available to the household during the four-month certification period, regardless of the frequency of disbursement.
  - 1. The benefit maximum shall be determined using Reach Up Eligibility payment rules (Reach Up Eligibility rules 2238 through 2242) with the following additional steps:
    - i. Project and add the amounts of Reach First benefits expected for each month of presumptive eligibility relying on the most accurate information regarding the household's circumstances expected for those months without prorating for partial months;
    - ii. Reduce the total amount dollar for dollar for any Emergency Assistance or General Assistance (EA/GA) payment, other than back rent or mortgage arrearage assistance, received as a result of the current application; and
    - iii. Reduce the total amount dollar for dollar of any child support received or anticipated, other than the first \$100 of child support expected in the current and subsequent months of presumptive eligibility, during the certification period.
  - 2. As soon as the household notifies the Department of changes in circumstances that affect the amount of benefits not yet distributed, or the number of months in the certification period, the Department shall recalculate the benefit remaining in an effort to avoid an overpayment or underpayment.
- c. When Department or applicant/participant error results in an underpayment or overpayment, benefit adjustments shall be made in accordance with Reach Up Eligibility rules 2218 and 2219.

#### 2108 Benefit Disbursement

- a. All Reach First benefits, other than the first payment, shall be disbursed on the first of the month.
- b. Benefits shall be disbursed in an amount that addresses specified and documented needs that are:
  - 1. A result of the household's crisis;
  - 2. Necessary to stabilize the household while it regains its independence and stability; or

3. Used to assess whether other program referrals are appropriate for the household.
- c. Reach First benefits shall be disbursed to the household or the designated vendor in monthly installments in an amount equal to or less than the amount the household has been determined eligible for in a month.
  1. Disbursements of the maximum benefit in a lump sum or in one or more payments greater than the monthly amount shall be made only in exceptional circumstances (rule 2108(e)).
- d. Monthly disbursements shall be limited to the benefit amount the household would receive on Reach Up.
  1. Reach First households needing assessment beyond the initial financial and stability screening shall qualify only for monthly disbursements until the additional assessments are complete.
  2. Reach First households eligible for and receiving monthly disbursements must be cooperating with all Reach First services requirements.
- e. Disbursement of Reach First benefits in a lump sum or in one or more payments greater than the monthly amount the household would receive on Reach Up shall be made only to a household meeting the following exceptional circumstances:
  1. The household's initial financial and stability screening indicates the household qualifies for Reach First and does not require further in-depth needs assessment;
  2. The benefit addresses the household's current need in full;
  3. It is clear the Reach First benefit will end the household's need for any Reach First or Reach Up benefits for the foreseeable future, including:
    - i. An unexpected event that creates a less than 30-day delay of employment or income that will render the household ineligible for Reach Up, and an additional benefit, in an amount not to exceed the Reach Up benefit amount for the household, is relatively certain to divert them from the Reach Up program; and
  4. The participants in the household acknowledge that if they need to apply for Reach Up in the months attributed to the Reach First benefits, the Reach Up benefit will be reduced by the amount of the Reach First benefit.

#### 2109 Reach First Services

- a. Reach First services consist of assessment, case management, referrals, and support services.
- b. Reach First participants must fulfill their responsibilities to continue to receive Reach First benefits and services.
- c. If needed to improve the participant's prospects for job placement and job retention, the Department shall provide the following:
  1. In-depth assessments of the full range of services needed by each household;
  2. Intensive case management or case consultation services;
  3. Referral to any programs that provide the services needed; and



4. Transition to Reach Up or Post Secondary Education (PSE).

2110 Assessment

- a. All Reach First participants shall cooperate in initial and ongoing assessments.
- b. The assessment includes the following:
  - 1. Identification of the participant's strengths, skills, goals, interests, and work experience;
  - 2. Determination of whether the participant has obstacles and how these obstacles relate to their goals and ability to work;
  - 3. Literacy evaluation; and
  - 4. Determination of the services needed to achieve the participant's employment and other applicable goals through implementation of their family development plan (FDP).

2111 Case Management

- a. Case management shall be available to any Reach First household.
- b. A case manager shall be assigned to each Reach First participant as soon as they begin to receive benefits.
- c. Caseloads shall be consistent with Reach Up services caseload size (rule 2302.1).
- d. When, after assessment and establishment of the FDP, it is determined the household is not appropriate for Reach First, the case manager shall review Reach Up and PSE with them and, if requested by the household, attempt to transfer them.

