

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.

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

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 Up Eligibility Rules

/s/ Todd W. Daloz

(signature)

, on 5/31/23

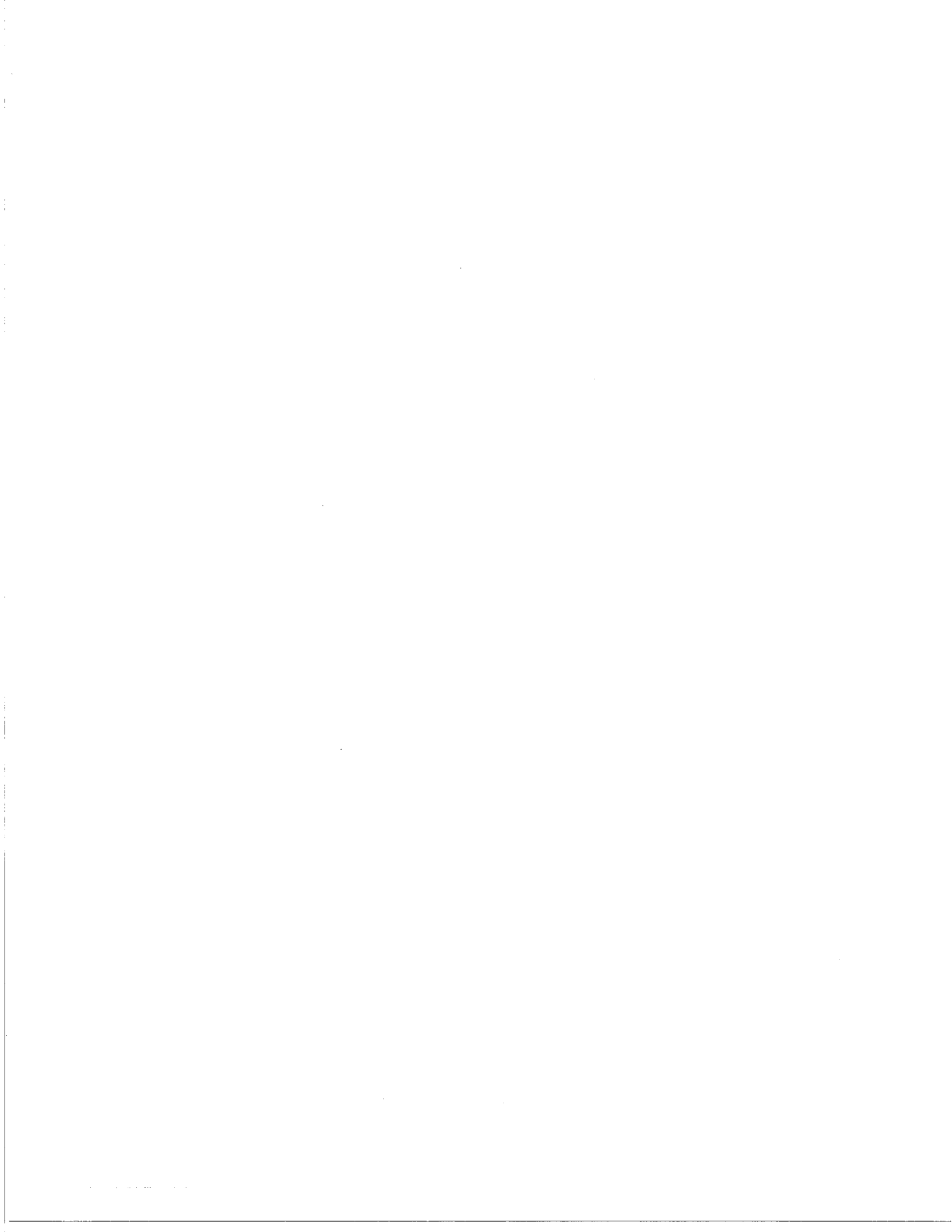
(date)

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



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1. TITLE OF RULE FILING:

Reach Up Eligibility Rules

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

23P006

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, Waterbury, Vermont 05671-
1201

Telephone: 802-595-96 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: Erin Oalican

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

Mailing Address: 280 State Drive, Waterbury, Vermont 05671-
1201

Telephone: 802-585-4621 Fax:

E-Mail: erin.oalican@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?) Yes

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

33 V.S.A. § 111

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

33 V.S.A. § 111 prohibits the disclosure of "names of

or information pertaining to applicants for or recipients of assistance or benefits, including information obtained under section 112 of this title...except for the purposes directly connected with the administration of the Department or when required by law."

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:

Reach Up is Vermont's Temporary Assistance for Needy Families (TANF) program. The Department for Children and Families (Department) is responsible for administering the State's federal TANF block grant and establishing eligibility criteria for the receipt of assistance.

9. THE FILING HAS CHANGED SINCE THE FILING OF THE PROPOSED RULE.

10. THE AGENCY HAS 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 INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.

13. THE AGENCY HAS 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 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 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"). Substantive changes to the content of the rule include: (1) allowing temporary absences to be approved when a child is voluntarily placed outside of the home (rule 2228.2); (2) removing the requirement that participants with over 60 months of assistance must complete a two-week period of compliance before benefits are approved and eliminating the two-month break in benefits for such participants (rule 2234.2); and (3) allowing pregnant individuals with substance use disorders to qualify for benefits under the high-risk pregnancy criteria (rule 2235).

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 increase opportunities for families to participate in the program in ways that align with the latest research and best practice in the field of public assistance.

16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

The department relied on input from subject matter experts, Reach Up participants, and Reach Up case managers to develop the proposed rule. The changes in the proposed rule reflect best practices based on evidence-based research in the field of public assistance.

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

Families applying for or receiving Reach Up financial assistance; and

Department for Children and Families.

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

The Department does not anticipate any costs associated with the changes to the rule. While the Department does not anticipate any quantifiable savings associated with the rule, the rules will increase administrative efficiency in providing eligibility determination and case management services to Reach Up participants. The Department anticipates a positive economic impact for families who would have been subjected to a two-month break in benefits under the current rule.

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: 4/28/2023

Time: 01:00 PM

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

Zip Code: 05676

URL for Virtual: https://teams.microsoft.com/l/meetup-join/19%3ameeting_MmE1YmY0YzItNTg5ZC00OGNjLTlhYWMTZGM4MTdlMmJmZDky%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

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

21. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

5/5/2023

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

Reach Up

Reach Up Financial Assistance

Temporary Assistance for Needy Families

TANF



STATE OF VERMONT
AGENCY OF HUMAN SERVICES

MEMORANDUM

TO: Sarah Copeland Hanzas, Secretary of State

FROM: Jenney Samuelson, Secretary, Agency of Human Services

A handwritten signature in black ink, appearing to be 'Jenney Samuelson', written over the 'FROM:' line.

DATE: January 31, 2023

SUBJECT: Signatory Authority for Purposes of Authorizing Administrative Rules

I hereby designate Deputy Secretary of Human Services Todd W. Daloz as signatory to fulfill the duties of the Secretary of the Agency of Human Services as the adopting authority for administrative rules as required by Vermont's Administrative Procedure Act, 3. V.S.A § 801 et seq.

Cc: Todd W. Daloz

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 Up Eligibility 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*):

SOS Log #18-018, Reach Up, May 8, 2018.



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: Wednesday, February 22, 2023, virtually via Microsoft Teams

Members Present: Chair Sean Brown, Brendan Atwood, Jared Adler, Jennifer Mojo, John Kessler, Diane Sherman, Michael Obuchowski, Donna Russo-Savage and Nicole Dubuque

Minutes By: Melissa Mazza-Paquette

- 2:00 p.m. meeting called to order, welcome, and introductions – including new Committee member Nicole Dubuque.
- Review and approval of minutes from the January 9, 2023 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- No public comments made.
- Presentation of Proposed Rules on pages 2-6 to follow.
 1. 2022 Vermont Residential Rental Housing Health & Safety Code, Department of Public Safety, Division of Fire Safety, page 2
 2. Inflation Adjustment for Private Non-Medical Institutions, Agency of Human Services, Department of Vermont Health Access, page 3
 3. District Quality Standards, Agency of Education, page 4
 4. Reach Up Eligibility Rules, Agency of Human Services, Department for Children and Families, page 5
 5. Reach Up Services Rules, Agency of Human Services, Department for Children and Families, page 6
- Next scheduled meeting is Monday, March 13, 2023 at 2:00 p.m.
- 3:35 p.m. meeting adjourned.

Presented By: Heidi Moreau

Motion made to accept the rule by John Kessler, seconded by Mike Obuchowski, and passed unanimously except for Brendan Atwood who abstained, with the following recommendations:

1. Proposed Filing – Coversheet:
 - a. #8: Correct ‘Eligibility’ spelling. Include an initial statement that explains what the rule does. Explain what Reach Up covers.
 - b. #10: Respond to the three criteria as defined in the statute referenced:
 - i. Is it based in fact?
 - ii. Is it rationally connected to those facts?
 - iii. Is it sensible to a reasonable person?
 - c. #12: Include information from #3 of the Economic Impact Analysis. Change ‘determinative’ to ‘determination’.
2. Public Input Maximization Plan:
 - a. #3 and #4: List community partners in #4 and reference them in #3.
 - b. #3: Clarify ‘members of the public’.

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 Up Eligibility 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 receiving Reach Up financial assistance -

There are no anticipated costs. The Department anticipates a positive economic impact for families who would have been subjected to a fiscal sanction in benefits under the current rule.

The Department - Other than the costs associated with filing a rule, there are no anticipated costs. The Department anticipates additional fiscal benefits associated with reduced administrative burdens on eligibility and case management staff.

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 changes were not adopted, the Department would not benefit from the administrative efficiencies resulting from better use of eligibility and case management resources.

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

Other than the costs associated with the adoption and publication of a new rule, the rule will not

impose quantifiable costs or savings on affected parties.

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

1. TITLE OF RULE FILING:

Reach Up Eligibility 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 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 Up Eligibility 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 will hold a public hearing; publish the proposed rule on its website; and notify 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 staff, Reach Up participants, and community partners, including Vermont Legal Aid, Vermont Network Against Domestic and Sexual Violence, and Designated Agencies.

To: Legislative Committee on Administrative Rulemaking (LCAR); Secretary of State
From: Department for Children and Families
Re: 23P006 — Reach Up Eligibility Rules
Date: May 17, 2023

The Department for Children (DCF) filed the proposed Reach Up Eligibility rules with the Secretary of State on March 24, 2023. A public hearing was held on April 28, 2023. DCF accepted public comments through May 5, 2023.

In response to comments, DCF has made the following changes to the proposed rule:

- Proposed rule 2221 – removed subsection (l): “Children placed in foster homes, at State expense, are not eligible for Reach Up benefits.”
- Proposed rule 2232.3(b) – removed the child support waiver requirement that potential harm must be serious or rise to the level that a parent is unable to adequately care for their child.
- Proposed rule 2246.5 – replaced “Children placed in foster homes, at State expense, are not eligible for Reach Up benefits” with “Foster parents who receive payments for the care of a child in the custody of the Department are not eligible for Reach Up benefits on behalf of that child.”
- Proposed rule 2253 – added a subsection (32) excluding Vermont and federal Child Tax Credits as income.
- Proposed rule 2257 – added a subsection (16) excluding Vermont and federal Child Tax Credits as a resource for a period of 12 months from receipt.

In addition to these changes, DCF has revised the language in proposed rule 2257(15) to allow Vermont and Federal Earned Income Tax Credits to be excluded as a resource for a period of 12 months from receipt to align with 24 U.S.C. § 6409. DCF corrected a typographical error in the numbering of proposed rule 2253(22)(i). Subsection (22)(i) was renumbered as subsection (23) and all subsequent subsections were renumbered accordingly.

Summary of Comments and DCF's Response

Comments were submitted by Voices for Vermont's Children and Vermont Legal Aid.

Copies of written comments are attached. Below is a summary of each comment and DCF's response.

Comment: The commenters recommend that the Reach Up eligibility rules be revised to state that DCF will update the basic needs standard, housing allowance, and ratable reduction on an annual basis.

Response: Consistent with 33 V.S.A. §101(4), the basic needs standard, housing allowance, and ratable reduction are calculated based on funds appropriated to the Reach Up program. Currently, DCF uses the basic needs standard from 2019 and a housing allowance from 2001 to determine benefit amounts. Each year DCF reports a comparison between the existing basic needs standard (2019) and the housing allowance (2001), and the current basic needs standard and housing allowance. DCF makes the current cost-of-living increase calculation by running the basic needs standard and housing allowance through a computer program that recalculates these numbers based on changes in the Consumer Price Index (CPI) and housing costs reported by families participating in the Reach Up program living inside and outside Chittenden County. The revised needs standard and housing allowance are run through a simulation of the Reach Up population to estimate the fiscal impact of making cost-of-living adjustments using current basic needs and housing allowance. The simulation is run against the amount budgeted for Reach Up to determine the percentage of total needs DCF can pay with existing funds.

Comment: The commenter expresses concern that the language in proposed rules 2221(l) and 2246.5 - "Children placed in foster homes, at State expense, are not eligible for Reach Up benefits" - reduces the assistance available to parents who are working toward reunification with their children. The commenter also recommended that DCF look for opportunities to expand assistance beyond the provisions in the temporary absence rule in order to support family reunification.

Response: The current rule prohibits dual receipt of a foster care stipend under Title IV-E and Reach Up payments on behalf of a foster child: "Payments for Reach Up children who qualify for Reach Up foster care shall be provided by the Family Services Division through Title IV-E of the Social Security Act, as amended." The proposed language was intended to simplify the language in this rule. DCF did not intend to restrict a non-custodial parent's eligibility for Reach Up benefits under the temporary absence rule. DCF has removed this language from proposed rule 2221(l) and amended the language in proposed rule 2246.5 as follows to clarify this intent: "Foster parents who receive payments for the care of a child in the custody of the Department are not eligible for Reach Up benefits on behalf of that child." Consistent with funds available to the program and federal law, DCF will continue to explore ways in which the Reach Up program can support family reunification.

Comment: The commenter recommends that DCF remove the requirement in proposed rule 2232.3(b) that potential harm must be "serious" or rise to the level that a parent is unable to adequately care for their child to qualify for a child support waiver.

Response: DCF agrees that these criteria are not in a child's best interest. DCF has changed the proposed rule as recommended.

Comment: The commenter recommends that the disqualification period for the receipt of a lump sum payment in proposed rule 2248.1 should be recalculated when a household uses the payment to cover an immediate need and day-to-day operating expenses for a vehicle.

Response: DCF will evaluate the economic and administrative impact of making these changes and consider the feasibility of amending the lump sum payment requirements when DCF initiates rulemaking to implement statutory changes to the Reach Up program taking effect January 1, 2024.

Comment: The commenter recommends that proposed rules 2253 and 2257 include Child Tax Credits as excluded income and resource and that DCF exclude income received through a “guaranteed income” project or pilot aimed at reducing poverty.

Response: Consistent with 26 U.S.C. § 6409 and 32 V.S.A. § 5830f(c), DCF currently excludes Vermont and Federal Child Tax Credits as income and as a resource for a period of 12 months from receipt. DCF has amended the language in proposed rule 2253 and 2257 to reflect this practice.

DCF will evaluate the economic and administrative impact of excluding income received through guaranteed income pilots and consider the feasibility of excluding such payments when DCF initiates rulemaking to implement statutory changes to the Reach Up program taking effect January 1, 2024.

VERMONT LEGAL AID, INC.

OFFICES:

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ST. JOHNSBURY

264 NORTH WINOOSKI AVE.
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OFFICES:

MONTPELIER
SPRINGFIELD

May 5, 2023

Heidi Moreau, General Counsel
Department for Children and Families
280 State Drive, HC1 North
Waterbury, VT 05671-1080
Heidi.Moreau@vermont.gov

RE: Proposed Rules: B23-04 - Reach Up Eligibility; B23-06 - Reach Up Services

Dear General Counsel Moreau:

Thank you for the opportunity to comment on the proposed changes to the Reach Up Eligibility and Services rules.

Vermont Legal Aid, Inc., (VLA) is a non-profit law firm that strives to fight poverty and advance justice in the civil legal system. We provide legal information and advice and advocate for systemic change on behalf of low-income and vulnerable Vermonters. Many of our clients are applicants to or participants in the Reach Up program, which provides critical financial support.

We are grateful for the Department's substantial efforts to clarify these rules and reframe the interactions between the Department and program participants. In particular, we appreciate the removal of outdated language like "failure" and "self-sufficiency" and the adjustments that reflect a more collaborative model of engagement.

In addition to the changes reflected in these proposed rules, we have a few suggestions based on concerns we hear most frequently from our clients.

- a. The harm threshold for "good cause" under Proposed Rule 2232.3 should be lowered.**

We appreciate the Department broadening the definition of domestic violence in Proposed Rule 2201 to align with the federal definition. We also support changes that lower the barriers to verifying domestic violence or good cause, including the updates to Proposed Rules 2232.3, 2232.4, and 2232.5.

We ask that the Department consider further revising Proposed Rule 2232.3(b)'s good cause criteria to ensure that all applicants at risk of harm can access a child support waiver. Federal law gives state agencies discretion to define good cause criteria as long as they "take into account the best interests of the child." 24 U.S.C. § 654(29). Because no degree of harm to a child or to their parent is in a child's best interest, we suggest that Rule 2232.3(b) should state:

- b. Good cause exists when the Department determines that cooperation is not in the best interest of the child because it may result in any one of the following:
 - 1. Physical or emotional harm to the child;
 - 2. Physical or emotional harm to the parent/caretaker; or
 - 3. At least one of the following circumstances exists:
 - i. The child was conceived as a result of incest or rape;
 - ii. Legal proceedings for the adoption of the child are pending; or
 - iii. The parent/caretaker is determining an adoption plan.

We are concerned that the current requirement that potential harm must be "serious" or rise to the level that a parent is unable to adequately care for their child unnecessarily deters eligible survivors from applying for a waiver. This modification could encourage more survivors of domestic violence to apply for necessary support for their children.

b. Needs Standards should be updated annually to account for current cost of living.

We recommend that the Reach Up eligibility rules be revised to state that the Department will update the basic needs standard, housing allowance, and ratable reduction on an annual basis. Needs totals should be updated to reflect current-year data about the cost of food, fuel, utilities, clothing, personal needs and incidentals, household-related chores, special needs, and housing.

The Department's proposed rules formalize the 2019 basic needs standards in Proposed Rule 2244.1 and do not change the maximum Housing Allowance amount in Proposed Rule 2246 or the Special Housing Needs in Proposed Rule 2244.3. The rules do not currently state that these numbers should be regularly reviewed.

Especially in recent years, when the cost of living has skyrocketed, these adjustments are meaningful. Low-income families are on tight budgets and cannot absorb expense increases when there is no margin to begin with. The inputs to the grant calculation should reflect the reality of what these goods and services cost in Vermont.

c. The disqualification period for the receipt of a lump sum payment should be recalculated when a household uses the payment to cover an immediate need.