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- a. Every Reach First participant must create an FDP.
- b. The FDP shall include:
  - 1. Each participant's employment and other applicable goals;
  - 2. An assessment of each participant's strengths and obstacles;
  - 3. A literacy evaluation followed by a referral to an appropriate resource or program;
  - 4. An identification of the services, supports, and accommodations needed to overcome any obstacles and move the participant towards their goals; and
  - 5. An outline of participant and department responsibilities with a time schedule for fulfillment of these responsibilities and activities.
- c. The FDP shall be completed within 30 days of the first meeting with Reach First program staff.
- d. Reach First program staff and participants shall establish a schedule for periodic review of the FDP that shall remain in place, as appropriate, if the household transfers to Reach Up or PSE.

2113 Support Services

- a. Support services are services and referrals needed for the accomplishment of the participant's goals and the implementation of their FDP.
- b. Reach First households are eligible for and subject to the same conditions for receiving Reach Up support services as indicated in rule 2303 and its subsections.

2114 Participant Responsibilities

- a. Each Reach First participant shall participate in their FDP requirements.
- b. Each participant shall continue to work on goals outlined on their FDP until the household is ineligible or transferred to Reach Up or PSE.
- c. If a household is transferred to Reach Up or PSE, the rules of that program apply.

2115 Non-Engagement

- a. Participants, who do not engage with Reach First services responsibilities without good cause (rule 2120.1), shall not receive Reach First benefits until they engage.

2116 Types of Non-Engagement

- a. Participants must engage in all Reach First services requirements unless good cause exists for non-engagement.
- b. The Department will excuse non-engagement supported by good cause (rules 2120 and 2120.1).
- c. Non-engagement exists when the participant refuses to, or does not, engage in the following actions:
  - 1. Appear for an assessment after one written request by the Department;
  - 2. Cooperate in the development of the FDP;
  - 3. Attend and participate fully in FDP activities;
  - 4. Refrain from behavior that is disruptive to a program activity or the orderly administration of the program;
  - 5. Refrain from behavior that constitutes a threat or hazard to fellow participants;
  - 6. Accept appropriate child care (Reach Up Services rule 2326) or other support services that would allow participation in FDP activities;
  - 7. Follow through on treatment or rehabilitation services plans;
  - 8. Appear for a referral to, or interview for, a job consistent with the FDP; or
  - 9. Apply for, or comply with, the requirements of unemployment compensation, if otherwise eligible.

2116.1 De Facto Refusal

- a. De facto refusal occurs when non-engagement is implied by a participant not engaging in one or more Reach First requirements without good cause.

- b. The Department shall prepare a written record of the participant's non-engagement.
- c. If the Department determines that the participant had good cause for non-engagement, the non-engagement process ends.
- d. If no good cause for non-engagement exists, the Department will initiate the conciliation process or, for participants ineligible for conciliation, the Reach Up sanctions process (Reach Up Services rule 2328) and transfer the household to Reach Up.

#### 2116.2 Overt Refusal

- a. Overt refusal occurs when, without good cause, a participant declares, verbally or in writing, an unwillingness to engage in Reach First services requirements.
  - 1. The Department will ask the participant to put verbal refusals in writing and if they refuse, the verbal refusal will be accepted.
- b. The Department shall prepare a written record of the participant's non-engagement.
- c. If the Department determines that the participant had good cause for non-engagement, the non-engagement process ends.
- d. If no good cause for non-engagement exists, the Department will initiate the conciliation process (Reach Up Services rule 2327.1) or, for participant's ineligible for conciliation, begin the Reach Up sanctions process (Reach Up Services rule 2328) and transfer the household to Reach Up.

#### 2117 Determination of Good Cause

- a. The Department shall make a good-faith effort to contact the participant to determine whether there is good cause for the non-engagement.
- b. The Department may require the participant to provide documentation to support a claim of good cause.
- c. The Department will determine whether there was good cause for the participant's non-engagement.
  - 1. The Department will determine that no good cause exists if the participant does not fully cooperate with the Department's attempt to establish good cause.
- d. The Department shall complete the good cause determination within 10 days of becoming aware of the participant's non-engagement.

#### 2117.1 Good Cause Criteria

- a. Circumstances beyond the control of the participant may constitute good cause for an individual's non-engagement.
- b. The good cause criteria listed in Reach Up Services rule 2326.2 constitute good cause for not engaging in Reach First FDP and participation requirements.

#### 2118 Conciliation

- a. Conciliation is when the Department provides a Reach First participant an opportunity to re-engage with Reach First services requirements prior to being sanctioned and transferred to Reach Up.

- b. Reach Up Services rules 2327.1 – 2327.4 apply to conciliations within the Reach First program.
- c. The Department shall initiate conciliation when one of the following circumstances, without good cause, exist:
  - 1. A participant does not engage in the development of their FDP;
  - 2. A participant does not attend assessment and evaluation activities; or
  - 3. A participant does not engage with their FDP requirements.

#### 2119 Referral and Transition to Reach Up or PSE

- a. The Department shall transfer the household to Reach Up or PSE if, after four months of receiving Reach First benefits, or sooner at the Department's discretion, a household needs additional time and services.
  - 1. The Reach First household may choose not to be transferred to Reach Up or PSE.
- b. If a household finds unsubsidized employment that meets the federal work requirements for the household's size and composition, but is financially eligible for Reach Up, the Department shall transfer the household to Reach Up.
  - 1. The Reach First household may choose not to be transferred to Reach Up.
  - 2. A household transferring from Reach First to Reach Up shall be treated as a participant for the purposes of resource calculation.
- c. If a participant is employed when they leave Reach First and are not eligible for Reach Up or PSE, the household shall qualify for support services for a period of 6 months (rule 2304), unless the household chooses not to participate.
- d. A Reach First household transferring to Reach Up or PSE shall not be required to complete a new application.
  - 1. Verification of income, assignment of support rights, or other documentation related to changes in circumstances may be required.
  - 2. If transferring to PSE, a PSE plan must be created and approved.
- e. A Reach First household with a working adult who leaves Reach First and is not eligible for Reach Up may be eligible for Transitional Medical Assistance for up to 12 months, beginning with the month immediately following the month in which they become ineligible.

#### 2120 Notice and Appeal

- a. A participant may appeal decisions made by the Department in accordance with Reach Up Services rule 2331, except that Reach First benefits do not continue while an appeal is pending.
- b. The Department shall provide notice to each participant of the standards and procedures applicable to such appeals.

#### 2121 Severability

- a. If any part of these Rules is held invalid by a court of competent jurisdiction, the invalidity shall not be construed to render the remaining parts of the Rules invalid.

# The Vermont Statutes Online

The Vermont Statutes Online have been updated to include the actions of the 2023 session of the General Assembly.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

## **Title 3 : Executive**

### **Chapter 025 : Administrative Procedure**

#### **Subchapter 001 : General Provisions**

(Cite as: 3 V.S.A. § 801)

#### **§ 801. Short title and definitions**

(a) This chapter may be cited as the “Vermont Administrative Procedure Act.”

(b) As used in this chapter:

(1) “Agency” means a State board, commission, department, agency, or other entity or officer of State government, other than the Legislature, the courts, the Commander in Chief, and the Military Department, authorized by law to make rules or to determine contested cases.

(2) “Contested case” means a proceeding, including but not restricted to rate-making and licensing, in which the legal rights, duties, or privileges of a party are required by law to be determined by an agency after an opportunity for hearing.

(3) “License” includes the whole or part of any agency permit, certificate, approval, registration, charter, or similar form of permission required by law.

(4) “Licensing” includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license.

(5) “Party” means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party.

(6) “Person” means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency.

(7) “Practice” means a substantive or procedural requirement of an agency, affecting one or more persons who are not employees of the agency, that is used by the

agency in the discharge of its powers and duties. The term includes all such requirements, regardless of whether they are stated in writing.