Many Reach Up participants who receive a lump sum will need to use the funds for a essentials other than the approved expenses for which the Department will recalculate the disqualification period. These households then face a period without critical Reach Up benefits. We ask that the Department revise Proposed Rule 2248.1(e)(4) to:

- include day-to-day operating expenses for a vehicle, removing the exclusion in Proposed Rule 2248.1(e)(4)(v)(B); and
- include “use of lump sum to address an immediate basic need or emergency” as an additional circumstance under which lump sum income would be considered unavailable.

Other states, like Maine and Oregon, have included similar provisions in their rules. See, e.g., 10-144 M.C.R. ch. 331 (considering funds unavailable when “used to meet essential needs such as housing, utilities, food, clothing, furnishings and other necessities required for the health and safety of the family.”); O.A.R. 461-140-0120 (considering funds unavailable when the recipient “[s]pends the lump-sum income on an immediate basic need or emergency.”).

Particularly when benefits cannot fully cover participants’ basic needs, program rules should recognize that any “extra” income is likely needed to cover daily necessities like food, gas, and clothing. We ask that the Department further amend this rule to reflect that, when lump sums are used on immediate basic needs, those funds become unavailable to the household.

d. Child Tax Credits and Guaranteed Income Pilot funds should be excluded for the purpose of determining Reach Up eligibility.

As agencies and community organizations explore tools to reduce poverty and support basic needs, we recommend that the following sources of income also be listed as excluded income under Proposed Rule 2253:

- Income received through a “guaranteed income” project or pilot aimed at reducing poverty; and
- Vermont and Federal Child Tax Credits (CTC), whether received periodically or as a refund, including lump sum.

It is our understanding that the CTCs are already excluded for Reach Up purposes, but we suggest that they be listed in this rule and in Proposed Rule 2257, Excluded Resources, for clarity. Excluding funds from guaranteed income pilots would allow for continued study on the effectiveness of such programs without displacing existing benefits.

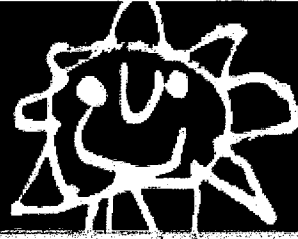
We thank you again for your efforts to revise these rules and for the opportunity to submit these comments.

Sincerely,



Olivia Graffeo-Cohen
Staff Attorney
Vermont Legal Aid

Voices for Vermont's Children



May 5, 2023

Heidi Moreau, General Counsel
Department for Children and Families
Heidi.Moreau@vermont.gov

RE: Proposed Rules: B23-04 - Reach Up Eligibility; B23-06 - Reach Up Services

Dear General Counsel Moreau:

Voices for Vermont's Children extends our gratitude to the people who have drafted updated rules for Reach Up. Voices celebrates steps taken to simplify language. We also support all shifts away from "compliance" language and appreciate the new language that speaks to "engagement". These shifts matter. We look forward to reviewing the next set of rules that will reflect the full scope of Act 133.

Voices encourages the Department to center people impacted by these rule changes when drafting future policy shifts and when determining what else might be needed to fulfill the mandate of this vital program. In that vein, Voices has two recommendations for this round of policy shifts.

- We recommend that the Reach Up eligibility rules be revised to state that the Department will update on an annual basis the basic needs standard, housing allowance, and ratable reduction.
- Voices is concerned by the language "Children placed in foster homes, at State expense, are not eligible for Reach Up benefits." If the goal of children in state's custody is reunification, it is nonsensical to remove cash assistance that is required to maintain housing, utilities, transportation, and more. We want to be sure that the Department is not reducing support available and would encourage the Department to look for opportunities to extend these payments beyond the provisions in the temporary absence rule in order to support family reunification.

Thank you for your consideration.

Amy Rose

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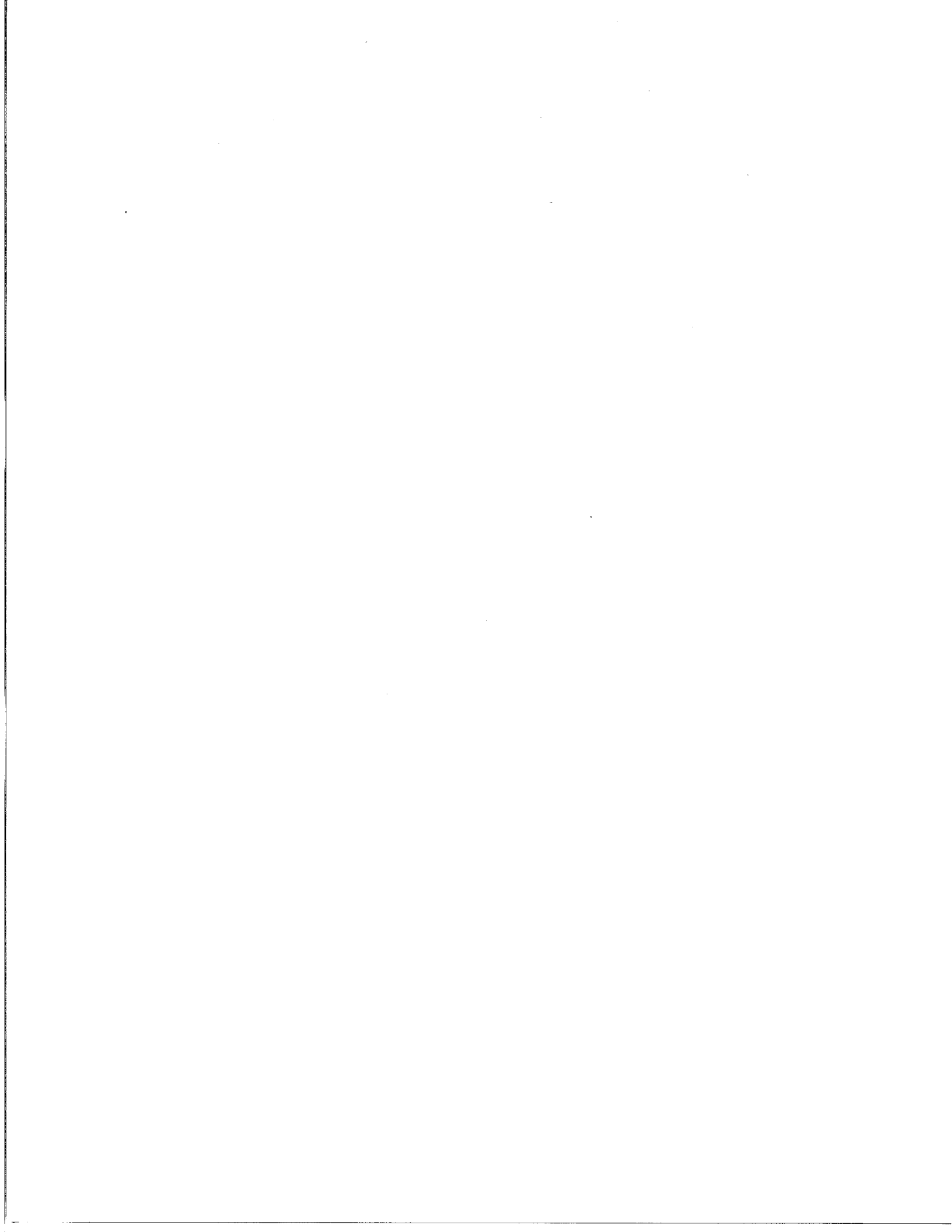


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2200 Purpose

a. The purpose of the Reach Up program is to:

1. Assist families, recognizing individual and unique characteristics, to obtain the opportunities and skills necessary for self-sufficiency;
2. Encourage economic independence by removing barriers and disincentives to work and providing positive incentives to work;
3. Support parental nurturing;
4. Support parental responsibility and positive parental role models, both custodial and noncustodial;
5. Measure the success of the system by what is best for children;
6. Improve the well-being of children by providing for their immediate basic needs, including food, housing and clothing;
7. Respect the dignity of individuals and families receiving assistance by providing employment, education, and other services through social service delivery systems available to all Vermont citizens and by encouraging the private sector to integrate families receiving assistance into the mainstream employment market;
8. Recognize the challenges facing many families receiving assistance by minimizing structural financial disincentives to increased earnings and the abrupt termination of assistance before parents are fully integrated into the employment market;
9. Conserve state public financial resources by operating the system of aid in a manner that is efficient and avoids federal fiscal sanctions; and
10. Conform to federal TANF law.

2201 Definitions

a. The following definitions apply to the terms used in the rules for the Reach Up program:

1. "Active management" means that the participant is responsible for making significant management decisions, such as approving new tenants, deciding on rental terms, or approving expenditures.
2. "Adult" means:
 - i. An individual age 18 or older, who is not a dependent child; or
 - ii. An individual under age 18, who is either pregnant or the parent of a dependent child.
3. "Bona fide loans" means:

- i. A loan from an establishment or individual that is in the business of making loans and is evidenced by a written agreement to repay the money within a specified period; or
 - ii. A loan obtained from an establishment or individual not normally engaged in the business of making loans, evidence that the loan is bona fide would be provided by a written agreement between the parties to the loan that specifies a timetable or plan for repayment.
 - iii. A loan is considered bona fide even if it is repaid without interest or was obtained without being secured with collateral.
4. "Countable" means the months of benefits that a Reach Up participant receives that count toward the 60-month time limit.
5. "Department" means the Vermont Department for Children and Families.
6. "Domestic violence" means any of the following acts:
 - i. Physical acts that resulted in, or threatened to result in, physical injury to the individual;
 - ii. Sexual abuse;
 - iii. Sexual activity involving an eligible child;
 - iv. Being forced as the parent or caretaker of an eligible child to engage in nonconsensual sexual acts or activities;
 - v. Threats of, or attempts at, physical or sexual abuse;
 - vi. Mental or emotional abuse; or
 - vii. Neglect or deprivation of medical care.
7. "Electronic benefit transfer transaction" means the use of a credit or debit card service, automated teller machine, point-of-sale terminal, or access to an online system for the withdrawal of funds or the processing of a payment for merchandise or a service.
8. "Eligibility" means the state laws and federal laws that apply to receipt of Reach Up benefits.
9. "Family development plan" (FDP) means the written plan that charts the Reach Up household's participation in the Reach Up services component.
10. "Homeless" means lacking a fixed and regular overnight residence or living in one of the following as a primary overnight residence:
 - i. A supervised shelter designed to provide temporary accommodations;
 - ii. A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;
 - iii. A temporary accommodation, for not more than 90 days, in the residence of another

individual; or

iv. A place not designed for, or ordinarily used as, a regular sleeping accommodation.

11. "Household" means either:

i. One or more eligible children living with:

A. One or both parents;

B. A relative; or

C. A caretaker;

ii. A pregnant individual.

12. "Parent" means:

i. The same as in 15C V.S.A. § 102(16);

ii. Stepparent; or

iii. Pregnant individual.

"Participant" means an adult who is a member of a Reach Up household.

13. "Payment" means the form, frequency, and method used to pay Reach Up benefits to eligible individuals through:

i. Money payments; and/or

ii. Vendor payments.

14. "Reach Up household" shall have the same meaning as "eligible family" in 33 V.S.A. § 1101(11) and means a household that is determined to be financially eligible for the Reach Up program.

15. "Support services" means the services and referrals needed for the accomplishment of the participant's goals and the implementation of their family development plan.

16. "Temporary Assistance to Needy Families" (TANF) means the block grant provided to Vermont and established in accordance with Part A of Title IV of the federal Social Security Act, as amended, and the regulations issued under the Act by the United States Secretary of Health and Human Services.

2202 Eligibility and Payment Process

a. The eligibility and payment process for Reach Up consists of steps an applicant takes to request benefits and procedures the Department follows to determine eligibility and payments.

- b. Steps within the eligibility and payment process include:
1. An initial application for benefits, including a subsequent application to add an additional adult to an existing Reach Up household;
 2. An interview to clarify information the applicant provides on the application and provide the applicant with:
 - i. An overview of programs administered by the Department;
 - ii. Services and referrals available;
 - iii. Program requirements; and
 - iv. Participant responsibilities;
 3. The documentation and verification of necessary information related to pertinent eligibility conditions, including an initial family development plan (FDP) (rule 2313);
 4. A determination of initial eligibility and amount of benefits;
 5. Written notice is provided to applicants of eligibility decisions; and
 6. Authorization and payment of benefits by the Department for eligible applicants.

2203 Case Records

- a. Permanent records on each individual case shall be maintained and shall include applications for assistance, factual data, verification of information, budgetary computations, eligibility decisions, payment authorizations, and copies of all correspondence.
- b. Case information may contribute in statistical or other general terms to material needed for planning, research, and overall administration of Department programs.
- c. Individual case data shall, however, be held in confidence under Department regulations limiting disclosure of such information identifying a specific applicant or participant.
- d. Retention of records shall be subject to Federal and State requirements for audit and/or review.

2204 Authorized Representative

- a. An authorized representative may, under specific conditions, act on behalf of a Reach Up household to carry out specific activities related to establishing eligibility for, obtaining, and using benefits made available through Department programs.
- b. A judicially appointed legal guardian or legal representative automatically meets the criteria for an authorized representative.
- c. A relative, friend, or other knowledgeable interested individual may act on behalf of a Reach Up household when the adult Reach Up household members are unable to act for themselves.

- d. An applicant for Reach Up may, in an emergency precluding the presence of the applicant at a required interview, designate a representative to act on their behalf by addressing a letter, naming the individual designated and bearing the applicant's signature, and providing this letter to the Department.
- e. An authorized representative must be:
 - 1. An adult;
 - 2. Not a member of the Reach Up household; and
 - 3. Aware of the Reach Up household's situation.

2205 Quality Assurance Review

- a. Continuing validation of the accuracy of information and resulting decisions on eligibility and amount of benefits is carried out through a Quality Assurance review of a sample of each month's Reach Up caseload.
- b. The primary purpose of the validation review is assurance that Department policies are clear and consistently applied and that applicants can understand and furnish accurate information.
- c. Whenever a validation review indicates possible fraud, further investigation and appropriate action shall be initiated.

2206 Domestic Violence

- a. The Department recognizes that families experiencing the effects of domestic violence may face a threat to the health, safety, and well-being of one or more family members as well as an obstacle to upward economic mobility.
- b. To encourage and help such families to address the effects of domestic violence, the Department shall explain to applicants and participants that they:
 - 1. May ask for a deferment or modification to the work requirement (rule 2360);
 - 2. May ask for a waiver of the requirement to cooperate in the pursuit of child support (rule 2235.4);
 - 3. Have a right to confidentiality unless the law requires a report of abuse; and
 - 4. May limit voluntary waivers of confidentiality based on criteria they choose, such as time periods or named collateral contacts.
- c. The Department shall provide this explanation at the time of application and eligibility review and at any time the Department receives information indicating that the applicant or participant, or a dependent child, may be or may have been a victim of domestic violence.
- d. Domestic violence is defined at rule 2201.

2207 Application

- a. Application for Reach Up is the specific action of completing, signing, and submitting an application form furnished by the Department to begin the program eligibility determination process.
- b. An application for Reach Up may be considered as an application for Reach First when required or allowed by the Reach First rules.

2207.1 Application Process

- a. Application forms shall be signed by:
 - 1. The individual applying for benefits;
 - 2. An authorized representative of an individual applying for benefits; or
 - 3. Where the applicant is incompetent or incapacitated, someone acting responsibly for them.
- b. The date of application, which governs the time limit for rendering and implementing a decision on the application, is the date that a signed application form is first received in any Economic Services Division (ESD) office, regardless of whether such application is sufficiently complete for an immediate decision on eligibility.
- c. All contacts shall be considered inquiries up to the point of ESD's receipt of a signed application form.
- d. Department response to application inquiries shall include:
 - 1. Furnishing application form(s);
 - 2. Appropriate explanation of program(s) inquired about, including eligibility standards and criteria; or
 - 3. Explanation of applicant rights and responsibilities, including penalties for fraudulent acquisition and use of benefits.
- e. A signed application for Reach Up, on a form furnished by the Department, is required to begin action on a request for benefits.
 - 1. Such application may be obtained online, by calling, writing, or visiting any of the Department's offices.
- f. Any individual previously found ineligible for benefits, who believes their circumstances have changed or who desires to have eligibility reconsidered, may reapply by submitting an up-to-date signed application form to the Department.
- g. The formal application gives individuals the means to furnish information necessary for a decision, protects them from being ruled ineligible without formal application, informs them of their rights

and responsibilities, and provides a basis for appeal if they are dissatisfied with any action or inaction by the Department.

- h. A relative, friend, or other interested party may assist an applicant in completing necessary forms.
 - 1. The applicant, spouse, authorized representative, or legal guardian must sign the form and thereby assume responsibility for all information entered.
- i. If an applicant has difficulty in completing an application and no other person is available to assist, a Department employee may record information furnished by the applicant on the application.
 - 1. The Department must review the application information entered to ensure accuracy before the applicant signs and assumes responsibility for the information.
- j. The individual in whose name an application is filed is designated the applicant, or the head of the Reach Up household.
 - 1. When a group of individuals apply together for benefits from more than one Department program, it is preferable, although not mandatory, that the same member be designated head of the household for all programs.

2207.2 Choice of Program

- a. An applicant who is eligible for both Reach Up benefits and Supplemental Security Income (SSI), with or without the state AABD supplement, shall have free choice to select either program.
- b. No individual may, however, receive Reach Up benefits at the same time as receiving federal SSI or state AABD.
 - 1. Recipients of SSI can act as a payee of a Reach Up benefit on behalf of other eligible individuals.
- c. Applicants or participants who apply for SSI or are awaiting a decision on an SSI application may be required to sign an agreement authorizing the Department's recovery of Reach Up from SSI back payments.

2207.3 Deadline for Application Processing

- a. Action on applications shall be completed as soon as possible, but no later than 30 days from the date of application for Reach Up.
- b. Within this deadline, a decision must be made concerning the application, and a written notice of that decision must be sent to the applicant.
- c. When the deadline is not met because of applicant-caused delays or circumstances beyond ESD's control, the reason must be documented in the case record.

- d. Not meeting the established deadline shall not constitute the sole reason for denial of benefits unless the applicant's non-cooperation can be established and documented in the case record.

2208 Sources of Application Information

- a. The applicant is the primary source of information about their need and eligibility for benefits.
- b. Verification of information provided on the signed application and through interviews is only required when specified at rule 2208.3.
- c. Reliance on the applicant as the primary source of information to establish eligibility recognizes the right to privacy, but also places responsibility on the applicant to provide necessary information completely and accurately or, when needed, to give consent to obtain such information elsewhere.
- d. The signature of an applicant, authorized representative, or legally appointed representative on an application must certify under penalty of perjury that information on the application pertaining to all members of the Reach Up household is correct and complete.
 - 1. Only one adult applicant signature is required (rule 2207.1).
- e. An applicant has a right to refuse to give information, or to submit required verification.
 - 1. Refusal to provide information or take the action necessary to establish eligibility will result in denial or closure of benefits.
 - 2. Willful misrepresentation of an applicant's circumstances may also result in legal action under fraud statutes.
 - 3. The Department shall make every effort to ensure the applicant fully understands the consequences of:
 - i. Refusal to take necessary action to establish eligibility; and
 - ii. Misrepresentation of individual circumstances.
- f. The Department is responsible for providing an explanation and interpretation of program eligibility criteria to an applicant in assessing their circumstances against such eligibility criteria.
- g. An individual may apply for benefits through another person.
 - 1. The individual acting for the applicant is, in such situations, considered the primary source of information, subject to the same rights, responsibilities, and consequences for the applicant as an applicant acting directly for themselves.