(8) “Procedure” means a practice that has been adopted in writing, either at the election of the agency or as the result of a request under subsection 831(b) of this title. The term includes any practice of any agency that has been adopted in writing, whether or not labeled as a procedure, except for each of the following:

(A) a rule adopted under sections 836-844 of this title;

(B) a written document issued in a contested case that imposes substantive or procedural requirements on the parties to the case;

(C) a statement that concerns only:

(i) the internal management of an agency and does not affect private rights or procedures available to the public;

(ii) the internal management of facilities that are secured for the safety of the public and the individuals residing within them; or

(iii) guidance regarding the safety or security of the staff of an agency or its designated service providers or of individuals being provided services by the agency or such a provider;

(D) an intergovernmental or interagency memorandum, directive, or communication that does not affect private rights or procedures available to the public;

(E) an opinion of the Attorney General; or

(F) a statement that establishes criteria or guidelines to be used by the staff of an agency in performing audits, investigations, or inspections, in settling commercial disputes or negotiating commercial arrangements, or in the defense, prosecution, or settlement of cases, if disclosure of the criteria or guidelines would compromise an investigation or the health and safety of an employee or member of the public, enable law violators to avoid detection, facilitate disregard of requirements imposed by law, or give a clearly improper advantage to persons that are in an adverse position to the State.

(9) “Rule” means each agency statement of general applicability that implements, interprets, or prescribes law or policy and that has been adopted in the manner provided by sections 836-844 of this title.

(10) “Incorporation by reference” means the use of language in the text of a regulation that expressly refers to a document other than the regulation itself.

(11) “Adopting authority” means, for agencies that are attached to the Agencies of Administration, of Commerce and Community Development, of Natural Resources, of Human Services, and of Transportation, or any of their components, the secretaries of those agencies; for agencies attached to other departments or any of their components,

the commissioners of those departments; and for other agencies, the chief officer of the agency. However, for the procedural rules of boards with quasi-judicial powers, for the Transportation Board, for the Vermont Veterans' Memorial Cemetery Advisory Board, and for the Fish and Wildlife Board, the chair or executive secretary of the board shall be the adopting authority. The Secretary of State shall be the adopting authority for the Office of Professional Regulation.

(12) "Small business" means a business employing no more than 20 full-time employees.

(13)(A) "Arbitrary," when applied to an agency rule or action, means that one or more of the following apply:

(i) There is no factual basis for the decision made by the agency.

(ii) The decision made by the agency is not rationally connected to the factual basis asserted for the decision.

(iii) The decision made by the agency would not make sense to a reasonable person.

(B) The General Assembly intends that this definition be applied in accordance with the Vermont Supreme Court's application of "arbitrary" in *Beyers v. Water Resources Board*, 2006 VT 65, and *In re Town of Sherburne*, 154 Vt. 596 (1990).

(14) "Guidance document" means a written record that has not been adopted in accordance with sections 836-844 of this title and that is issued by an agency to assist the public by providing an agency's current approach to or interpretation of law or describing how and when an agency will exercise discretionary functions. The term does not include the documents described in subdivisions (8)(A) through (F) of this section.

(15) "Index" means a searchable list of entries that contains subjects and titles with page numbers, hyperlinks, or other connections that link each entry to the text or document to which it refers. (Added 1967, No. 360 (Adj. Sess.), § 1, eff. July 1, 1969; amended 1981, No. 82, § 1; 1983, No. 158 (Adj. Sess.), eff. April 13, 1984; 1985, No. 56, § 1; 1985, No. 269 (Adj. Sess.), § 4; 1987, No. 76, § 18; 1989, No. 69, § 2, eff. May 27, 1989; 1989, No. 250 (Adj. Sess.), § 88; 2001, No. 149 (Adj. Sess.), § 46, eff. June 27, 2002; 2017, No. 113 (Adj. Sess.), § 3; 2017, No. 156 (Adj. Sess.), § 2.)

# The Vermont Statutes Online

The Vermont Statutes Online have been updated to include the actions of the 2023 session of the General Assembly.

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## **Title 33 : Human Services**

### **Chapter 001 : Department for Children and Families**

#### **Subchapter 001 : Policy, Organization, Powers, and Duties**

**(Cite as: 33 V.S.A. § 105)**

#### **§ 105. Commissioner; appointment, term, duties, and powers**

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

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

(1) administer the laws assigned to the Department;

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

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

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

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

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



(f) Notwithstanding any other provision of law, the Commissioner may delegate to any appropriate employee of the Department any of the administrative duties and powers imposed on him or her by law, with the exception of the duties and powers enumerated in this section. The delegation of authority and responsibility shall not relieve the Commissioner of accountability for the proper administration of the Department.

(g) The Commissioner may publicly disclose findings or information about any case of child abuse or neglect that has resulted in the fatality or near fatality of a child, including information obtained under chapter 49 of this title, unless the State's Attorney or Attorney General who is investigating or prosecuting any matter related to the fatality requests the Commissioner to withhold disclosure, in which case the Commissioner shall not disclose any information until completion of any criminal proceedings related to the fatality or until the State's Attorney or Attorney General consents to disclosure, whichever occurs earlier. (Added 1967, No. 147, § 1; amended 1973, No. 101, § 6; 1983, No. 175 (Adj. Sess.); 2013, No. 131 (Adj. Sess.), § 6, eff. May 20, 2014; 2015, No. 29, § 11; 2021, No. 20, § 273.)



# Proposed Rules Postings

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#### Deadline For Public Comment

Deadline: Mar 15, 2024

The deadline for public comment has expired. Contact the agency or primary contact person listed below for assistance.

#### Rule Details

Rule Number:	24P008
Title:	Reach First Rules.
Type:	Standard
Status:	Proposed
Agency:	Department for Children and Families, Agency of Human Services
Legal Authority:	3 V.S.A. § 801(b)(11); 33 V.S.A. § 105(b)(2)
Summary:	The Reach First program provides cash assistance for up to four months to families experiencing a short-term crisis. The Reach First rules govern the eligibility criteria for the Reach First program. A family that meets eligibility criteria for Reach Up

financial assistance (Vermont's Temporary Assistance for Needy Families program) and has needs that can be fully addressed by Reach First payments and support services may be eligible for Reach First. The proposed rule reorganizes and renumbers the rules to conform to a standard outline format, updates terminology, updates statutory references, and replaces deficit-based language with strengths-based language (for example, using the term "engagement" instead of "compliance"). To conform to Act 133 of 2022, the proposed rule replaces references to the "Reach Up work requirement" with "federal work requirement" and eliminates provisions regarding work-requirement based referrals to other programs and mandatory participation in Reach First.

Persons Affected: Families applying for or receiving Reach First benefits and the Department for Children and Families.

Economic Impact: The Department anticipates no economic impact. The proposed rule maintains current eligibility criteria and benefit levels.

Posting date: Feb 07,2024

### Hearing Information

#### Information for Hearing # 1

Hearing date: 03-08-2024 10:00 AM [ADD TO YOUR CALENDAR](#)  
Location: St. Leo's Hall  
Address: 109 South Main Street  
City: Waterbury  
State: VT  
Zip: 05676  
Hearing Notes:

#### Information for Hearing # 2

Hearing date: 03-08-2024 10:00 AM [ADD TO YOUR CALENDAR](#)  
Location: via MS Teams  
Address: [https://teams.microsoft.com/l/meetup-join/193ameeting\\_OGM2ZDdiMjEtNjVmOC00NDE4LWFiZmYtMGMyZmIxNDhiN2U240thread.v2/0?context7b22Tid223a2220b4933b-baad-433c-9c02-70edcc7559c6222c220id223a22a7972903-b22b-48ab-91f0-1282d59b4a10227d](https://teams.microsoft.com/l/meetup-join/193ameeting_OGM2ZDdiMjEtNjVmOC00NDE4LWFiZmYtMGMyZmIxNDhiN2U240thread.v2/0?context7b22Tid223a2220b4933b-baad-433c-9c02-70edcc7559c6222c220id223a22a7972903-b22b-48ab-91f0-1282d59b4a10227d)

City: n/a

State: VT

Zip: n/a

Hearing Notes: [https://teams.microsoft.com/l/meetup-join/193ameeting\\_OGM2ZDdiMjEtNjVmOC00NDE4LWFiZmYtMGMMyZmIxNDhiN2U240thread.v2/0?context7b22Tid223a2220b4933b-baad-433c-9c02-70edcc7559c6222c22Oid223a22a7972903-b22b-48ab-91f0-1282d59b4a10227d](https://teams.microsoft.com/l/meetup-join/193ameeting_OGM2ZDdiMjEtNjVmOC00NDE4LWFiZmYtMGMMyZmIxNDhiN2U240thread.v2/0?context7b22Tid223a2220b4933b-baad-433c-9c02-70edcc7559c6222c22Oid223a22a7972903-b22b-48ab-91f0-1282d59b4a10227d)