2208.1 Application Form

- a. The applicant's signed application form is the primary source document for information about the applicant's circumstances.
- b. A signed application form with the applicant's name, address, and signature shall be sufficient to

apply for Reach Up benefits.

2208.2 Interviews

- a. An interview is required for all Reach Up applications.
- b. The Department shall conduct interviews via the phone.
 - 1. A face-to-face interview may be provided at the applicant's request.
- c. The Department may waive the interview requirement for applicants who are not mandatory members of the Reach Up household when they apply for benefits only on behalf of the children in the household if the following criteria are met:
 - 1. All questions on the application have been answered completely;
 - 2. The application does not contain any questionable or inconsistent information; and
 - 3. The Department has received all required verification.

2208.3 Verification

- a. Verification is a written entry in the case record of third-party confirmation or documentation of facts stated by an applicant or participant.
- b. Verification shall be required when:
 - 1. The Department is processing an initial application or eligibility recertification for Reach Up benefits;
 - 2. The participant reports a change in circumstances relating to the verified item; or
 - 3. The Department receives information from some other source that indicates the most recent information reported by the applicant or participant may be incorrect.
- c. Verification shall be required for the following items:
 - 1. All non-excluded income (amount and source);
 - 2. All non-excluded resources, within \$200 of the resource limit;
 - 3. Actual dependent care costs for a non-household member claimed as a work expense and used as a deduction from earned income;
 - 4. High risk pregnancy for a person with no dependent children;
 - 5. Collateral information affecting eligibility;

6. Application for a social security number, if the individual does not have one; and
 7. Months of TANF assistance received in another state.
- d. Verification may be required for the following, if questionable:
1. Identity and residency;
 2. Age, citizenship, or immigrant status for any member of the Reach Up household;
 3. Parentage of a child included in the Reach Up household; and
 4. Any other information that affects eligibility or amount of benefits.
- e. Written verification statements shall include sufficient detail to enable independent reviewer evaluation of the reasonableness of the resulting eligibility decision, including:
1. A description of method used;
 2. Dates;
 3. Sources;
 4. Summary of information obtained; or
 5. Any computations required.
- f. If the household cannot furnish complete pay stubs or similar verification, a verbal or written statement of earnings must be obtained from the employer.
- g. The Department shall verify and document earnings received in the prior 30 days for applicants and participants.
1. If the earnings received in this 30-day period are not representative of current or future circumstances, then a best estimate must be made based on information and documentation obtained during the eligibility determination or redetermination.
 - i. In such cases, this alternative figure will be used to estimate monthly earnings.
- h. For continuing eligibility, earnings must be verified at least once every six months.
1. When earnings have just begun or changed, available pay stubs, a statement from the employer on earnings and predicted hours of employment, or similar verification shall be used to make a best estimate of future earnings.
- i. Verification of income and expenses from self-employment requires careful evaluation by the Department considering the following:
1. If the applicant or participant has been self-employed for a period of time and has reported this income to IRS, the latest income tax return can be used as one source, providing it reflects the current situation.
 2. An applicant or participant, who has recently become self-employed, shall provide a written

- statement of potential monthly income or all available business records.
3. Self-employment income shall be projected for 12 months based on these records.
 4. For continuing eligibility, self-employment income must be verified at least once every six months.
- j. Not cooperating with the verification requirements may result in a denial or closure unless a good cause reason exists.
1. Denial or closure shall result if an applicant or participant:
 - i. Fails without good cause to submit documentation necessary for verification;
 - ii. Fails without good cause to consent to verification of any eligibility factor; or
 - iii. Fails without good cause to cooperate in any investigation necessary to support an affirmative decision of eligibility.
 2. Good cause reasons include:
 - i. Natural disasters, such as fires or floods, having a direct impact on the applicant or participant or an immediate family member;
 - ii. Illness of such severity on the part of the applicant or participant or an immediate family member that the applicant or participant is unable to direct their personal affairs;
 - iii. Refusal of an employer to provide earned income verification, or the unavailability of an employer to provide verification before the deadline;
 - iv. Lost or stolen mail which is confirmed by the Postal Service;
 - v. Refusal of a landlord to verify housing expense;
 - vi. Death of the applicant or participant or an immediate family member; or
 - vii. Inability of a third party to provide the necessary documentation within the designated time period.
 3. Other reasons may be found to constitute good cause with the approval of the Department.
- k. If verification is received after the Department has denied the application, but 31 to 60 days from the original application date, the Department may use the original application to determine eligibility.
1. If eligible, benefits will be issued from the date the missing verification requirements were provided.

2208.4 Collateral Sources Used for Verification

- a. The Department may contact sources, other than the applicant, to verify an applicant's eligibility for benefits.
- b. The Department may only contact collateral sources with the consent of the applicant as authorized by a signed application or authorization to release information.

1. These contacts are limited to interviews, telephone calls, or correspondence necessary to obtain information required to make an eligibility decision.
- c. Information requested from collateral sources is limited to the specific eligibility factors in question.

2209 Continuing Eligibility

- a. Reach Up benefits continue, as authorized, until changed or terminated for the following reasons:
 1. Change in circumstances;
 2. Participant did not provide a completed interim report;
 3. Expiration of a certification period;
 4. Participant did not provide information to complete recertification;
 5. Sanctioned participant did not engage in Reach Up services requirements; or
 6. Participant received 60 countable months and did not engage in Reach Up services requirements.

2210 Recertification

- a. Recertification is a review of the Reach Up household's eligibility factors to determine their continued eligibility for Reach Up benefits.
- b. Recertification shall be conducted periodically, as specified in rule 2210.1, for all Reach Up households.
- c. Recertification uses the same sources of information as the application process (rule 2208), which includes the following:
 1. Participants shall submit a new signed application at every recertification and provide current information about individual, family, and household circumstances in relation to program eligibility factors;
 2. Interviews shall be required on the same basis as for initial eligibility; and
 3. Verification, including use of collateral sources as needed, shall be required on the same basis as for initial eligibility.
 4. Recertification shall be final when written notice of the Department's decision has been made available to the participant and:
 - i. An increase of benefits has been made available to the participant; or
 - ii. Authorization to terminate or reduce benefits has been processed.

2210.1 Recertification Periods

- a. All Reach Up households shall complete a recertification every 12 months.

- b. The recertification period for Reach Up households may be scheduled at intervals shorter than 12 months to coincide with known anticipated changes or recertification periods for other benefit programs administered by the Department.
- c. A scheduled recertification period may not, however, exceed the 12-month limit.

2210.2 Interim Reports

- a. All Reach Up households shall complete an interim report every six months.
- b. The interim report must include verification of any earned income.

2211 Change Processing

- a. The Department must notify the Reach Up household of the requirement to report any changes in circumstances within ten calendar days of the date the change becomes known.
- b. The Reach Up household shall notify the Department of any change in individual, family, or Reach Up household circumstances that may affect continuing eligibility.
 - 1. Such changes include: residence location, Reach Up household composition, employment, income, and resources.
- c. When a change is the addition of an adult to a Reach Up household, all eligibility conditions apply (rule 2202) and are reconsidered for the new Reach Up household formed by the change.
- d. When a change is the addition of any individual to an existing Reach Up household, benefits based on the new member's needs and income will be effective for the date on which the individual joined the Reach Up household, provided that a timely report of the change was made.
 - 1. A report of change is considered timely if it is reported within ten calendar days of the date the change became known to the Reach Up household.
 - 2. If the change was not timely reported, benefits based on the participant's needs and income shall be effective from the date on which the change was reported.
- e. A change reported for one program shall be considered to have been reported for all programs in which the Reach Up household is participating.
- f. The Department shall, upon receipt of a report of changed circumstances, consider such changes in relation to all eligibility factors for all programs through which benefits are currently authorized.
 - 1. If a reported change results in a Reach Up household becoming ineligible, benefits shall end on the earliest date for which the adverse action deadline has not passed.
- g. A description of payment cycles is given at rule 2216.

- h. Reductions and closures resulting from changes reported fewer than ten calendar days before the adverse action approval deadline may take effect for the following benefit period.
 - 1. This ensures that participants have a ten-day period in which to provide required verification and the Department has a ten-day administrative period in which to process the change.
- i. A Reach Up household that includes a pregnant person cannot have their Reach Up benefits increased solely based on the pregnancy.

2211.1 Change of Address

- a. A Reach Up household shall immediately notify the Department of any change in their domicile and inform the Department of the new location and mailing address.
- b. Failure to immediately notify the Department of any change in domicile may result in a delay in receipt of benefits, incorrect payments, or render the Department unable to determine continued eligibility.
- c. Changes of domicile for reasons other than visiting purposes shall require a review of circumstances and recomputation of budgeted need.
 - 1. Visits away from the domicile of less than 30 days are not considered a change of domicile.
- d. A Reach Up household that moves outside Vermont with the intent to domicile outside the state shall become ineligible upon leaving their Vermont residence (rule 2229).

2211.2 Deceased Reach Up Household Member

- a. Eligibility of a Reach Up household member terminates upon death.
- b. Notice of death, processed through the applicable payment system, shall automatically cancel continuing benefits to, or on behalf of, the deceased individual.
- c. Vendor payments for services incurred by eligible individuals before death shall, however, be authorized and paid, when billed within fiscal time limits.
- d. Surviving members of a Reach Up household may continue to be eligible for benefits following the death of a Reach Up household member.
- e. Continuing eligibility and resulting payment adjustments shall be established through appropriate eligibility review action.

2212 Decisions

- a. By law, the Commissioner is empowered to decide upon applications for benefits and to prescribe the amount of benefits to be given.

- b. Authority to make case decisions is assigned to the Department.

2212.1 Application Decisions

- a. Decisions on applications or reapplications for benefits are classified as:
1. Approval – when need exists, according to Department standards, and all other eligibility conditions of the program are met; or
 2. Denial – when need does not exist, according to Department standards; when one or more other eligibility conditions of the program are not met; when the applicant cannot be located; or when the application is withdrawn by the applicant.

2212.2 Continuing Eligibility Decisions

- a. Department decisions on continuing eligibility for benefits are defined as follows:
1. Continuing – when need exists, in the same amount or scope, and all other eligibility conditions of the program continue to be met;
 2. Reductions – when lesser need exists and all other eligibility conditions of the program continue to be met;
 3. Increases – when greater need exists and all other eligibility conditions of the program continue to be met; or
 4. Closures – when need no longer exists, or when one or more other eligibility conditions of the program are no longer met.
- b. Decisions shall be effective on the date the household would have received its next benefit payment, subject to any applicable advance notice requirements.

2213 Notice of Decision

- a. A written notice of decision shall be provided to Reach Up applicants/participants prior to implementation of any decision affecting their receipt of benefits, which includes the following information:
1. The type of action to be taken;
 2. An explanation of the action that includes reference to dates, amounts, reasons, and the governing rules; and
 3. A clear explanation of individual rights to request a fair hearing (rule 2262) and to request continuation of benefits pending a fair hearing decision if requested within specified time limits.
- b. Unless specifically exempt, a decision resulting in termination or reduction in the amount or scope of benefits or changing a benefit to a protective payment system requires advance written

notice of the proposed action.

- c. Advance notice must be mailed no less than ten days prior to the effective date of the proposed action.

2213.1 Exemptions from Minimum Advance Notice

- a. The requirement for minimum advance notice of termination, reduction, or change in method of payment shall not apply to decisions resulting from the following:
 - 1. A new or amended regulation promulgated under the provisions of the Administrative Procedures Act (3 V.S.A. § 801 et seq.) that will have general and universal effect upon the benefits of a significant number of individuals and a general advance notice of such regulation change has been sent to all participants in the particular program affected;
 - 2. The death of the only participant in a one-person Reach Up household;
 - 3. The participant's voluntary request for such action, as attested to by:
 - i Participant's signature, or the signature of an authorized representative, on a formal waiver of notice; or
 - ii Written or verbal submission of information requiring such termination or reduction that contains the participant's clear admission of awareness that the required action will be taken.
 - 4. A change of payee to continue benefits for the use of eligible children during or following family separation.

2213.2 Benefit Amount Notice

- a. Written notice of benefit amounts shall include the following specific information:
 - 1. Benefit amount;
 - 2. Effective date of first payment;
 - 3. Conditions, if any, affecting continuing benefits; and
 - 4. Method of payment.
- b. Written notice of benefits denied shall include the specific reason for denial.
- c. Written notice of continuing benefits shall state that benefits continue or include the following specific information regarding a change:
 - 1. Current benefit amount and changed benefit amount;
 - 2. Effective date of change;
 - 3. Reason for change; and
 - 4. Method of payment.

d. Written notice of benefits closed shall include the following specific information:

1. Current benefit amount, if any;
2. Effective date of closure; and
3. Reason for closure.

2214 Benefit Amounts

- a. A benefit amount is a direct payment of assistance to, or on behalf of, an eligible Reach Up household to meet need, as established under Department regulations.
- b. Reach Up benefit amounts shall be made payable to the parent or caretaker responsible for care and supervision of an eligible child, except when an alternate payee has been designated by court action or under Department regulations (rule 2215).
- c. A non-recipient parent or caretaker may be designated payee to meet the needs of an eligible child in their care in the following situations:
 1. A parent or caretaker has their own needs met through a separate SSI/AABD grant for which they are payee in their own right; or
 2. A caretaker is not financially eligible for Reach Up but provides care for an eligible child in either the caretaker's or child's home.
- d. A household receiving a benefit amount shall not knowingly use any benefit amounts in a:
 1. Retail establishment which sells exclusively or primarily any alcoholic beverages defined in 7 V.S.A § 2;
 2. Casino, gambling casino, or gaming establishment; or
 3. Retail establishment that provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.
- e. A household that uses or accesses benefit amounts in any of the places prohibited in subsection (d) shall reimburse the Department for the amount of benefits used or accessed in the prohibited establishment.
- f. State law prohibits assignment, transfer, attachment, trustee process, or execution of benefits. (33 V.S.A. § 124)
- g. When funds available for payment of SSI/AABD and Reach Up benefits are insufficient to provide assistance to all eligible individuals, benefit amounts shall be reduced until sufficient funds become available. (33 V.S.A. § 114)

2215 Alternate Payee

- a. Benefits shall be payable to the following individuals on behalf of a participant under the following situations:
 - 1. The court-appointed legal guardian or legal representative of a Reach Up participant unable to manage their own affairs;
 - 2. A designated protective payee, who acts on behalf of a Reach Up participant who has demonstrated serious problems in management of funds;
 - 3. Vendors of specific goods or services, when the vendor payment is used in lieu of designating a participant's third-party payee; or
 - 4. An adult acting on behalf of a Reach Up participant in an emergency situation expected to last 30 days or less.
- b. Payment of benefits to a legal guardian or legal representative shall be authorized when a copy of the appointment is received, or the appointment has been verified at the court.
- c. Payment of benefits to a protective payee, or vendor payment in lieu of payment to a protective payee, shall be authorized by the Department upon receipt of a signed protective payment agreement.

2216 Method of Payment

- a. Regular monthly payments in the amount of the approved benefit will be made as follows:
 - 1. These Reach Up households shall receive their benefit amount in a single 100 percent monthly payment cycle to cover the entire month:
 - i. Households where OCS collects child support on behalf of the child may receive 100% of their benefit on the 1st of the month, or, if sanctioned, after meeting with their case manager; or
 - ii. Households under sanction for noncooperation with Reach Up services may receive their shelter expense paid up to their full Reach Up benefit and 60 percent of any remaining Reach Up benefit after meeting with their case manager, with 40 percent of any remaining Reach Up benefit paid on the 16th of the month (rule 2220.6(e)(2)).
 - 2. All other Reach Up households shall receive their benefit amount in two payments:
 - i. 60 percent at the beginning of the month to cover the first 15 days of the month; and
 - ii. 40 percent on or about the 16th to cover the remainder of the month.
- b. One-time payments for the benefit amount will be made in the following situations:
 - 1. Initial benefits approved after the regular monthly payments (60 percent or 100 percent) are made for that month or the following month;

2. Increases approved for the current month or the following month when there is not enough time to implement the change through the regular monthly payment system; or
3. Other authorized situations, such as controlled vendor payments or benefits issued to correct an underpayment.

2217 Benefit Payments for Deceased Household Members

- a. A deceased Reach Up household member shall not be entitled to Reach Up benefits for any month following the month of death.
- b. Funds remaining from a benefit paid before death of the Reach Up household member remain available for use on their behalf and/or on behalf of eligible survivors of the Reach Up household.
- c. The needs of a deceased Reach Up household member shall be removed from their household's benefits with appropriate notice and benefits shall continue in an adjusted amount required to meet the surviving Reach Up household's needs.
- d. A payment for a period before the death of a Reach Up head of household will, upon notification, be reissued to one of the following individuals:
 1. The administrator or executor of the head of household's estate, if one has been appointed;
 2. A surviving parent of an eligible child, who was living with or dependent upon the deceased head of household; or
 3. The new payee of the Reach Up household's benefits.
- e. If a benefit is paid for a period after the death of the Reach Up head of household, a replacement payment shall not occur until the original payment is credited to the Department.

2218 Underpayments

- a. Department errors that result in underpayment of benefits shall be retroactively corrected when the information to enable authorization of the correct amount was available to the Department at the time the error occurred.
- b. Retroactive corrected payment shall be authorized only for the 12 months preceding the month in which the underpayment is discovered, regardless of current Reach Up eligibility.
- c. The retroactive corrective payment shall not be considered income in the month paid or a resource in the following month (rules 2253 and 2254).
- d. Corrective payments shall be retroactive to the effective date of the incorrect action, not subject to the above limitations, when:
 1. Ordered as a result of a fair hearing or court decision; or
 2. Authorized by the Department as the result of a Department decision rendered on a formal appeal prior to hearing.

- e. Retroactive corrective payments will be applied first to any outstanding unrecovered overpayment.
 - 1. The amount of corrective payment remaining, if any, shall be paid to the Reach Up household.

2219 Overpayments

- a. Overpayments of benefits shall be subject to recoupment if they result from the following:
 - 1. Administrative error;
 - 2. Participant error; or
 - 3. Payments made pending a fair hearing that is subsequently determined in favor of the Department.
- b. Recovery of an overpayment can be made through repayment by the recipient of the overpayment or by reducing the amount of payment being received by the member of the Reach Up household.
- c. Recoupment of overpayments less than \$35.00 do not apply to ineligible individuals, except for a case involving fraud.
- d. Any overpayments of \$35.00 or more should be recovered from ineligible individuals.
 - 1. However, if after an attempt has been made to recover the amount and continued attempts at recovery would cost as much or more than the amount of the overpayment, further attempt at collection may be waived.
- e. Overpayments of benefits that are subject to recoupment shall only be recouped from the program in which the overpayment occurred.
 - 1. When participants who have been overpaid in one Reach Up program transfer to, or subsequently apply for and are found eligible in, another Reach Up program, the overpayment and recoupment shall not transfer to that other program.
 - 2. Any outstanding overpayment amounts may be recovered in other ways authorized under these rules and shall be recouped if the participant returns to the Reach Up program where the overpayment occurred.
- f. No recoupment shall be attempted for overpayments occurring more than 12 months prior to the date of discovery unless the overpayment was caused by the participant's willful withholding or misrepresentation of information that affected the amount of payment.
 - 1. Recoupment of overpayments that took place within a three-year period prior to the date of discovery can be attempted when a participant's willful withholding or misrepresentation of information caused the overpayment.
- g. Recoupment shall be made each month from any combined earned and unearned income, liquid

resources, and the amount of the household's Reach Up benefit before recoupment.

1. The household's combined income will include:
 - i. Business expense for self-employment;
 - ii. Child support, except for the \$50 family bonus payment (rule 2250.1); and
 - iii. No other earned income deduction or disregards.
- h. For participant errors, the Reach Up household must retain from its combined income, 90 percent of the amount payable to a household of the same composition and housing expense with no income, plus up to \$90 for the standard earned income deduction and any allowable dependent care deduction.
 1. For Reach Up households with no other income, the amount of the recoupment will equal 10 percent of their Reach Up benefit amount.
- i. For Department errors, the Reach Up household must retain from its combined income, 95 percent of the amount payable to a household of the same composition and housing expense with no income, plus up to \$90 for the standard earned income deduction and any allowable dependent care deduction.
 1. For Reach Up households with no other income, the amount of the recoupment will equal 5 percent of the Reach Up benefit amount.
- j. If the Reach Up household member responsible for the overpayment is no longer eligible or moves to another Reach Up household, the Department may recover from any or all of the following:
 1. The member responsible for the Overpayment;
 2. The original Reach Up household;
 3. The new Reach Up household.
- k. If through the Department's administrative oversight certain requirements in the Child Support Program are not met, such as support payments not deducted from the Reach Up benefit, the Department may recoup from the individual or the Reach Up household.
- l. If a fraud referral is made, recoupment must be delayed pending the outcome of the fraud investigation.

2220 Protective Payments

- a. Protective payments are management of benefits by a third party outside of the Reach Up household to meet the needs of a dependent child and the parent or caretaker with whom the child is living.

b. Protective payments are used as follows:

1. Protective payments are used as a temporary measure when difficulty in money management jeopardizes the welfare of the child and when the parent or caretaker living with the child has the capacity to learn through budget assistance to manage the Reach Up household's funds in a way to assure proper care of the child.
 - i. The parent's or caretaker's management capacity can be presumed unless there is evidence to the contrary.
 - ii. The benefit is paid to a protective payee who is interested in, or concerned with, the welfare of the Reach Up household.
 - A. If an acceptable protective payee cannot be found, a substitute form of protective payment known as controlled vendor payments (CVP) is used (rule 2220.6).
 - iii. Households with difficulty in money management, as determined by the Department, should be referred to money management counseling, if available in the community.
 - iv. When cognitive, mental health, or physical limitations preclude capacity to improve management of funds, legal alternatives shall be pursued.
 - A. There must be documentation of inadequate physical capability or of mental incapacity that precludes self-care and raises concern for the Reach Up household's well-being.
 - B. Petition for appointment of a legal guardian or legal representative for a parent or caretaker living with the child may be initiated by the Department.
 2. Protective payments for housing are made in cases where a parent or caretaker living with the child fails to meet Reach Up services requirements, according to criteria in rules 2333.4 and 2333.5.
 3. Protective payments for housing are made in cases where a parent or caretaker is temporarily absent from the home according to the criteria in rule 2228.1.
 4. Management of benefits through controlled vendor payments is optional when the household requests direct payment for housing, utilities, or other basic needs, and meets the requirements of rule 2220.6.
- c. If a protective payment system is used, the participant may appeal to the Human Services Board for a fair hearing (rule 2262.4).

2220.1 Budget Assistance Determination

- a. The Department will evaluate evidence of difficulty in money management, determine whether the parent or caretaker demonstrates the capacity to overcome these obstacles, and decide whether, based on these factors, budget assistance through a protective payment plan is warranted.
- b. Difficulty in money management shall result in budget assistance through a protective payment plan

if either of the following criteria are met:

1. The health or safety of the child is at risk because, in the previous 12 months, a Reach Up household is two or more months behind on their incurred rent payment.
 - i. Rent will be considered overdue to the current landlord for any month when it remains unpaid ten days past the due date.
 - ii. The Reach Up household's current landlord is the property owner or manager of the dwelling unit now occupied by the Reach Up household and its possessions.
 - iii. This property owner or manager remains the current landlord until the Reach Up household has vacated this dwelling unit and removed its possessions from the unit.
2. The health and safety of the child is at risk by the inability of the parent or caretaker to regularly meet basic financial obligations, including:
 - i. Rent, tax, or mortgage payments;
 - ii. Utility payments; and
 - iii. The provision of adequate food and clothing.
- c. When a Reach Up household is about to be converted to, or has already been converted to, protective payments due to difficulty with money management, the Department should take no action that would cancel the Reach Up household's conversion to protective payments or terminate its existing rent vendor payment status.
- d. If failure to pay bills is threatening the loss of shelter or necessary services, including a pattern of nonpayment of rent, these conditions are sufficient to justify budget assistance through a protective payment plan.
- e. Budget assistance through a protective payment plan may be warranted even when the Reach Up benefit does not cover the household's full rent.

2220.2 Rebuttal of Budget Assistance Determination

- f. The parent or caretaker will have at least ten days to rebut the Department's decision to implement budget assistance through a protective payment plan before the Department may take action.
- g. The decision to start protective payments may be rebutted when a parent or caretaker can demonstrate one of the following:
 1. Payment was not made because the Reach Up household experienced an emergency event that required the use of funds;
 2. Payment was withheld because of a legitimate landlord-tenant dispute (see subsections (c) through (h) below); or
 3. Payment was not made, however the Reach Up household is making a good faith effort to pay for essential expenses, which currently exceed their benefits and available gross income.

- i. Benefits and gross income would include all those benefits available to the Reach Up household to meet needs including, all earned and unearned income.
- ii. Essential expenses include:
 - A. Rent;
 - B. Mortgage and mortgage insurance;
 - C. Taxes;
 - D. Fuel;
 - E. Electricity;
 - F. Water;
 - G. Sewer;
 - H. Basic telephone service;
 - I. Non-reimbursed medical expenses;
 - J. Non-reimbursed work-related childcare expenses;
 - K. Food in an amount equal to the 3SquaresVT Thrifty Food Plan; and
 - L. Actual and reasonable school expenses, including the cost of a uniform not provided by the school and required for a specific school activity in which a Reach Up household member participates.
- h. A legitimate landlord-tenant dispute is established when the parent or caretaker has arranged to pay rent in one of the following methods:
 - 1. Into an escrow account with their attorney;
 - 2. Into an escrow account with a bank, if the landlord agrees;
 - 3. Into a separate bank account, if the landlord does not agree; or
 - 4. To the court, if so ordered, until such time as the dispute is resolved.
- i. A landlord-tenant dispute is considered legitimate when:
 - 1. The landlord fails to comply with their obligations of habitability;
 - 2. The tenant gave the landlord actual notice of the noncompliance;
 - 3. The landlord fails to make repairs within a reasonable time, and the noncompliance materially affects health and safety;
 - 4. The noncompliance is not caused by the negligence or deliberate action or omission of the tenant or of a person on the premises with the tenant's consent; or
 - 5. The payment of rent was diverted to pay for documented repairs, fuel, or utilities that are the landlord's responsibility and affect the health and safety of the child.

- j. If a Reach Up household is already on controlled vendor payments (CVP) when a legitimate landlord-tenant dispute arises, the parent or caretaker must set up and pay rent pending the resolution of the dispute in one of the following ways:
 - 1. Into an escrow account with an attorney;
 - 2. With a bank if the landlord agrees; or
 - 3. To the court, if so ordered.
- k. If a parent or caretaker on CVP does not arrange to hold the rent pending the resolution of the dispute, the Department shall hold the money.
- l. Rent payments set aside to pay rent pending resolution of a legitimate landlord-tenant dispute are excluded as a resource (rule 2257), but once the dispute has been resolved, withheld rent payments not paid for shelter are counted as a resource.
- m. The landlord-tenant dispute is resolved when the landlord's noncompliance is corrected.

2220.3 Protective Payee

- a. A protective payee shall be appointed or terminated by the Department.
- b. All protective payee appointments shall include:
 - 1. A protective payment agreement defining the responsibilities and objectives of the plan;
 - 2. The authority of the payee;
 - 3. Reporting responsibilities;
 - 4. Recognition of the rights of the participant; and
 - 5. Terms outlining the confidentiality of the relationship.
- c. The protective payee appointment shall be terminated when:
 - 1. The participant is considered able to manage funds in the best interests of the child;
 - 2. A legal guardian or legal representative is appointed to serve the best interests of the participant;
or
 - 3. In the judgement of the Department, the protective payee is not performing their responsibilities in the best interests of the participant.
- d. The protective payee has the authority to make decisions about the expenditures of the Reach Up benefits.
 - 1. The payee may make the actual expenditures independently, after joint discussion with the participant, or supervise the participant's spending.

2. Actual current shelter costs should be met first, then other basic needs such as food, heat, water, electricity, and clothing.
 3. Any balance may be applied toward other needs.
- e. Assumption of payments on behalf of the participant by a protective payee shall not constitute a contractual arrangement between the Department or the protective payee and any providers of service to the participant.

2220.4 Payee Selection Criteria

- a. Selection of the protective payee shall be with the participant's input and consent, to the extent possible, and based on the following considerations:
1. Interest or concern in the welfare of the Reach Up household;
 2. Ability to help the Reach Up household make proper use of the Reach Up benefit;
 3. Availability to work with the Reach Up household;
 4. Ability to establish and maintain a positive relationship with the Reach Up household; and
 5. Dependability of the person to handle highly confidential information.

2220.5 Payee Conflict of Interest Limitation

- a. To avoid a conflict of interest, the following individuals are prohibited from serving as a payee:
1. Department staff, except as allowed in subsection (b);
 2. Landlords, grocers, and other vendors of goods and services who deal directly with the participant; and
 3. The eligibility worker determining financial eligibility for the individual, special investigative or resource staff, or staff handling fiscal processes related to the recipient.
- b. Qualified employees of the Department may serve as protective payees only when no other suitable individual is available.
1. When a Department employee is selected, efforts to find another payee outside the Department should continue.
 2. The case record must show continuing effort to secure a payee outside the Department and the reason such efforts have not been successful.

2220.6 Controlled Vendor Payments (CVP)

- a. The Department manages the Reach Up benefits through the controlled vendor payment system (CVP) by authorizing payments or vendor authorizations to pay bills and obtain basic needs.
- b. The Department places Reach Up households on CVP when:

1. Difficulty in money management (rule 2220.1) precludes payment of benefits directly to the Reach Up household, a budget assistance determination has been made, and no protective payee has been appointed;
2. A participant is sanctioned for noncooperation with Reach Up services requirements (rule 2312), and housing costs must be vendored;
3. A parent or caretaker is temporarily absent from the home (rule 2228.1), and housing costs must be vendored; or
4. A parent or caretaker requests direct payment, and the following circumstances exist:
 - i. The Reach Up benefit is sufficient to make the requested payments in full;
 - ii. The provider of housing or other services agrees to accept payment on the same schedule as Reach Up payments are made; and
 - iii. The provider agrees to the condition that direct payment may cease without notice from the Department to the provider.
- c. The Department cannot spend more than the authorized Reach Up benefit amount, but the Department may spend less and carry the unspent balance forward to a future month as necessary to budget for one-time expenses such as property taxes, mortgage insurance, and one-time resolution of a landlord-tenant dispute.
- d. In making payments on behalf of the Reach Up household, the Department shall first pay actual current shelter expenses before other disbursements are made.
- e. For households placed on CVP, 60 percent of the Reach Up benefit is available on the 1st of the month, and 40 percent on the 16th of the month, except for the following households:
 1. Households where OCS collects child support on behalf of the child may receive 100% of their benefit on the 1st of the month, or, if sanctioned, after meeting with their case manager; or
 2. Households under sanction for noncooperation with Reach Up services may receive their shelter expense paid up to their full Reach Up benefit and 60 percent of any remaining Reach Up benefit after meeting with their case manager, with 40 percent of any remaining Reach Up benefit paid on the 16th of the month.
- f. At the discretion of the Department, taking into consideration the portion of benefits available at a given time of the month, a schedule of rent payments may be established to ensure that rent payments are kept current.
- g. If a protective payee is appointed, any balance remaining in the account is paid to the payee.
- h. Assumption of payments on behalf of the Reach Up household by the Department shall not constitute a contractual arrangement between the Department and any providers of service to the Reach Up household.

2220.7 Reconsideration of Protective Payments

- a. Reconsideration by the Department of the need for protective payments and the way in which a protective payee's responsibilities are carried out shall be at the request of the Reach Up household or at the household's recertification.
- b. Once difficulty in money management results in budget assistance through a protective payment plan, protective payments will continue until the Reach Up household's essential expenses are current (rules 2220.1 and 2220.2).
- c. When a Reach Up household informs the Department of the household's intent to move, the Department should explain the following:
 1. Moving does not automatically mean that the protective payments will end; and
 2. If the Reach Up household follows through with their intent to move, the Department will end protective payments only after the Department verifies with the landlord that the Reach Up household and their possessions have in fact moved from their current dwelling unit.
- d. Vendor payments shall terminate when a court has issued an eviction order.
- e. The Department shall discuss judicial appointment of a legal representative with the Reach Up household if it appears that the appointment of a legal representative would be more beneficial to the household than protective payments.

2221 Eligible Child

- a. An eligible child is defined as an individual who meets all Reach Up criteria of need, age, and residence.
- b. An individual qualifies under the age criterion as an eligible child if they are under 18.
 1. In addition, 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.
 2. An eligible child under subsection (b)(1) above remains eligible for Reach Up benefits for the full calendar month they graduate high school or complete their educational program.
 3. Children who are not full-time secondary school students on the day before their 18th birthday remain eligible for Reach Up benefits for the full calendar month during which their 18th birthday occurs.
- c. An otherwise eligible 18-year-old child with a documented disability continues to be eligible for Reach Up benefits as follows:
 1. 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.
 2. An eligible child under subsection (c)(1) above remains eligible for Reach Up benefits for the

full calendar month during which their 19th birthday occurs.

- d. Disability is defined according to the Americans with Disabilities Act as follows:
 - 1. A physical or mental impairment that substantially limits one or more major life activities of such individual;
 - 2. A record of such an impairment; or
 - 3. Being regarded as having such an impairment.
- e. The following children are considered to have a disability under the ADA definition:
 - 1. A child with a learning disability; or
 - 2. Any child who receives or has received special education.
- f. To determine if the child receives or has received special education services, it is necessary to verify that the child has or had an Individualized Education Program (IEP) or 504 Plan through their school district.
 - 1. The parent must provide a copy or documentation of the current or prior IEP or 504 Plan from the school.
 - 2. If a parent contends that a disability resulted in the child's inability to graduate before the child's 19th birthday, but no IEP or 504 Plan was put in place, to determine eligibility the Department requires that the parent provide documentation from the child's doctor and the school that supports the parent's contention.
- g. Minor parents receiving their own benefits do not meet the definition of an eligible child because they are not considered in need as defined by rule 2237.
- h. An eligible child must live with a parent or caretaker.
- i. A parent or caretaker may apply for Reach Up benefits on behalf of a child, who is not yet in the home or is temporarily absent from the home.
- j. Eligibility for Reach Up benefits may continue, in certain circumstances, during the temporary absence of either the child or parent or caretaker from the home.
- k. Physical aspects of the home and care of the child that appear to be below minimum standards of health and safety shall not limit eligibility as long as the child lives with the parent or caretaker.
 - 1. Improvement of detrimental conditions shall be attempted through casework and related services.
 - 2. Protective action shall be initiated if hazardous conditions continue, under applicable laws and regulations.
- l. Children receiving SSI/AABD are not eligible for Reach Up benefits.

2222 Eligible Parent

- a. An eligible parent is defined as an individual who:

1. Is a parent (rule 2201), who lives in the same household with one or more eligible child (rule 2221);
 2. Is not receiving SSI/AABD program benefits; and
 3. Has met all other eligibility requirements set forth by these regulations.
- b. The parent of a disabled child receiving SSI/AABD program benefits is also an eligible parent.
- c. A pregnant person having no children in their household would be an eligible parent if they meet the exception requirements in rule 2235.
1. The other parent living with a pregnant person in a household with no other children is not considered an eligible parent until the expected child is born.
- d. A parent whose parental rights to all eligible children in the household have been terminated does not qualify as an eligible parent.
- e. When the needs of a minor parent are met through their own Reach Up benefit, the parent of the minor parent does not qualify as an eligible parent in relation to the minor parent.

2223 Eligible Caretaker

- a. An eligible caretaker is a relative or unrelated adult acting in the role of a parent and must meet the following conditions:
1. An eligible caretaker must be a person who is fulfilling a parental role that is in the best interest of the child and is providing physical care, guidance, and decision-making related to the child's health, school, medical care, and discipline.
 - i. If a parent of the child can be reached, the decision to name a caretaker will be made after consultation with that parent.
 - ii. The best interest of the child will be presumed when:
 - A. The child's life is able to continue as normally as possible in the absence of one or both parents;
 - B. There is no substantiated evidence of child abuse or neglect, and there is no evidence of violence or criminal behavior by the caretaker; and
 - C. There is a pre-existing relationship with the child and the child's parent(s).
 2. An eligible caretaker must be a person who is fulfilling a parental role because:
 - i. The parent is not in the home due to death;
 - ii. The parent is unable to provide guidance due to incarceration or extreme illness;
 - iii. The child has been abandoned, and there is no available relative able to care for the child;

- iv. Placement of the child with a relative would be considered unsuitable; or
- v. The caretaker is a more appropriate choice than an available relative due to the child's existing relationship to the caretaker and/or the caretaker's ability to provide quality care and guidance to the child.

2224 Shared Custody

- a. In most cases, the eligible parent will be determined according to the Parental Rights and Responsibilities (PR&R) Agreement, regardless of where the parents claim the child is actually living.
- b. When two parents share custody of a child, and both parents have applied for Reach Up benefits and have claimed the same child as a member of their Reach Up household, the eligible parent shall be determined according to the following list:
 - 1. When one parent has sole legal and physical responsibility pursuant to a PR&R Agreement, then that parent is the eligible parent.
 - 2. When one parent has physical responsibility for the child more than half of the time pursuant to a PR&R agreement, then that parent is the eligible parent.
 - 3. When the parents equally share physical responsibility for the child pursuant to a PR&R agreement, then the parent who applies first is the eligible parent.
 - 4. When the parents equally share physical responsibility for the child in the absence of a PR&R agreement, then the parent who applies first is the eligible parent.
 - 5. Custody situation and eligible parent table:

Custody Situation	Eligible Parent
One parent has sole legal and physical responsibility pursuant to a Parental Rights and Responsibilities (PR&R) Agreement	The parent with sole legal and physical responsibility is the eligible parent.
One parent has physical responsibility for the child more than half of the time pursuant to a PR&R agreement.	The parent with physical responsibility for more than half of the time is the eligible parent.
The parents equally share physical responsibility for the child pursuant to a PR&R agreement.	The parent who applies first is the eligible parent.
The parents equally share physical responsibility for the child in the absence of a PR&R agreement.	The parent who applies first is the eligible parent.