## Contact Information

### Information for Primary Contact

**PRIMARY CONTACT PERSON - A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE.**

Level: Primary  
 Name: Heidi Moreau  
 Agency: Department for Children and Families, Agency of Human Services  
 Address: 280 State Drive, NOB 1 North  
 City: Waterbury  
 State: VT  
 Zip: 05671  
 Telephone: 802-595-9639  
 Fax:  
 Email: [heidi.moreau@vermont.gov](mailto:heidi.moreau@vermont.gov)

[SEND A COMMENT](#)

Website Address: <https://dcf.vermont.gov/esd/laws-rules/proposed>

[VIEW WEBSITE](#)

### Information for Secondary Contact

**SECONDARY CONTACT PERSON - A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON.**

Level: Secondary  
 Name: Amanda Beliveau  
 Agency: Department for Children and Families, Agency of Human Services  
 Address: 280 State Drive, HC 1 South  
 City: Waterbury  
 State: VT  
 Zip: 05671  
 Telephone: 802-241-0641

Fax:

Email:

amanda.beliveau@vermont.gov

SEND A COMMENT

## Keyword Information

Keywords:

- Reach First
- Short-term assistance
- Temporary Assistance for Needy Families

Back

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<b>TO:</b>	Seven Days Legals ( <a href="mailto:legals@sevendaysvt.com">legals@sevendaysvt.com</a> )	Tel: (802) 865-1020 x110.
	The Caledonian Record Julie Poutré ( <a href="mailto:adv@caledonian-record.com">adv@caledonian-record.com</a> )	Tel: 748-8121 FAX: 748-1613
	Times Argus / Rutland Herald Melody Hudson ( <a href="mailto:classified.ads@rutlandherald.com">classified.ads@rutlandherald.com</a> ) Elizabeth Marrier ( <a href="mailto:elizabeth.marrier@rutlandherald.com">elizabeth.marrier@rutlandherald.com</a> )	Tel: 802-747-6121 ext 2238 FAX: 802-776-5600
	The Valley News ( <a href="mailto:advertising@vnews.com">advertising@vnews.com</a> )	Tel: 603-298-8711 FAX: 603-298-0212
	The Addison Independent ( <a href="mailto:legals@addisonindependent.com">legals@addisonindependent.com</a> )	Tel: 388-4944 FAX: 388-3100 Attn: Display Advertising
	The Bennington Banner / Brattleboro Reformer Lylah Wright ( <a href="mailto:lwright@reformer.com">lwright@reformer.com</a> )	Tel: 254-2311 ext. 132 FAX: 447-2028 Attn: Lylah Wright
	The Chronicle ( <a href="mailto:ads@bartonchronicle.com">ads@bartonchronicle.com</a> )	Tel: 525-3531 FAX: 880-1040
	Herald of Randolph ( <a href="mailto:ads@ourherald.com">ads@ourherald.com</a> )	Tel: 728-3232 FAX: 728-9275 Attn: Brandi Comette
	Newport Daily Express ( <a href="mailto:ilafoe@newportvermontdailyexpress.com">ilafoe@newportvermontdailyexpress.com</a> )	Tel: 334-6568 FAX: 334-6891 Attn: Jon Lafoe
	News & Citizen ( <a href="mailto:mike@stowereporter.com">mike@stowereporter.com</a> ) Irene Nuzzo ( <a href="mailto:irene@newsandcitizen.com">irene@newsandcitizen.com</a> and <a href="mailto:ads@stowereporter.com">ads@stowereporter.com</a> removed from distribution list per Lisa Stearns.	Tel: 888-2212 FAX: 888-2173 Attn: Bryan
	St. Albans Messenger Legals ( <a href="mailto:legals@samessenger.com">legals@samessenger.com</a> ; <a href="mailto:cfoley@orourkemediagroup.com">cfoley@orourkemediagroup.com</a> )	Tel: 524-9771 ext. 117 FAX: 527-1948 Attn: Legals
	The Islander ( <a href="mailto:islander@vermontislander.com">islander@vermontislander.com</a> )	Tel: 802-372-5600 FAX: 802-372-3025
	Vermont Lawyer ( <a href="mailto:hunter.press.vermont@gmail.com">hunter.press.vermont@gmail.com</a> )	Attn: Will Hunter

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**FROM:** APA Coordinator, VSARA

**Date of Fax:** February 5, 2024

**RE:** The "Proposed State Rules " ad copy to run on

**February 15, 2024**

**PAGES INCLUDING THIS COVER MEMO:**

**2**

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**\*NOTE\* 8-pt font in body. 12-pt font max. for headings - single space body. Please include dashed lines where they appear in ad copy. Otherwise minimize the use of white space. Exceptions require written approval.**

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If you have questions, or if the printing schedule of your paper is disrupted by holiday etc. please contact VSARA at 802-828-3700, or E-Mail [sos.statutoryfilings@vermont.gov](mailto:sos.statutoryfilings@vermont.gov), Thanks.