- c. When a parent, who does not have physical responsibility for a child more than half of the time, but

the child is spending at least 15 nights per month or the equivalent, in that parent's household, is the only parent to apply for Reach Up benefits, that parent will remain the eligible parent until the other parent applies for benefits and claims the child as a member of the household.

- d. When there is a dispute between the parents as to the division of physical responsibility, in the absence of a PR&R agreement, the first parent to apply for Reach Up benefits will remain the eligible parent unless the other parent provides sufficient evidence to verify that the child primarily lives in their household.
 1. Adequate verification evidence includes, but is not limited to:
 - i. Current childcare records;
 - ii. Current school records;
 - iii. Current medical records; or
 - iv. Collateral statements from neighbors.
- e. When adequate verification has been submitted by the second parent that is sufficient to prove that the child primarily lives in the second parent's household, the first parent shall be given ten days to provide verification proving that the child primarily resides in the first parent's household.
 1. If the first parent's household does not provide verification proving that the child primarily resides in that household, the parent in the second household shall be the eligible parent.

2225 Minor Parent Households

- a. A minor parent shall be allowed to have their eligibility determined separately from their parent or caretaker, regardless of whether the minor parent is living in their parent's or caretaker's household and regardless of whether the parent or caretaker is eligible for Reach Up benefits.
- b. The minor parent may choose to be the payee of the Reach Up benefit, otherwise one of their parents or caretakers shall be designated as the alternate payee.
- c. Minor parents may choose to be included in their parent's or caretaker's Reach Up household and shall be subject to the requirements in rule 2319 and not considered out-of-school youth under rule 2320.
- d. If, during an eligibility determination process or review of eligibility, the minor parent states that living in the parental home is unacceptable, the minor parent shall not be asked to explain the reasons behind this assessment.
- e. Minor parents not living in an approved living arrangement at the time of application, who do not have good cause in rule 2319.3 for living independently, may be granted Reach Up benefits for 30 days if all other eligibility factors are met.

- f. If the minor parent is not living in an approved living arrangement at the end of the 60-day period, including the 30-day grace period, is not exempt, and is not cooperating with the case manager, the Reach Up household's benefits shall be subject to fiscal sanctions (rule 2333).

2226 Eligible Reach Up Essential Caregiver

- a. An individual, other than the parent of an eligible child or spouse, is considered an essential caregiver and shall be included in the Reach Up household if they fulfill all of the following criteria:
1. Live in the same household with the applicant or participant;
 2. Are not eligible for SSI/AABD or Reach Up benefits, but are in need, according to Reach Up eligibility standards; and
 3. Furnish essential care and/or services that:
 - i. The applicant or participant cannot perform on their own;
 - ii. Are deemed essential; and
 - iii. Would need to be provided if the essential caregiver were not in the same household.
- b. Types of essential care and/or services include:
1. The provision of childcare that enables the applicant or participant to work on a full-time paid basis outside the home;
 2. Care for a disabled or seriously ill member of the Reach Up household in the home;
 3. The provision of childcare that enables the applicant or participant to attend training or postsecondary education full time;
 4. The provision of childcare that enables the applicant or participant to attend high school or equivalent educational classes full-time; or
 5. The provision of childcare, not to exceed a period of two months, that enables the applicant or participant to participate in a job search or other Reach Up activities.
- c. To determine the need of an eligible Reach Up essential caregiver see rule 2237.

2227 Home

- a. A home is defined as the Reach Up household setting maintained, or in the process of being established, in which the parent or caretaker assumes responsibility for care and supervision of the child.
- b. Lack of a physical home, as in the case of a homeless family, is not by itself a basis for disqualification from eligibility for Reach Up benefits.
- c. The child and parent or caretaker normally share the same physical home.

- d. A home shall also be considered to exist, in certain circumstances, during the temporary absence of either the child or parent/caretaker from the physical home (rule 2228).

2228 Temporary Absence from the Home

- a. In all cases where a child or parent/caretaker is or will be absent from the home for a period of 30 days or more, the parent or caretaker must notify the Department of the following:
1. The reason for the absence;
 2. The designation of the protective payee, if applicable; and
 3. The parent's or caretaker's intent to maintain a home for the child during the absence.
- b. All temporary absences of a child or parent/caretaker exceeding 30 days shall be subject to verification and approval by the Department.
- c. The expectation of temporary absences of a child or parent/caretaker must not exceed 180 consecutive days.
1. Counting the 180 consecutive days begins on:
 - i. The date the child or parent/caretaker leaves the home; or
 - ii. The first day Reach Up benefits were approved when the child or parent/caretaker has previously been absent from the home prior to receiving Reach Up benefits.

2228.1 Temporary Absence of a Parent or Caretaker

- a. A temporary absence of a parent or caretaker from the home for a period of greater than 30 days, but not expected to exceed 180 consecutive days, is limited to the following:
1. The parent or caretaker is receiving inpatient or outpatient care from a hospital;
 2. The parent/ or caretaker is receiving inpatient or outpatient care from a substance abuse treatment facility; or
 3. The parent or caretaker is receiving inpatient or outpatient care from another medical institution.
- b. The parent or caretaker, who is temporarily absent from the home for any of the above reasons, may receive Reach Up benefits if the following criteria are met:
1. The parent or caretaker continues to maintain a home, including lack of a physical home, and be responsible for the child;
 2. The parent or caretaker has arranged for a responsible adult to care for the child and to be designated as the protective payee of the Reach Up benefits during the absence;
 3. The parent or caretaker plans to return to the home at the end of the absence; and

4. The Reach Up household continues to meet all other eligibility requirements for Reach Up benefits.
- c. If the Reach Up household is homeless, and the parent/ or caretaker is temporarily absent for any of the above reasons, the parent or caretaker may receive Reach Up benefits if they continue to be responsible for the child and meet criteria (b) 1 through 4 above.
- d. A parent or caretaker, who is temporarily absent from the home for reasons other than to receive medical care as specified above, may receive Reach Up benefits for a period not to exceed 30 days.
- e. For absences beyond 30 days, the Department shall provide housing expenses by vendor payment if a housing allowance is included in the Reach Up benefits.
 1. Housing expenses include rent, mortgage, property taxes, insurance, allowable maintenance and repair, and room and board.
 2. If there is any balance remaining after the housing expenses are deducted, the remaining amount shall be paid to the designated protective payee in two payments.
 3. Sixty percent of any remainder shall be paid within the first half of the calendar month and forty percent within the second half of the month.
- f. During the temporary absence of a parent/ or caretaker, basic needs shall be included in the Reach Up budget, according to applicable standards, as follows:
 1. Allowance for continuing needs of eligible children cared for in their own home or in a temporary placement by a responsible adult;
 2. Allowances for continuing needs of the parent or caretaker; and
 3. Allowances for maintenance of the Reach Up household's home.
- g. Reach Up benefits will terminate when the parent or caretaker has been absent from the home for more than 180 consecutive days.

2228.2 Temporary Absence of a Child

- a. A temporary absence of a child from the home not expected to exceed 180 consecutive days is limited to the following:
 1. The child is placed in the custody of the Department pursuant to a court order and reunification with the parent or caretaker is the goal;
 2. The child is voluntarily placed outside of the home; or

3. The child is incarcerated.
- b. A temporary absence of a child from the home exceeding 180 consecutive days is limited to:
 1. A child attending school pursuant to rule 2244.2; or
 2. A child receiving care in a hospital, substance abuse treatment facility, or other medical institution.
- c. When a child is temporarily absent from the home for any of the above reasons, the parent or caretaker may receive Reach Up benefits on behalf of the absent child as long as the following criteria are met:
 1. The parent or caretaker, with whom the child is living, continues to maintain a home for the child;
 2. The parent or caretaker plans for the child to return to the home at the end of the absence; and
 3. The Reach Up household continues to meet all other eligibility requirements for Reach Up benefits.
- d. Reach Up benefits on behalf of a child, who is temporarily absent from the home for reasons other than those specified above, including out-of-home visits, will terminate after 30 days.
- e. Basic needs shall be included in the Reach Up budget as though the child were living in the home of the parent or caretaker.
- f. Except as provided in subsection (b), Reach Up benefits on behalf of the child will terminate when the child has been absent from the home for more than 180 consecutive days.
 1. For children placed in the custody of the Department, Reach Up benefits will terminate when reunification is no longer the goal or the parental rights have been terminated by the court.
 2. Reach Up benefits on behalf of a child who is away from home for more than 180 consecutive days for the reasons in subsection (b) above may continue solely through the state-funded program.

2228.3 Separation of Child and Parent/Caretaker from the Home at Time of Application

- a. Reach Up benefits may be approved for an applicant if the child and parent/caretaker will be living together in the home within 30 days after approval of the first Reach Up benefit.
- b. The Department may exercise its discretion to extend this time period up to 180 days so unique situations may be addressed on an individual basis, but has no obligation to do so.

2229 Residence

- a. To be eligible for Reach Up benefits, an individual shall be a resident of Vermont at the time of

application.

- b. A resident of Vermont is defined as an individual who is domiciled voluntarily within Vermont regardless of the duration of such domicile.
- c. To be domiciled is to be physically present in Vermont with the intent to make Vermont one's home.
- d. A new resident of Vermont that applies and is eligible for Reach Up, but is receiving TANF benefits from another State, may be found eligible and benefits should be computed for the overlapping periods, if the benefits from the other state are scheduled to end.
 - 1. If the payment level in the other State equals or exceeds the Reach Up benefit amount, the Reach Up application must be denied for the overlapping period, and Reach Up benefits can be reconsidered for when the other state benefits are scheduled to end.
 - 2. If the Reach Up benefit amount exceeds that of the other state, the balance must be given in a benefit for the overlapping period.
- e. Vermont residency is retained until abandoned, which is defined as a move outside Vermont with the intent to domicile outside Vermont.
- f. Vermont has no citizenship requirements to be a resident.
- g. To be eligible for Reach Up benefits, a Vermont resident must also be a citizen or national of the United States or a qualified immigrant under rule 2230 and federal law.
- h. A member of the Reach Up household shall retain Vermont residency despite temporary absence from Vermont for any of the following reasons:
 - 1. Visiting;
 - 2. Obtaining necessary medical care;
 - 3. Obtaining education or
 - 4. Training sponsored under a program of vocational rehabilitation, work incentive or higher education.
- i. In all cases where a member of the Reach Up household is to be temporarily absent from Vermont for a period of 30 days or more, they must notify the Department, advising of their new location, mailing address, and residency intent.
 - 1. Failure to notify the Department of a temporary absence from Vermont may cause delay in receipt of Reach Up benefits or the inability to determine continued eligibility.

2229.1 Residence of Child in Custody

- a. Vermont is the residence of a child placed in the custody of the Department, pursuant to a court order, regardless of where the child is actually living.
- b. A Reach Up household may receive Reach Up benefits under rule 2228.2 for a child committed to the care and custody of another state, if the plan is to reunify the household in Vermont.

2230 Citizenship and Immigration Status

- a. To be eligible for Reach Up benefits, an individual shall be:
 - 1. A citizen or national of the United States; or
 - 2. A qualified immigrant.
 - i. Qualified immigrant shall have the same meaning as a “qualified alien” under 8 U.S.C. § 1641.
- b. Reach Up applicants must declare citizenship and immigrant status on the Reach Up application.
 - 1. Non-citizens must provide documentation of immigration status.
 - 2. The Department must verify the immigration status of every non-citizen in a household using SAVE (Systematic Alien Verification for Entitlements) or another immigration status verification system established by the federal government.
 - i. Once identity and immigration status are verified, the applicant will not be required to provide additional proof of immigration status or identity.
- c. For purposes of these rules, a “non-citizen” is a person who is not citizen or national of the United States.
- d. A “citizen or national of the United States” is:
 - 1. An individual born in the 50 states, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, American Samoa, or Swains Island, except for individuals born to foreign diplomats;
 - 2. A naturalized citizen;
 - 3. An individual who otherwise qualifies as a citizen of the United States under § 301 of the Immigration and Nationality Act (INA), 8 U.S.C. 1401; or
 - 4. An individual who otherwise qualifies as a national of the United States under § 308 of the INA, 8 U.S.C. § 1408.

- e. A “qualified immigrant” is:
1. A non-citizen granted Permanent Resident Alien Status under the INA;
 2. A non-citizen granted asylum under § 208 of the INA;
 3. A refugee admitted to the United States under § 207 of the INA;
 4. A non-citizen paroled into the United States under § 212(d)(5) of the INA for a period of at least one year;
 5. An immigrant whose deportation has been withheld under:
 - i. Section 243(h) of the INA, as in effect prior to April 1, 1997; or
 - ii. Section 241(b)(3) of the INA, as amended by § 305(a) of division C of Public Law 104-208;
 6. An immigrant granted conditional entry under § 203(a)(7) of the INA, as in effect prior to April 1, 1980;
 7. A Cuban or Haitian entrant, as defined in § 501(e)(2) of the Refugee Education Assistance Act of 1980;
 8. A non-citizen who (or whose child or parent) has been battered or subjected to extreme cruelty in the United States and otherwise satisfies the requirements of 8 U.S.C. § 1641(c);
 9. A victim of a severe form of human trafficking who has been certified or received an eligibility letter by the U.S. Office of Refugee Resettlement;
 10. An Amerasian immigrant admitted to the United States under § 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, as amended; or
 11. Any other non-citizen whom Congress permits to receive temporary assistance for needy families under part A of title IV of the Social Security Act.
- f. Except as provided in subsection (g), qualified immigrants are not eligible for Reach Up benefits for five years from the date they entered the United States or the date they became a qualified immigrant if they were not qualified immigrants upon entrance.
- g. The following qualified immigrants do not have to wait five years before they may be eligible for Reach Up benefits:
1. A refugee admitted to the United States under § 207 of the INA;
 2. A non-citizen granted asylum under § 208 of the INA;
 3. An immigrant whose deportation has been withheld under:

- i. Section 243(h) of the INA, as in effect prior to April 1, 1997; or
- ii. Section 241(b)(3) of the INA, as amended by § 305(a) of division C of Public Law 104-208;
4. A Cuban or Haitian entrant, as defined in § 501(e)(2) of the Refugee Education Assistance Act of 1980;
5. An Amerasian immigrant admitted to the United States under § 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, as amended; or
6. A qualified immigrant who is:
 - i. An honorably discharged veteran who fulfills the minimum active-duty service requirements of 38 U.S.C. § 5303A(d);
 - ii. An active duty member of the Armed Forces of the United States, other than active duty for training; or
 - iii. The spouse, un-remarried surviving spouse, or unmarried dependent child of a veteran or member, as described above.
 - A. An un-remarried surviving spouse does not have to wait five years for benefits only if the spouse was married to a veteran or member, as described above:
 1. Before the expiration of 15 years after the termination of the period of service in which the injury or disease causing the death of the veteran was incurred or aggravated;
 2. For one year or more; or
 3. For any period of time if a child was born of the marriage or was born to them before the marriage.
- h. No immigrant or non-citizen is eligible for Reach Up benefits unless that person is a qualified immigrant.
 1. An immigrant illegally residing in the United States does not qualify for Reach Up benefits.
- i. Rule 2230 shall be construed in accordance with federal law, and in the event of a conflict, federal law controls.

2231 Social Security Numbers

- a. For a Reach Up household to be eligible for Reach Up benefits, all members of the Reach Up household must provide, verify, or apply for a social security number.
- b. The Department will notify applicants/participants that it uses social security numbers in the administration of Reach Up benefits.

- c. The Department will advise applicants/participants how to apply for social security numbers and will not delay, deny, or discontinue Reach Up benefits while the issuance and verification of such numbers is pending.

2232 Child and Spousal Support

- a. Physical absence of a parent from the home, for any reason, does not relieve the parent or spouse of legal responsibility for support of a dependent child.
- b. A debt is created to the Department by the noncustodial parent or former spouse when they are responsible, and not paying, for a child support or spousal support obligation and their dependent child or former spouse is receiving Reach Up benefits in another household.
 - 1. The amount of debt owed shall equal the amount of Reach Up benefits paid, unless the following conditions exist:
 - i. The Family Court rules otherwise;
 - ii. The Office of Child Support (OCS) enters into a voluntary agreement with the responsible parent to limit the debt; or
 - iii. The noncustodial parent or spouse presents a court order that limits said debt.

2232.1 Assignment of Support Rights

- a. Assignment of support rights is the legal procedure by which a person receiving Reach Up benefits agrees to turn over to the Department any right to support, including arrearages, paid by the noncustodial parent or former spouse in exchange for receipt of Reach Up benefits.
 - 1. The Department will use a portion of such support to cover or recoup the Reach Up benefits.
- b. Assignment of support rights is a condition of eligibility for Reach Up benefits.
 - 1. This requirement applies to parents/caretakers and may not be waived.
 - 2. This requirement applies to support from all noncustodial parents or former spouses of all members of the Reach Up household.
- c. In a Reach Up household with two eligible parents, where one or more of the children has a noncustodial parent, the parent recognized under 15C V.S.A. § 102(16) will sign the assignment of child support rights form, regardless of which parent is the Reach Up head of household.

2232.2 Cooperation with the Office of Child Support

- a. A parent/caretaker shall be required to cooperate with the Office of Child Support (OCS) in establishing parentage and pursuing child support from any noncustodial parent, unless a request for a waiver from the requirement to cooperate is made.

- b. Failure to cooperate, as determined by OCS, shall result in a 25 percent reduction of the Reach Up household's benefit.
- c. Areas in which the parent's/caretaker's cooperation is required include, but are not limited to:
 - 1. Identifying and locating the noncustodial parent of the child in the custody of the parent/caretaker;
 - 2. Establishing the parentage of any child in the custody of the parent/caretaker;
 - 3. Obtaining child support payments for the child in the custody of the parent/caretaker;
 - 4. Obtaining any other payments or property owed to the parent/caretaker or the child;
 - 5. Appearing at times and places as requested to provide information or be a witness at a judicial hearing; and
 - 6. Paying to OCS any child support payments received after an assignment of support has been made.
- d. The Department shall notify OCS of all noncustodial parents of the parent's/caretaker's children in their custody unless a request for a waiver from the requirement to cooperate is pending.
 - 1. The Department must notify the parent/caretaker of the right to request a waiver based on good cause (rule 2232.3) as an exception to the cooperation requirement.
- e. Information provided to OCS is subject to verification with the parent/caretaker.

2232.3 Good Cause for Refusal to Cooperate

- a. The Department shall excuse a parent/caretaker from cooperating with OCS when there is good cause for noncooperation.
- b. Good cause exists when the Department determines that cooperation is not in the best interest of the child because it may result in any one of the following:
 - 1. Physical or emotional harm to the child;
 - 2. Physical or emotional harm to the parent/caretaker; or
 - 3. At least one of the following circumstances exists:
 - i. The child was conceived as a result of incest or rape;
 - ii. Legal proceedings for the adoption of the child are pending; or

iii. The parent/caretaker is determining an adoption plan.

2232.4 Request for a Child Support Waiver

- a. A parent/caretaker requesting a child support waiver must provide sufficient information to allow the Department to determine if good cause exists.
- b. A Reach Up household that is fully cooperating shall not have their Reach Up benefits denied, reduced, or delayed pending the Department's child support waiver decision.
 1. This decision will be made within 30 days from the date the child support waiver is requested, except when the required information cannot be obtained within that time frame.
- c. Upon request, the Department will provide reasonable assistance in obtaining information to support the child support waiver.
- d. The Department may verify the information received or seek additional information necessary to evaluate a child support waiver.
- e. In processing requests for the child support waiver, the Department will:
 1. Only contact noncustodial parents if such contact is necessary to establish the child support waiver; and
 2. Notify the parent/caretaker of the child, prior to making such necessary contact, to enable the parent/caretaker to:
 - i. Present additional information so that contact with the noncustodial parent becomes unnecessary;
 - ii. Agree to the contact;
 - iii. Withdraw the household's application for Reach Up benefits; or
 - iv. Refuse to allow the contact after being advised that this refusal will result in denial of the child support waiver.
- f. The Department will base a child support waiver determination on documentation, such as:
 1. Law enforcement records;
 2. Court documents;
 3. Criminal records;
 4. Birth certificates;
 5. Medical records;
 6. Social service or child protective services records; or

7. Supporting statements from individuals, other than the parent/caretaker, with knowledge of the circumstances.
- g. If additional information is needed, the Department must promptly notify parent/caretaker of the type of documentation required.
- h. The Department will investigate claims of anticipated serious emotional or physical harm to the child or parent/caretaker, even when no information is submitted to support the child support waiver.
- i. OCS is prohibited from attempting to establish parentage or collect child support in cases where the parent/caretaker requests a child support waiver until a decision has been made regarding the waiver request.

2232.5 Review of Child Support Waivers

- a. The Department shall review child support waivers at each recertification unless a waiver has been granted for the lifetime of the parent/caretaker.
- b. The parent/caretaker must submit current information if a significant change of circumstances relative to the child support waiver has occurred.

2232.6 Termination of Benefits Due to Child Support

- a. If a Reach Up household's benefit was terminated because of countable child support in excess of the Reach Up benefit, either alone or in combination with another reason affecting income eligibility, the household will enter a 12-month administrative period.
 1. The administrative period begins with the first full calendar month following the effective date of the Reach Up termination and lasts 12 consecutive months.
- b. During this 12-month administrative period, the Department shall reinstate the Reach Up household's benefit effective the first day of the month when all the following conditions are met:
 1. The Reach Up household becomes eligible for Reach Up benefits during that month solely because of a loss or reduction of child support;
 2. The Reach Up household has been ineligible for Reach Up benefits since the termination;
 3. The Reach Up household requests reinstatement by the 20th day of the month following the month in which the loss or reduction of child support first occurred; and
 4. The Reach Up household returns the forms required for reinstatement by the end of the month in which they request reinstatement.
- c. During the 12-month administrative period, OCS shall distribute current child support payments collected on behalf of the former Reach Up household to them within two days of receipt.

2233 Special Cases of Ineligibility

- a. Regardless of whether they meet all other eligibility requirements for Reach Up benefits, special cases exist where individuals and households are ineligible for Reach Up benefits.

2233.1 Strike Participants

- a. The term "strike" includes any strike or other concerted stoppage of work by employees, including a stoppage due to:
 - 1. The expiration of a collective bargaining agreement; or
 - 2. Any concerted slowdown or other interruption of operations by employees.
- b. Participating in a strike means the act of stopping, slowing, or otherwise interrupting work with others to obtain demands from the member's employer.
- c. The Department will deny or terminate benefits to a Reach Up household in which an adult household member is on strike.
 - 1. If another member of the Reach Up household is on strike, the needs of that member will be removed from the Reach Up benefits payable to the household.
 - 2. The Department will consider such member's income and resources available to the Reach Up household if the member is legally liable for a child in the Reach Up household.
- d. Closure or reduction of the Reach Up benefits will apply to the period in which the member is participating in a strike as soon as administratively possible.

2233.2 Convicted of Fraudulent Residence

- a. The Department will deny or terminate Reach Up benefits to individuals convicted in federal or state court of having made a fraudulent statement or representation with respect to their place of residence to receive benefits simultaneously from two or more states.
- b. Such individuals shall be ineligible for a 10-year period beginning with the date of conviction.
- c. The Department will consider such individuals' income and resources available to the Reach Up household.
- d. Reach Up benefits will not be denied for any month beginning after the President of the United States grants a pardon with respect to the conduct that was the subject of the conviction.

2233.3 Fugitive Felons and Probation or Parole Violators

- a. The Department will deny or terminate Reach Up benefits to individuals, who flee from justice to avoid detection, prosecution, or punishment after a felony conviction or who violate a condition of probation or parole imposed under federal or state law.

- b. The Department will consider such individual's income and resources available to the Reach Up household.
- c. Reach Up benefits will not be denied for any month beginning after the President of the United States grants a pardon with respect to the conduct that was the subject of the conviction.

2234 **Time Limits**

- a. Reach Up time limits are the maximum number of months a participant may receive Reach Up benefits.
- b. A Reach Up household shall reach their time limits when a participant has received 60 or more countable, cumulative months of Reach Up benefits, or other cash benefits funded by a TANF block grant in another state.
- c. Once a Reach Up household reaches their time limits, they are ineligible for Reach Up benefits, unless each participant in the Reach Up household is fully engaging in Reach Up services requirements and is:
 - 1. Deferred from their work requirement for one of the reasons listed in rules 2328, 2328.1, or 2328.2;
 - 2. Engaged in any of the countable work activities listed in rules 2323.1- 2323.11, or 2324; or
 - 3. Engaged in any other work activity recognized in accordance with Title IV-A of the Social Security Act for the number of hours equal to the participant's work requirement.
- d. The monthly time limit count for Reach Up benefits begins on July 1, 2001.
 - 1. Each full or partial month for which a participant receives Reach Up benefits counts toward the 60-month time limit.
 - i. An overpayment of a full month of Reach Up benefits, which has been fully repaid, does not count towards the 60-month limit.
 - 2. A month in which only support services are received by an employed participant does not count toward the 60-month time limit.
 - 3. In a two-parent Reach Up household in which the parents have not received Reach Up benefits for the same number of months, the time limit is based on the participant, who has received benefits for the greater number of countable months.
 - 4. Benefits received under the Postsecondary Education (PSE), Reach First, and Reach Ahead programs do not count toward the 60-month limit.
- e. A month in which Reach Up benefits are received does not count toward the 60-month time limit if the participant is deferred from their work requirement for a full calendar month for one

or more of the following reasons:

1. The participant is unable to work pursuant to rule 2328.2;
 2. The participant is caring for a child during the first 12 months of a possible 24- month deferment granted pursuant to rule 2328;
 - i. No more than 12 cumulative, deferred months shall be exempt from counting toward the 60-month time limit in a participant's lifetime.
 3. The participant is affected by domestic violence pursuant to rule 2328.1; or
 4. The participant is needed in the home on a full-time basis to care for an ill or disabled parent, spouse, or child pursuant to rule 2328.
- f. The time limit shall not apply in the following cases:
1. Single or two-parent Reach Up households with at least one parent under the age of 18;
 2. A dependent child living with a non-parent caretaker, who is not in the Reach Up household; or
 3. A dependent child living with a single parent who receives SSI/AABD benefits, or with two parents who both receive SSI/AABD benefits.

2234.1 Termination after 60 Months

- a. Reach Up households, who have received 60 or more countable cumulative months of Reach Up benefits, will have their benefits terminated when, without good cause, they are:
 1. Not engaged with Reach Up services requirements (rule 2312); or
 2. Not fulfilling their work requirement (rule 2321).
- b. Good cause shall be determined according to rules 2330 and 2331.

2234.2 Reapplication after 60 Months

- a. A Reach Up household whose benefits were terminated after having received 60 or more countable, cumulative months of benefits may be eligible for benefits at any time following termination.
- b. Reach Up benefits shall be paid upon meeting eligibility criteria.

2235 Formation of the Reach Up Household

- a. A Reach Up household is defined as one or more individuals whose requirements, income, and resources are considered as a unit to determine need for Reach Up benefits.

- b. A Reach Up household must include one or more eligible dependent children.
 1. In addition, the Reach Up household must include all siblings, including half-siblings, living with the dependent child or children, and qualifying under the age criteria, as defined in rule 2221.
 2. A parent must be included in the Reach Up household if the parent lives in the home with a child included in the household unless the child's legal guardian is receiving Reach Up benefits on behalf of the child, in which case the legal guardian may choose to not have the parent included in the child's Reach Up household.
 - i. Both parents, if living in the same household with an eligible child, must be included in the Reach Up household, unless specified below.
 - ii. A parent whose residence in the home is interrupted by active duty in the United States uniformed services or by education, training, or employment away from home must be included in the Reach Up household.
 3. Another relative or caretaker living in the same household with the parents and children, who has assumed responsibility for the care and supervision of the children, can only be added to the household if the parents are incapable of providing care and supervision.
- c. The three exceptions to the requirement that a Reach Up household must include at least one eligible child are:
 1. The only dependent child is a disabled child receiving SSI/AABD benefits;
 2. A pregnant person having no other children in their home when:
 - i. Their due date is within the next 30 days of application;
 - ii. This due date has been self-declared or medically verified; and
 - iii. It has been determined that the child, when born, would be eligible for Reach Up; or
 3. A pregnant person having no other children in their household when the expected delivery date falls within the three-month period following the month of application and the person meets one of the following conditions:
 - i. The pregnant person qualifies for Medicaid based on a disability;
 - ii. The pregnant person is a minor and has a self-declared high-risk pregnancy; or
 - A. If their 18th birthday falls before the 30th day immediately preceding the expected delivery date, eligibility for Reach Up continues through the end of the pregnancy.
 - iii. The pregnant person is not a minor, has a medically verified high risk pregnancy, and requests consideration for early Reach Up eligibility based on their belief that they are unable to work due to a high-risk pregnancy and is found eligible on this basis.

- d. Independent medical professionals, who perform examinations required to enable the Department to determine a pregnant person's ability to work due to a high-risk pregnancy, will be provided reasonable reimbursement.
- e. In the case of a pregnant person seeking Reach Up benefits based on the pregnancy, the Department shall determine eligibility no later than 10 calendar days following receipt of all information necessary to make the eligibility decision.
- f. The Reach Up household shall not include the other parent recognized under 15C V.S.A. §102(16) of an expected child until that child is born, unless there are other legal obligations to the Reach Up household such as marriage to the pregnant person, or parentage of another child in the household.
- g. The Reach Up household may also include the following individuals when they are living in the same household:
 - 1. An eligible caretaker; or
 - 2. An eligible Reach Up essential caregiver.
- h. An individual participating in the Job Corps program, who normally returns home on weekends is entitled to be a member of the Reach Up household.
- i. The Reach Up household shall not include an individual receiving benefits under the SSI/AABD program.
 - 1. A SSI/AABD recipient receiving benefits under the SSI/AABD program include disabled individuals, who received SSI/AABD, became gainfully employed, and were subsequently granted 1619(b) status by the Social Security Administration.
 - 2. These individuals shall continue to be considered SSI/AABD recipients during any months in which their 1619(b) status remains in effect, whether they receive SSI/AABD payments during those months.
- j. The Reach Up household shall not include a sibling or a parent subject to the five-year bar for qualified immigrants.

2236 Caretaker Reach Up Household

- a. There can be only one person designated as the eligible caretaker for the Reach Up household at any given time.
- b. An eligible caretaker (rule 2223) may qualify for inclusion in the Reach Up household.
- c. Caretakers receiving benefits under the SSI/AABD program are not eligible for inclusion in a Reach Up household (rule 2235).
- d. Eligible caretakers included in a Reach Up household with their own children cannot be included in a caretaker Reach Up household.

- e. If a parent living in the home is incapable of exercising parental obligations, both the parent and an eligible caretaker living with the child and responsible for the child's care and supervision may be included in the Reach Up household.
- f. A caretaker may apply, and be eligible for, two or more Reach Up households, when the households include children, who are not siblings or half-siblings (rule 2223).
- g. The Department shall take the following steps to determine the eligibility for a caretaker Reach Up household:
 - 1. First, the Department shall determine the eligibility of the child's Reach Up household without the caretaker;
 - 2. Second, the Department shall determine whether the caretaker is applying for their own needs to be included in the Reach Up household if the child's Reach Up household is eligible; and
 - 3. Third, the Department shall determine the difference between the child's Reach Up benefit amounts, with and without the caretaker, and allow the caretaker to decide if their needs should be included in the Reach Up household.
- h. The child's Reach Up household is formed according to rule 2235 and must meet all requirements for Reach Up eligibility.
 - 1. A housing allowance may be included in the Reach Up household's needs, up to the housing allowance maximum, which includes the special needs housing allowance, if applicable, if the caretaker charges the child for housing.
 - 2. If the child's Reach Up household is not eligible for Reach Up, the caretaker is not eligible either.
- i. If the caretaker is applying for their own needs to be included in a child's eligible Reach Up household, the Department shall determine whether the caretaker and the eligible child are financially eligible for Reach Up benefits.
 - 1. The Department considers the caretaker's household to include the following persons, if any, living with the caretaker:
 - i. The caretaker's spouse;
 - ii. Minor children other than the Reach Up eligible child; or
 - iii. Other tax dependents.
 - 2. The combined countable resources of the caretaker's household must not exceed the Reach Up resources maximum (rule 2255).
 - 3. The combined countable income of the caretaker's household is determined according to the rules for Reach Up eligibility (rules 2248, 2249, 2250, and 2251), as if the caretaker's household were the Reach Up household.
 - i. Payments may be deducted from the caretaker's household's earned income, if they

are made to an individual who is a tax dependent, outside of the home.

- ii. The combined countable income of the caretaker's household must not exceed their ratably reduced needs determined according to Reach Up rules 2238, 2239 and 2240.
4. The Department shall determine Reach Up eligibility by including the needs of both the caretaker and the eligible child.
- i. Only the caretaker's shelter expenses, up to the maximum housing allowance, including the special needs housing allowance, if applicable, are included in the Reach Up household's needs.
- j. A caretaker's resources are not available to the child when the caretaker does not have the legal responsibility of a parent to support the child.
- k. The caretaker's income is also not available to the child unless the caretaker has indicated a commitment to make ongoing monetary contributions toward the support of the child, considered unearned income to the child.

2237 Need Determination

- a. Need is defined as the lack of income or other resources necessary for long-term mental and physical well-being.
- b. A need determination is a basic eligibility requirement and shall be completed at initial application, reapplication and at each subsequent review of eligibility, including recertification, interim report and changes in circumstances.

2238 Method for Determination of Need

- a. The Department computes financial need using the following methods:
 - 1. Budgetary comparison of the Reach Up household's available net monthly income to the Reach Up payment standard (total needs standard (rule 2244) multiplied by the rateable reduction (rule 2239)); and
 - 2. Comparison of the Reach Up household's available resources to the combined resources limitation (rule 2254.1).
- b. Standards for basic requirements (rules 2243-2246) common to all individuals and households, have been established to simplify the Department's determination of need and to ensure equitable consideration for all individuals in similar circumstances.
- c. Financial need, and the amount thereof, shall be established when budgetary computation shows a deficit and resources are within the maximum allowed.
 - 1. If either condition is not met the applicant/participant shall be ineligible, due to lack of financial need.

2239 Payment Standard

- a. The payment standard is the maximum amount of Reach Up benefit that a Reach Up household can receive.
- b. The payment standard is based on a calculation that limits it to the rateable reduction, which is 49.6 percent of the household's needs standard, because funding is insufficient to meet 100 percent of the need standard.

2240 Eligibility Computation

- a. Financial eligibility is computed for an initial application, a reapplication, and at each subsequent review of eligibility, including recertification, interim report and changes of circumstances.
- b. Eligibility based on income is determined as follows:
 1. Determine the amount of the Reach Up household's gross non-excluded earned and unearned income, including any support predicted or collected by the Office of Child Support, except for the \$50 family bonus (rule 2250.1);
 2. Apply appropriate deductions and disregards to determine net income (rules 2248, 2251, and 2252);
 3. Determine the payment standard for the Reach Up household (rule 2238);
 4. Subtract 2 from 3; and
 - i. If net income equals or exceeds the payment standard, the Reach Up household is ineligible due to lack of financial need; or
 - ii. If net income is less than the payment standard, the difference is the payment amount (rule 2242).
 5. Round the result in step 4 down to the nearest whole dollar for the payment amount (rule 2239).
- c. When sanctions apply, the Reach Up household's benefit is calculated in the following order:
 1. First, deduct any sanctions imposed due to noncooperation with the pursuit of child support;
 2. Second, deduct any sanctions imposed due to non-engagement in Reach Up services requirements; and
 3. Third, deduct any recoupment of previous Reach Up overpayments.
- d. For households reapplying for Reach Up solely because of loss of child support refer to rule 2232.6 for eligibility computation.

2241 Prospective Eligibility and Budgeting

- a. All factors of eligibility and the basic need standard, including shelter costs, shall be determined prospectively for all Reach Up households for all payment months.
 1. "Prospective eligibility" means that eligibility for any given month is determined by estimating as accurately as possible whether all eligibility factors will be met during that month.
 2. "Prospective budgeting" means that the amount of payment for any given month will be based on the best estimate of income and circumstances that will exist in that month.
 - i. In prospective budgeting the budget month and payment month are the same.
- b. Payment shall be determined prospectively for all Reach Up households, including those sanctioned for not engaging in the Reach Up services requirements, based on the Department's best estimate of the Reach Up household's circumstances.
 1. This estimate is derived from information collected and documented at initial application, reapplication and at each subsequent review of eligibility, including recertification, interim report and changes of circumstances.
- c. Information about circumstances during the most recent calendar month shall be the basis of the estimate of the Reach Up household's circumstances during the remainder of the recertification period until, and unless, a change in circumstances is reported or otherwise identified.

2242 Amount of Benefit Paid

- a. The Reach Up benefit payment shall be the result of the eligibility computation (rule 2240) rounded down to the nearest whole dollar amount.
- b. Except for Reach Up households receiving parent share payments (rule 2250.2), no payment shall be made to a Reach Up household in any month in which the amount of benefits is determined to be less than \$10.00 for that month, prior to any recoupment applied to the benefit.
 1. A Reach Up household not receiving payment solely because the payment would be less than \$10 shall be considered eligible for Reach Up for all other purposes.
 - i. This will also apply in cases where a Reach Up household payment of 99 cents or less has been rounded down to zero.