## PROPOSED STATE RULES

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By law, public notice of proposed rules must be given by publication in newspapers of record. The purpose of these notices is to give the public a chance to respond to the proposals. The public notices for administrative rules are now also available online at <https://secure.vermont.gov/SOS/rules/>. The law requires an agency to hold a public hearing on a proposed rule, if requested to do so in writing by 25 persons or an association having at least 25 members.

To make special arrangements for individuals with disabilities or special needs please call or write the contact person listed below as soon as possible.

To obtain further information concerning any scheduled hearing(s), obtain copies of proposed rule(s) or submit comments regarding proposed rule(s), please call or write the contact person listed below. You may also submit comments in writing to the Legislative Committee on Administrative Rules, State House, Montpelier, Vermont 05602 (802-828-2231).

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Reach First Rules.

Vermont Proposed Rule: 24P008

AGENCY: Agency of Human Services, Department for Children and Families

CONCISE SUMMARY: The Reach First program provides cash assistance for up to four months to families experiencing a short-term crisis. The Reach First rules govern the eligibility criteria for the Reach First program. A family that meets eligibility criteria for Reach Up financial assistance (Vermont's Temporary Assistance for Needy Families program) and has needs that can be fully addressed by Reach First payments and support services may be eligible for Reach First. The proposed rule reorganizes and renumbers the rules to conform to a standard outline format, updates terminology, updates statutory references, and replaces deficit-based language with strengths-based language (for example, using the term "engagement" instead of "compliance"). To conform to Act 133 of 2022, the proposed rule replaces references to the "Reach Up work requirement" with "federal work requirement" and eliminates provisions regarding work-requirement based referrals to other programs and mandatory participation in Reach First.

FOR FURTHER INFORMATION, CONTACT: Heidi Moreau, Agency of Human Services, Department for Children and Families, 280 State Drive, NOB 1 North, Waterbury, VT 05671 Tel: 802-595-9639 Email: [heidi.moreau@vermont.gov](mailto:heidi.moreau@vermont.gov) URL: <https://dcf.vermont.gov/esd/laws-rules/proposed>.

FOR COPIES: Amanda Beliveau, Agency of Human Services, Department for Children and Families, 280 State Drive, HC 1 South, Waterbury, VT 05671 Tel: 802-241-0641 Email: [amanda.beliveau@vermont.gov](mailto:amanda.beliveau@vermont.gov).

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Reach Up Services Rules.

Vermont Proposed Rule: 24P009

AGENCY: Agency of Human Services, Department for Children and Families

CONCISE SUMMARY: The Reach Up program provides cash assistance and support services to low-income families. The Reach Up Services rules govern participation requirements for families receiving Reach Up financial assistance. Act 133 of 2022 substantially changed the Reach Up program by replacing the requirement for participants to engage in designated work activities for a set number of hours based on the family's composition with participant requirements that employ a universal engagement model that identifies participants' strengths and needs and develops individualized plans, considering their unique circumstances to help them move toward their goals. This rule implements these changes by removing all references to the work requirement, work requirement hours, and related criteria and replacing the work requirement structure with

“Reach Up participant requirements” that includes the list of activities outlined in Act 133 and updates language to reflect the universal engagement model.

FOR FURTHER INFORMATION, CONTACT: Heidi Moreau, Agency of Human Services, Department for Children and Families, 280 State Drive, NOB 1 North, Waterbury, VT 05671 Tel: 802-595-9639 Email: [heidi.moreau@vermont.gov](mailto:heidi.moreau@vermont.gov) URL: <https://dcf.vermont.gov/esd/laws-rules/proposed>.

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#### Reach Up Eligibility Rules.