2243 Needs

- a. Certain requirements, basic to all Reach Up households, shall be accounted for in budgetary computation, including:
 1. Food;
 2. Fuel;

3. Utilities, including water, sewer, electricity, air conditioning;
 4. Clothing;
 5. Personal needs and incidentals;
 6. Shelter;
 7. Household-related chores, including: snow removal, lawn maintenance, and household cleaning supplies; and
 8. Special needs, including: telephone, life insurance premiums, household appliances, municipal assessment costs, fire insurance premiums and those specified in rule 2244.3.
- b. Each of these basic requirements shall be accounted for in one of the following ways:
1. Using the standard allowance for the required item;
 2. Indicating that the required item is available in-kind (rule 2248.2) without monetary cost; or
 - i. An item available in-kind and earned shall be budgeted at appropriate standards.
 - ii. An item available through in-kind and unearned shall not be included in the budget.
 3. Indicating that the required item is included in the cost of another item, such as room and board (rule 2246.3).
- c. No budgetary allowance is made for purchase, maintenance or related expenses of operating a vehicle, except for allowable self-employment business expenses.

2244 Needs Standards

- a. The needs standards are the total monthly requirements of each Reach Up household.
- b. The total monthly requirement of each Reach Up household shall be calculated using the following:
 1. Basic needs standards table for Reach Up (rule 2244.1);
 2. Housing allowance (rule 2246), including, where applicable, the special housing allowance (rule 2244.3) and maintenance of housing during temporary absence (rule 2228); and
 3. Shared households (rule 2246.2), where applicable.
- c. When non-recipient members of a Reach Up household fail to contribute to household expenses, their needs shall not be budgeted as a need of the Reach Up household.
 1. The Department shall encourage and assist the applicant/participant to obtain contributions from such non-recipient members at least equal to their share of household expense, as

calculated above.

2244.1 Basic Needs Standards

- a. The basic needs standards table is used to determine Reach Up eligibility.
- b. The basic needs standards include food, fuel, utilities, clothing, personal needs and incidentals, household-related chores, and special needs required by Reach Up household members regardless of the total number of individuals residing in the household.
- c. Basic Needs Standards Table:

Number in Assistance Group	1	2	3	4	5	6	7	8	9 or more
Basic Needs	\$644	\$942	\$1236	\$1478	\$1733	\$1907	\$2203	\$2458	add \$236 for each additional person

2244.2 Children in Schools

- a. Basic needs allowances for an eligible child, who is away from home to attend school, shall be included in full when the parent/caretaker is responsible for the care and supervision of the child.
- b. If the parent/caretaker is no longer responsible for the care and supervision of the child, then that child may only be included in the Reach Up household if the criteria in rule 2228.2 are met.

2244.3 Special Housing Needs

- a. A monthly special housing needs allowance shall be paid to Reach Up households, who have actually incurred housing expenses in excess of the maximum monthly housing allowance, as determined by rule 2246.
- b. For eligible Reach Up households, the amount of the special housing needs allowance shall be calculated as housing expenses in excess of the maximum monthly housing allowance, or \$90, whichever is less.
- c. The special housing needs allowance is subject to the payment standard (rule 2239).

2245 Budgeting for Living Arrangements

- a. Budgeting the monthly Reach Up benefits shall include allowances for all maintenance items required in the living arrangement of the Reach Up household.
 - 1. Allowances for maintenance of a prior living arrangement during temporary absence (rule 2228) shall be continued, under specified conditions.

b. Standard allowances are classified according to the following living arrangements:

1. Household or housing unit;
2. Room and board;
3. Room with separate meals; or
4. Institution.

2246 Housing Allowance

a. Housing expense is defined as the total of all costs incurred for any of the following:

1. Rental;
2. Real estate or equivalent personal property taxes;
3. Maintenance and repairs for real estate owned and listed in the name of the applicant/participant;
4. Mortgage payments;
5. Homeowners insurance; and
6. Condo and association fees.

b. Housing allowances shall be budgeted as incurred to cover recurring shelter expenses necessary to maintain a home, not to exceed the current maximum monthly housing allowance stated below.

c. The housing allowance portion of a Reach Up benefit is limited to expenses incurred for the current month.

1. Overdue expenses for prior months cannot be included in the Reach Up benefit for the current month.
2. Expenses incurred less frequently than monthly shall be prorated into monthly amounts for the period covered (rule 2244.3).

d. Maximum Monthly Housing Allowance Table:

Outside Chittenden County	Chittenden County
\$400	\$450

e. The expense for shelter, when shared, may be included based upon the participant's incurred housing cost, not to exceed the maximums.

f. When housing is provided at no cost and is considered unearned in-kind income (rule 2248.2) no housing allowance and no unearned income are budgeted.

g. When housing is provided at reduced cost and is considered unearned in-kind income (rule 2248.2),

only the Reach Up household's incurred cash obligation for housing is budgeted as the housing allowance, not to exceed the applicable housing maximum, and no unearned income is budgeted.

- h. In the case of housing received as earned in-kind income (rule 2248.2), the housing allowance budgeted should be the lesser of:
 - 1. The maximum monthly housing allowance for which the Reach Up household is eligible; or
 - 2. The sum of the following:
 - i. The household's incurred monthly cash obligation, if any, for allowable housing costs; and
 - ii. The amount of earned in-kind income received in the form of housing.
 - i. A standard amount, which in most cases represents a portion of the fuel and/or utility subsidy used by Housing and Urban Development (HUD) in the calculation of subsidized housing rent for Reach Up households, will be considered unearned income for Reach Up eligibility, according to rule 2249.
 - 1. The standard amount for those households, who must pay for fuel, or fuel and utilities, is \$70.
 - 2. The standard amount for those households, who must pay for utilities only, is \$30.
 - 3. A Reach Up household that documents an actual subsidy amount less than the standard amount may have the actual amount counted as unearned income in Reach Up benefit and eligibility calculations.
 - j. Nonpayment of all, or a portion of, the shelter expense, will be evaluated against the criteria for need of protective payments and subject to the limitations outlined in rule 2220.

2246.1 Subsidized Housing

- a. The most common types of subsidized housing include:
 - 1. Section 8;
 - 2. Section 23;
 - 3. F.H.A (Farmer's Home Administration) rental assistance units;
 - 4. Section 236; and
 - 5. Housing owned and operated by the local public housing authority.
- b. The Reach Up budget for subsidized housing will always be the maximum housing allowance permitted for a rental located in the county in which the Reach Up household resides.
 - 1. The Reach Up budget is the same as above for a participant living in unsubsidized or private housing with a Section 8 certificate.

2246.2 Shared Households

- a. The Department shall determine the housing allowance for households shared between two or more separate households as follows:

1. Budget each separate household considering eligible members of each Reach Up household.
 2. Include housing cost as incurred by each household, each household's share not to exceed the housing allowance maximum and the sum of the shares not to exceed the total cost of housing.
 3. If a Reach Up household member is the only person on the lease or mortgage, but a separate household living in the home regularly pays a share of the rent or mortgage payment, the housing allowance for each household cannot exceed the actual housing costs.
 4. Any monetary contribution to the Reach Up household responsible for the household expenses from a separate household in the home will not be counted as income if:
 - i. The payment is made by the separate household for their share of common household expenses to the Reach Up household responsible for household expenses; or
 - ii. A payment is made directly to a non-resident landlord or mortgage holder.
- b. This shared household rule does not apply to room and board because the housing cost portion of the room and board cannot be identified separately.

2246.3 Room and Board

a. Room and board as a living arrangement for the Reach Up household shall be budgeted in the amounts established by the Room and Board Allowances Table below.

1. The Room and Board Allowances Table includes additional amounts for other basic needs, which include clothing, personal needs and incidentals, household-related chores, and special needs.

b. Room and Board Allowances Table:

Number of Reach Up Household Members	1	2	3	4	5	6	7	8	9 or more
Room and Board	\$379	\$547	\$725	\$853	\$1008	\$1098	\$1265	\$1403	Add \$138 for each additional person
Other Basic Needs	\$96	\$133	\$166	\$211	\$239	\$274	\$324	\$366	Add \$32 for each additional person

- c. The total budgeted amount is subject to the ratable reduction.

2246.4 Institution

- a. An institution is a facility or establishment where people live and receive care.
- b. Household members residing in institutions are ineligible for Reach Up benefits.

2246.5 Foster Home

- a. Foster parents who receive payments for the care of a child in the custody of the Department are not eligible for Reach Up benefits on behalf of that child.

2246.6 General Assistance and Emergency Assistance Temporary Housing

- a. The housing allowance for participants of General Assistance or Emergency Assistance (GA/EA) temporary housing assistance is the maximum housing allowance permitted for a rental located in the county where the Reach Up household resides, in addition to the special needs housing allowance, if applicable.
- b. The housing allowance will always be the maximum housing allowance, in addition to the special needs housing allowance, if applicable, regardless of whether the participant is required under the GA/EA program to contribute a percentage of their income toward the cost of temporary housing.

2246.7 Shelters and Transitional Housing

- a. The housing allowance for residents of a shelter or transitional housing is the maximum housing allowance for a rental located in the county in which the shelter or transitional housing is located, in addition to the special needs housing allowance, if applicable.
- b. The housing allowance will always be the maximum housing allowance, in addition to the special needs housing allowance, if applicable, regardless of the Reach Up household's incurred housing expenses.

2247 Temporarily Uninhabitable Home

- a. When the home owned by a parent/caretaker is temporarily uninhabitable, the shelter expenses for the home may continue to be budgeted for up to six months.
- b. A home may be temporarily uninhabitable because of a variety of situations, including:
 - 1. A fire;
 - 2. The heating system is inoperable;
 - 3. The water pipes are frozen; or

4. It is in a remote area where roads are not routinely snow plowed.
- c. The home and shelter expenses of the temporary living arrangement may be budgeted but may not exceed the shelter maximum.

2248 Income

- a. Income is defined as any cash payment, or equivalent in-kind payment, that is available to the Reach Up household.
- b. Sources of income include, but are not limited to:
 1. Earnings from employment or self-employment; and
 2. Unearned income.
- c. All income except that specifically excluded shall be evaluated to establish net income available to meet the Reach Up household's need.
- d. When parents are maintaining a common living arrangement, their joint incomes shall be evaluated and considered for availability to meet their joint needs, even though only one applies for or receives benefits under any Department program.
 1. This includes the spouse or civil union partner of a pregnant person with no children.
- e. Verification of all income, except that specifically excluded, shall be required in the Reach Up Program.
- f. The income of an ineligible household member on strike is counted (rule 2233.1).
- g. The income of an ineligible household member convicted of having made a fraudulent statement or representation with respect to their place of residence to receive assistance simultaneously from two or more states is counted (rule 2233.2).
- h. The income of an ineligible fugitive felon or probation or parole violator is counted (rule 2233.3).
- i. The income of a parent, who is ineligible for Reach Up benefits due to immigration status (rule 2230) counts as income available to the Reach Up household.
- j. The income of a sibling, who is ineligible for Reach Up benefits due to immigration status (rule 2230) shall not be counted as income to the Reach Up household.
- k. Transfer of income for the purpose of qualifying for additional Reach Up benefits that the Reach Up household would receive, is prohibited.
 1. Voluntary transfer of income within two years before date of application, or while in receipt of Reach Up benefits, shall result in ineligibility unless the income is reconveyed to

the household.

- I. When feasible, future and potential sources of income shall be identified and developed (rule 2259).
 1. Reach Up benefits in the amount needed based on currently available income shall continue until such potential income becomes available, at which time appropriate budgetary adjustment shall be completed.

2248.1 Household Receipt of Lump Sum

- a. Lump sum payments are large amounts of money received while the Reach Up household is receiving Reach Up benefits.
- b. The Reach Up household is responsible for notifying the Department within 10 days of receipt of any lump sum payment of earned or unearned income.
 1. The Department shall establish an overpayment for lump sum payments of child support for the month in which the payment was received, regardless of whether the household notified the Department with 10 days of receipt.
- c. Lump sum payments shall be counted as income except for the following:
 1. Insurance payments or similar third-party payments shall be excluded, if received for payment of medical bills or funeral costs, and used for those purposes;
 2. Homeowner's insurance payment shall be excluded if it is used to rebuild or repair the house or purchase a new one;
 3. Money resulting from the conversion of an existing asset to a liquid asset shall be treated as a resource if the asset was acquired prior to the receipt of Reach Up benefits;
 4. Money resulting from the sale of a vehicle shall be treated as a resource if acquired during receipt of Reach Up benefits;
 5. Money that has been set aside in a trust fund, retirement account, qualified child education savings account shall be treated as a resource and excluded (rules 2257); or
 6. An income tax refund shall be treated as a resource, except for any portion that is a federal or Vermont Earned Income Tax Credit (EITC) refund.
 - i. EITC payments are disregarded both as income and as a resource (rules 2253 and 2257).
- d. Lump sum payments received by the Reach Up household that are not excluded should be added together with all other monthly non-Reach Up income with applicable disregards subtracted.
 1. When this total exceeds the household's need they will be disqualified for Reach Up benefits for the number of full months derived by dividing this total income by the need standard applicable

to the Reach Up household.

2. If the Reach Up household reapplies for Reach Up benefits in the month following their disqualification period, any remaining income will be applied to the first month of eligibility.
- e. The disqualification period due to a lump sum payment may be recalculated if:
1. Any change of circumstances occurs during the disqualification period which, had the household been receiving Reach Up benefits, would have changed the benefit amount;
 2. The Reach Up household deposits the lump sum payment, or a portion thereof, into a savings account excluded (rule 2257).
 3. The Reach Up household incurs and pays for medical expenses that offset the lump sum payment; or
 4. The income received has become unavailable to the Reach Up household under the following circumstances:
 - i. Death or incapacity of the principal wage earner;
 - ii. Loss of shelter due to fire or flood;
 - iii. Repairs to owner-occupied homes that are essential to the health and safety of the Reach Up household;
 - iv. Repair or replacement of essential, major household appliances;
 - v. Repair or purchase of one or more motor vehicles per Reach Up household, essential for employment, education, training or other day-to-day living necessities;
 - A. Expenses may include the following:
 1. Purchase and use tax;
 2. Inspection fee;
 3. Insurance; and
 4. Registration fees.
 - B. Expenses may not include day-to-day operating expenses.
 - vi. Payments attributable to current monthly housing expenses (rule 2246) that are in excess of the maximum monthly Reach Up housing allowance;
 - vii. Advance payments, which are payments for expenses that will be incurred after the date the lump sum income was received, up to 12 months, of any of the payment of expenses listed below.
 - viii. Payment of expenses that meet the following criteria:
 - A. The expenses were overdue as of the date the lump sum income was received;

- B. The expenses were the legal liability of the member of the Reach Up household; and
- C. The Reach Up household provides documentation that the lump sum income was used to pay the expenses.
- ix. Circumstances that the Department determines are substantially similar.
- f. Eligible payment of expenses outlined above are restricted to those of the primary residence and would include any late charges and the following:
 - 1. Rent, including lot rent;
 - 2. Mortgage payments, including principal and interest;
 - 3. Property taxes;
 - 4. Homeowner's insurance;
 - 5. Heating bills;
 - 6. Utility bills;
 - 7. Telephone bills;
 - 8. Child care expenses necessary for a member of the Reach Up household to maintain employment, with the following limitation:
 - i. If the overdue expenses were incurred when the participant was receiving Reach Up, only the unsubsidized amounts are considered eligible expenses.
 - 9. Expenses for one or more motor vehicles per Reach Up household, essential for employment, education, training or other day-to-day living necessities, include the following, but not day-to-day operating expenses:
 - i. Overdue bills for repairs;
 - ii. Purchase and use tax;
 - iii. Loan or lease payments;
 - iv. Inspection fee;
 - v. Insurance; and
 - vi. Registration fees.

2248.2 In-Kind Income

- a. In-kind income is defined as any basic requirement that is furnished regularly at no cost to the Reach

Up household.

- b. In computing the requirements, if any basic need item is furnished in part or in full and is considered unearned in-kind income, the item may not be claimed as an expense in the budget and no unearned in-kind income is budgeted.
- c. In computing the requirements, if any basic need item is furnished in part or in full and considered as earned in-kind income, the item may be claimed as an expense in the budget and it shall be given a monetary value by the employer and treated as earned income in the budget computation.
 1. However, in no case shall the monetary value assigned to a need item received as earned in-kind income exceed the ratably reduced amount specified for that item in the Basic Need Standards Table (rule 2244.1) for a Reach Up household of equal size.
- d. The monetary value to be budgeted as earned in-kind income shall be that portion of the housing allowance attributable to earned in-kind income, ratably reduced.
 1. This ensures that earnings received in the form of housing do not reduce the amount of Reach Up benefits provided to meet the Reach Up household's other basic needs.
- e. In no case shall the provision of fuel and/or utilities as part of an Reach Up household's housing be considered either unearned or earned in-kind income, regardless of whether or not they incur a cost for housing.
 1. Nor in these instances shall these items be claimed as an expense in the budget.

2249 Unearned Income

- a. Unearned income includes the following:
 1. Income from pension and benefit programs, such as social security, railroad retirement, veteran's pension or compensation, unemployment compensation, employer or individual private pension plans and annuities;
 - i. The Medicare Part B premium of a new Social Security or Railroad Retirement recipient that continues to be withheld from their benefits pending completion of their transfer to the Department of Vermont Health Access' (DVHA) Medicare Savings Program shall be disregarded until the benefit increase is available to the recipient.
 - ii. The amount of veteran's benefits retained by a guardian as reimbursement for guardian services is disregarded as income.
 2. Income from capital investments in which the Reach Up household is not engaged in active management (rule 2201);
 3. Payments on mortgages or notes resulting from a sale of real or personal property when the Reach Up household is not engaged in the business of selling such property;

4. Voluntary contributions from others;
 5. Child support in excess of \$50 per month paid on behalf of a child included in the Reach Up household (rule 2250);
 6. The applicable standard fuel and utility subsidy (rule 2246);
 7. Reach First benefits attributed to the months that the Reach Up household applied for Reach Up benefits;
 8. The income of any person, and their spouse, who executed an affidavit of support (USCIS Form I-864 or I-864A) on behalf of the applicant or recipient pursuant to section 213A of the INA.
- b. The full amount of available unearned income shall be applied to the payment standard, except for disregards specified under certain federal programs (rule 2253).
 - c. Any non-excluded income from student loans or grants (rule 2253) shall be converted to a monthly amount by averaging the total amount of the loan or grant over the period it is intended to cover.

2249.1 **Contributions**

- a. Regular and predictable contributions, in the form of cash or in-kind, shall be considered unearned income.
- b. Occasional small gifts and/or irregular contributions shall be disregarded in budgetary computations, provided the amounts do not exceed \$30 per participant every three months.
- c. Contributions to a third party on behalf of a Reach Up household do not count as unearned income if the payment is not otherwise owed to the household.

2250 **Distribution of Child Support**

- a. Office of Child Support (OCS) distributes current child support payments to the Department, which has been collected on behalf of Reach Up households.
- b. The Department then distributes the child support payments, to the Reach Up household for whom child support has been collected, at the beginning of the second month following the month in which the child support payment was received by OCS.