Vermont Proposed Rule: 24P010

AGENCY: Agency of Human Services, Department for Children and Families

CONCISE SUMMARY: The Reach Up program provides cash assistance and support services to low-income families. The Reach Up Eligibility rules govern the eligibility criteria for the Reach Up program. The proposed rule implements changes to Reach Up eligibility criteria required by Act 133 of 2022, including increasing the age of an eligible child attending school from 19 to 22; increasing the child support pass through amount from \$50 to \$100, and increasing the earned income disregard from \$250 to \$350. The proposed rule also updates outstanding uses of terms such as “failure” and “compliance” that were not updated in the previous cycle of rulemaking; adds language to rule 2253(10) clarifying that financial assistance from poverty reduction programs is excluded; and inserts language regarding the proration of benefit payments that was inadvertently stricken from the rule in the previous cycle of rulemaking.

FOR FURTHER INFORMATION, CONTACT: Heidi Moreau, Agency of Human Services, Department for Children and Families, 280 State Drive, NOB 1 North, Waterbury, VT 05671 Tel: 802-595-9639 Email: [heidi.moreau@vermont.gov](mailto:heidi.moreau@vermont.gov) URL: <https://dcf.vermont.gov/esd/laws-rules/proposed>.

FOR COPIES: Amanda Beliveau, Agency of Human Services, Department for Children and Families, 280 State Drive, HC 1 South, Waterbury, VT 05671 Tel: 802-241-0641 Email: [amanda.beliveau@vermont.gov](mailto:amanda.beliveau@vermont.gov).

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#### Postsecondary Education Program Rules.

Vermont Proposed Rule: 24P011

AGENCY: Agency of Human Services, Department for Children and Families

CONCISE SUMMARY: The Postsecondary Education (PSE) program provides financial assistance, case management, and support services to assist parents in eligible low-income families to obtain two- or four-year postsecondary undergraduate degrees. The proposed rule reorganizes and renumbers the rules to conform to a standard outline format, updates terminology, updates statutory references, and replaces deficit-based language with strengths-based language (for example, using the term “engagement” instead of “compliance”). The proposed rule also includes amendments to align with changes to the PSE program made by Act 133 of 2022, such as updating the definition of “dependent child,” allowing two parents to participate in the PSE program at the same time, and replacing references to the Reach Up work requirement with federal work requirement.

FOR FURTHER INFORMATION, CONTACT: Heidi Moreau, Agency of Human Services, Department for Children and Families, 280 State Drive, NOB 1 North, Waterbury, VT 05671 Tel: 802-595-9639 Email: [heidi.moreau@vermont.gov](mailto:heidi.moreau@vermont.gov) URL: <https://dcf.vermont.gov/esd/laws-rules/proposed>.

FOR COPIES: Amanda Beliveau, Agency of Human Services, Department for Children and Families, 280 State Drive, HC 1 South, Waterbury, VT 05671 Tel: 802-241-0641 Email: [amanda.beliveau@vermont.gov](mailto:amanda.beliveau@vermont.gov).

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(802) 828-2863

MEMORANDUM

OFFICE OF THE SECRETARY OF STATE

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Primary Contact: Heidi Moreau, Agency of Human Services, Department for Children and Families, 280 State Drive, NOB 1 North, Waterbury, VT 05671 Tel: 802-595-9639 Email: heidi.moreau@vermont.gov

Secondary Contact: Amanda Beliveau, Agency of Human Services, Department for Children and Families, 280 State Drive, HC 1 South, Waterbury, VT 05671 Tel: 802-241-0641 Email: amanda.beliveau@vermont.gov.

URL: <https://dcf.vermont.gov/esd/laws-rules/proposed>

From: APA Coordinator, VSARA

RE: Reach First Rules.

Date 02/02/2024

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We received Proposed Rule on 02/02/2024  
Final Proposed Rule on  
Adopted Rule on

We have assigned the following rule number(s):

Proposed Rule Number: 24P008

Adopted Rule Number:

(Final Proposals are not assigned a new number; they retain the Proposed Rule Number.)

The following problems were taken care of by phone/should be taken care of immediately:

We cannot accept this filing until the following problems are taken care of:

The notice for this proposed rule appeared/will appear online on: 2/7/2024 and in the newspapers of record on 2/15/2024.

This rule takes effect on

Adoption Deadline: 10/02/2024

Please note:

If you have any questions, please call me at 828-2863. OR  
E-Mail me at: sos.statutoryfilings@vermont.gov

cc: Charlene Dindo