2250.1 **Family Bonus Payment**

- a. The family bonus payment is the first \$50 from child support collected by OCS in any calendar month and distributed to the Department on behalf of a Reach Up household.
- b. The Department pays the family bonus to the custodial parent without affecting Reach Up

eligibility or decreasing the amount of the benefit.

- c. \$50 is the maximum family bonus payment paid to a Reach Up household in a single calendar month, even when more than one noncustodial parent pays child support on behalf of that Reach Up household.
- d. In no case shall the family bonus amount exceed the amount of child support paid on behalf of the members of the Reach Up household.

2250.2 Parent Share Payment

- a. The parent share payment is the amount in excess of \$50 from child support collected by OCS in any calendar month and distributed to the Department on behalf of a Reach Up household.
- b. The parent share payment shall be:
 - 1. Deducted from the Reach Up benefit prior to any recoupment for the second month following the month in which OCS received the child support and distributed it to the Department; and
 - 2. Paid to the Reach Up household according to the Reach Up benefit payment schedule (rule 2214.1).

2250.3 Child Support Arrearage Collected

- a. Child support arrearage is past due child support owed by a noncustodial parent.
- b. Arrearage collected by OCS from the noncustodial parent shall be distributed according to federal rules governing the distribution of child support.
- c. Arrearage collected on behalf of a Reach Up household is applied to unpaid child support obligations that accumulated while the household was receiving Reach Up benefits.
- d. When the arrearage collected from the noncustodial parent represents an accumulation of the child support obligation during a period when Reach Up benefits were received, the Department may retain an amount up to the Reach Up benefit for that period.

2250.4 Advance Child Support Payments

- a. Child support payments will be treated as advance payments only if current and past child support obligations are paid in full.

2251 Earned Income

- a. Earned income is defined as income prior to any voluntary or involuntary deductions including any applicable taxes, FICA, or insurance.
 - 1. In determining earned income for self-employed individuals, allowable business expenses shall

be deducted first (rule 2251.2).

- b. Earned income shall include all wages, cash or in-kind salary, commissions, or profit from activities in which the applicant/participant is engaged as an employee or a self-employed individual, including, but not limited to, active management (rule 2201) of capital investments.
- c. Self-employment income will be determined by the Reach Up household's most recent tax return unless the tax return is not reflective of the current situation, a tax return has not been filed, or the household has earned income not subject to taxation.
 - 1. In these circumstances, the Department will use the household's records and other available sources to determine self-employment income.
 - 2. For determining monthly self-employment income, see rule 2208.3.
- d. Income earned during a period, when payment is made at one given time, is also included as earned income.
- e. Payments from the following programs shall be treated as earned income:
 - 1. Income from Community Services Block Grant programs, whether as partial or temporary beneficiaries, or as employees;
 - 2. Income from employment under a Title I project funded by the Elementary and Secondary Education Act; or
 - 3. Income from employment through the Workforce Innovation & Opportunity Act (WIOA) programs.

2251.1 Earned Income Computation Methods

- a. Gross earned income must be verified pursuant to rule 2208.3.
- b. To determine Reach Up eligibility, all income figures are converted to monthly figures, using a multiplier of 4.3 weeks for income received weekly and a multiplier of 2.15 weeks for income received biweekly.
- c. Computation of net earned income for each member of the Reach Up household, whose total earned income is not otherwise excluded, takes into consideration applicable deductions in the sequences listed below:
 - 1. The unsubsidized earned income deduction sequence is:
 - i. Business expenses that are deducted from total self-employment business receipts to establish adjusted gross earned income;
 - ii. Earned income disregard (rule 2252.3); and
 - iii. Dependent care expenses allowed as a deduction from earned income (rule 2252.2).

2. The subsidized earned income deduction sequence is:
 - i. Employment expenses (rule 2252.1); and
 - ii. Dependent care expenses allowed as a deduction from earned income.
3. The subsidized plus unsubsidized earned income deduction sequence is:
 - i. If a household member has earnings from both subsidized and unsubsidized employment, the computation follows the sequence in subsection (1) above;
 - ii. Only the earned income disregard is allowed; and
 - iii. If less than \$90 is deducted from unsubsidized earnings, however, the remainder of the \$90 will be deducted from any subsidized earnings.
- d. Whenever the sum of these deductions exceeds the gross earned income of the household member, the maximum allowable deduction is the amount of the gross earned income.
- e. Child care provided as a support service to Reach Up households does not constitute dependent care expenses and is not an allowable deduction.

2251.2 Business Expenses

- a. Business expenses that are deducted from gross self-employment income to determine adjusted gross earned income, are limited to operating costs necessary to produce earned income and include:
 1. Office or shop rental;
 2. Taxes on farm or business property;
 3. Employee salaries;
 4. Interest on business loans; or
 5. Cost of materials, stock, inventory, or livestock for resale required to produce this income.
- b. Business expenses do not include the following: depreciation, personal business and entertainment expenses, personal transportation costs, purchase of capital equipment, and payment on the principal of loans for capital assets or durable goods.
- c. Tax returns and business records are considered appropriate sources of accurate documentation for farm and business income and expenses.
- d. The income of a Reach Up household owning or operating a commercial boarding house shall be treated as any other business income.
 1. A commercial boarding house is defined as an establishment licensed as a commercial

enterprise offering meals and lodging for compensation.

2. In areas without licensing requirements, a commercial boarding house shall be defined as a commercial establishment offering meals and lodging with the intention of making a profit.
- e. A difficulty-of-care payment, which is compensation to a foster care provider for the additional care required because the qualified foster individual has a physical, mental, or emotional disability, and which is distinct from payment made for room-and-board, is earned self-employment income.
1. Payment made by a foster care provider for respite care services is an allowable business expense.
- f. The expense of furnishing room-and-board for a non-commercial boarding house, alone or as part of custodial care, is an allowable business expense.
1. These expenses shall not exceed the income the Reach Up household receives from the roomer/boarder for room-and-board.
 2. If the Reach Up household can document that actual expenses for providing room and board are greater than the standard business expenses allowed, the actual expenses may be allowed as a business expense.

2251.3 Income from Providing Child Care

- a. A standard business expense deduction is provided for the expenses associated with providing meals to children receiving child care in the Reach Up household's home.
- b. To receive the standard business expense deduction for the provision of meals the Reach Up household must report:
 1. The number of children receiving meals;
 2. The number of days on which meals were provided; and
 3. The type of meals provided.
- c. The standard business expense deduction for child care meals shall be used unless the Reach Up household requests a higher business expense deduction and fully documents expenses that substantiate costs exceeding the standard deduction.
- d. Reach Up households that include providers of child care are also entitled to a business expense deduction for non-meal related expenses incurred in the course of providing child care as a form of self-employment.
 1. All non-meal related expenses must be determined on a case-by-case basis and must be fully documented by the Reach Up household.
 2. These non-meal related expenses may include:

- i. A portion of rent;
 - ii. A portion of the interest on mortgage payments;
 - iii. Non-cooking related utility expenses;
 - iv. Cost of toys; and
 - v. Purchase of non-meal related supplies.
- e. Reach Up households may only receive the standard business expense deduction for one of the following expenses:
1. Meals and an individually determined deduction for non-meal related business expenses;
 2. Individually determined business expense deductions for both meal related expenses and non-meal related expenses;
 3. Only a deduction for meals; or
 4. Only a deduction for non-meal related expenses.

2252 Earned Income Deductions and Disregards

- a. The Department shall allow certain deductions from a participant's earned income to cover employment expenses (rules 2252.1 – 2252.2) or provide an incentive disregard for employed participants (rule 2252.3).
- b. Total deductions and disregards shall not exceed the amount of a participant's earned income.

2252.1 Employment Expenses

- a. The standard employment expense deduction of \$90 is used in place of the amount of actual expenses for:
 1. Taxes;
 2. Insurance;
 3. Retirement;
 4. Union dues and fees; and
 5. Other reasonable employment expenses.
- b. Only one standard employment expense deduction is allowed per participant with earned income.
- c. This deduction shall be applied to the following:

1. Subsidized earned income in determining continuing eligibility; and
 2. Earned income of a participant whose needs are not included in the Reach Up household, but whose income and resources are counted.
- d. The Department shall not simultaneously apply both the standard employment expense deduction and the earned income disregard to the earned income of any participant.

2252.2 Dependent Care Expenses

- a. A deduction from the earned income of a Reach Up household member is allowed to cover the cost of care for a household member, who is a disabled or seriously ill adult, when all the following conditions are met:
1. The care is necessary to allow the Reach Up parent/caretaker to accept or retain employment, and the hours of care are reasonably related to the parent's/caretaker's employment;
 2. The care is not provided by a member of the same Reach Up household or by the disabled or seriously ill adult's spouse;
 3. The disabled or seriously ill adult's spouse is unavailable or unable to provide the necessary care;
 4. The provider of care is at least 16 years old; and
 5. The Reach Up household member claiming the deduction has provided a statement signed by the provider of care about the hours and cost of care.
- b. A deduction from the earned income of a Reach Up household member is allowed to cover dependent care payments for a child, who is not a member of the Reach Up household, but for whom a Reach Up parent/caretaker is legally liable and the following requirements are met:
1. The child and the child care facility must meet the requirements in rule 2309; and
 2. The provider of care must be at least 18 years of age, or at least 16 years of age if the provider has a high school diploma, GED, or attends secondary school full-time.
- c. Paid expenses converted to a monthly amount shall be deducted up to a maximum of \$175 per month.
1. If a participant's dependent care expenses are below this maximum, transportation to and from the dependent care facility may be deducted as part of the expense, up to the maximum of \$175 per month.
- d. Payments for dependent care provided by a Reach Up household member, another legally liable relative, or a legal guardian do not qualify as necessary dependent care expenses under this rule.

2252.3 Earned Income Disregard

- a. The Department shall disregard the first \$250.00 per month of the total unsubsidized earned income of each eligible Reach Up household member plus 25 percent of the balance remaining.

- b. The earned income disregard includes a standard allowance used in place of the amount of actual expenses for:
1. Taxes;
 2. Insurance;
 3. Retirement;
 4. Union dues and fees; and
 5. Other reasonable employment expenses.

2253 **Excluded Income**

- a. Excluded income is defined as income that is not included in the Reach Up household's earned or unearned income, which includes the following:
1. Retroactive corrective payments, that resulted from a Department underpayment, in the month received (rule 2218);
 2. Home produce used by the household for its own consumption;
 3. Any income received by a recipient of SSI/AABD, which includes disabled individuals with effective 1619 (b) status by the Social Security Administration received SSI/AABD and gainfully employment, who is living in the Reach Up household.
 4. All income to an undergraduate student, including both a parent and a child in the Reach Up household, from student grants, loans, or work/study if:
 - i. Such loans or grants are made under a program administered or insured by the U. S. Commissioner of Education, including Basic Educational Opportunity Grants;
 - ii. The sponsor of the grant or loan precludes its use for maintenance purposes, including Vermont Student Assistance Corporation, Senatorial Scholarships, or Supplemental Educational Opportunity Grants (SEOG);

The work/study program is administered by a college or university recognized by educational authorities in which the undergraduate student is enrolled half time or more than half time, as defined by the school, including College Work-Study Programs (CWSP); or

5. Bona fide loans regardless of purpose shall not be considered income or a resource available to the household.
 - i. A loan shall be considered bona fide if it is from an establishment or individual that is in the business of making loans and is evidenced by a written agreement to repay the money within a specified period.
 - ii. If the loan is obtained from an establishment or individual not normally engaged in the

- business of making loans, evidence that the loan is bona fide would be provided by a written agreement between the parties to the loan that specifies a timetable or plan for repayment.
- iii. A loan is considered bona fide even if it is repaid without interest or was obtained without being secured with collateral.
6. That portion of any Veterans Administration Educational Assistance Program payment for the student that is used for the following types of payments including:
 - A. Tuition;
 - B. Books;
 - C. Fees; or
 - D. Child care services necessary for enrollment;
 7. Student financial assistance provided under Title IV of the Higher Education Act or Bureau of Indian Affairs Student Assistance programs, including the following.
 - i. Pell Grants;
 - ii. Supplemental Educational Opportunity Grants (SEOG);
 - iii. State Student Incentive Grants (SSIG);
 - iv. College Work Study (CWSP);
 - v. Perkins Loans (formerly National Direct Student Loans), which do not include the Carl D. Perkins Vocational and Applied Technology Education Act outlined below; or
 - vi. Guaranteed Student Loans (GSLP), including PLUS loans and Supplemental Loans for students.
 8. Student financial assistance provided under the Carl D. Perkins Vocational and Applied Technology Education Act is disregarded as income or resources when the assistance is made available to meet attendance costs, which include:
 - i. Tuition and fees normally assessed a student carrying the same academic workload as the applicant/participant, as determined by the institution, including costs for rental or purchase of any equipment, materials, or supplies required of all students in the same course of study; and
 - ii. An allowance for books, supplies, transportation, dependent care, and miscellaneous personal expenses for a student attending the institution on at least a half-time basis, as determined by the institution.
 9. Reimbursements for expenses associated with participation in unpaid voluntary activities, including:
 - i. Child or dependent care;

- ii. Transportation;
 - iii. Purchase or maintenance of clothing;
 - iv. Meals; or
 - v. The value of meals.
10. Assistance from other sources to meet needs not covered by the Reach Up benefit, for example:
- i. Assistance granted for a specific purpose, such as vocational rehabilitation, including incentive allowances being paid by the Division of Vocational Rehabilitation to an active Reach Up participant;
 - ii. Assistance for items and/or services not included in the standard assistance plan or medical assistance, such as special training for a child through a private agency, eyeglasses, or dental care; or
 - iii. General Assistance benefits.
11. Payments made by a Reach Up household member toward the support of a person(s) outside the Reach Up household pursuant to a court order for:
- i. Support;
 - ii. An Administrative Order for support issued by the Human Services Board; or
 - iii. A contract between the Office of Child Support and a noncustodial parent that requires the payment of child support.
 - A. To determine the amount of excluded income deduct the payment amount from the Reach Up household's countable earned income with any remaining balance deducted from their unearned income.
12. Adoption assistance, when verified by the Family Services Division (FSD) or a comparable agency in another state;
13. The value of 3SquaresVT benefits;
14. The value of the U. S. Department of Agriculture donated foods, which include surplus commodities;
15. Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;
16. Earned income of an eligible child if the child is a full- or part-time student;
- i. A student is a person who is enrolled in a school, college, university, or a course of vocational or technical training designed for gainful employment.

- ii. The income exclusion shall continue to apply during temporary interruptions in school attendance due to semester or vacation breaks, provided the child's enrollment will resume following the break.
17. Court ordered cash contributions for medical support paid by a noncustodial parent;
 18. Payments for support services and/or reimbursement for out-of-pocket expenses made to:
 - i. Individual volunteers serving as foster grandparents, senior health aides, or senior companions; or
 - ii. Persons serving in the Service Corps of Retired Executives, Active Corps of Executives, and any other program under Titles II and III pursuant to Section 418 of P. L. 93-133.
 19. Payments to individual volunteers under:
 - i. Title I of P. L. 93-133 Section 404(g);
 - ii. University Year For Action of P. L. 93-113 and PL 96-143; or
 - iii. Section 9 (VISTA), unless determined by the Director of ACTION to be equivalent to or greater than the federal or state minimum wage;
 20. Payments made under the Alaska Native Claims Settlement Act of 1971, as amended;
 21. Payments distributed per capita to or held in trust for members of any Indian Tribe under P. L. 92-254, P. L. 93-134, or P. L. 94-540;
 22. Payments received for the care of foster children in the custody of and placed by the Family Services Division;
 23. The room-and-board portion of income received by developmental home providers furnishing qualified foster care to individuals placed by the Department of Developmental and Mental Health Services (DDMHS) or by a developmental or mental health services agency under contract with DDMHS. (rule 2252.2).
 24. Reach Up support services, either as reimbursements or advance payments to the individual for child care, transportation, work-related expenses, work-related supportive services, education, or training-related supportive services;
 - i. Payments or reimbursements for child care expenses provided under Child Care Assistance for non-participants in Reach Up are also excluded as income in determining eligibility for or the benefit amount in Reach Up.
 25. Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended;

26. The value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended, and the Special Food Service Program for children under the National School Lunch Act, as amended (P. L. 92- 433 and P. L. 93- 150);
27. Income distributed to members of certain Indian tribes referred to in Section 5 of P. L. 94-114 effective October 17, 1975;
28. Any income received from an emergency fuel supplement or energy allowance to assist with the cost of heating;
29. The first \$50 of child support paid on behalf of a child who is a member of the Reach Up household within each calendar month.
 - i. When more than one noncustodial parent makes child support payments on behalf of a single Reach Up household in the same calendar month, the maximum amount of child support to be disregarded in determining the household's eligibility is \$50.
30. Any amount of child support paid on behalf of a child who is not a member of the Reach Up household.
31. Vermont and Federal Earned Income Tax Credits (EITC), whether received with each paycheck or as a refund, including lump sum;
32. Vermont and Federal Child Tax Credits;
33. Payments made pursuant to the Radiation Exposure Compensation Act (Public Law 101- 426);
34. Payments made under Indian Trust Funds Acts (Public Laws 97-458 and 98-64) and initial purchases made with such funds by the original recipient of the funds;
35. Up to \$2,000 annual income received from the lease or other uses of the individually-owned trust or restricted lands under the Indian Tribal Judgment Funds Use or Distribution Act, as amended;
36. Payments made pursuant to the Maine Indian Claims Settlement Act of 1980 to a member of the Passamaquoddy Indian Tribe, the Penobscot Nation, or the Houlton Band of Maliseet Indians;
37. Payments made to a member of the Aroostook Band of Micmacs pursuant to the Aroostook Band of Micmacs Settlement Act;
38. Financial assistance paid through the Disaster Mitigation Act of 2000, as amended, as major disaster and emergency assistance, including additional relief provided by States, local governments and disaster assistance organizations;
 - i. This disaster coverage is intended to provide relief to people living or working in an area severely struck by natural or man-made disaster.
 - ii. The disaster must have been so severe as to cause the President to designate a Federal Disaster Zone.
39. German reparations to concentration camp survivors, slave laborers, partisans, and other victims of the Holocaust, including settlement payments to victims of Nazi persecution or

their legal heirs resulting from the confiscation of assets during World War II.

2254 Resources

- a. Resources are defined as any assets, other than income, that a Reach Up household has available to meet the household's needs.
- b. Such assets generally take the form of real or personal property the household owns individually or jointly.
- c. The Department shall evaluate the total equity value of all resources, except items specifically excluded, to establish their combined value for comparison with the resource limitation outlined below.
- d. When a member of the Reach Up household and one or more persons, who are not members of the same household, own resources jointly, the Department shall consider at least a pro rata share of the resources available to the household unless they can demonstrate that such resources are inaccessible.
 1. When the Reach Up household can demonstrate that it has access to only a portion of the resource, the value of that portion shall count toward the household's resource limitation.
 2. The resource shall be considered totally inaccessible to the Reach Up household if the resource cannot practically be subdivided and the household's access to the value of the resource is dependent upon the agreement of the joint owner.
- e. While receiving Reach Up benefits (including periods with zero benefits), the Department shall treat any liquid asset received by a Reach Up household, not otherwise excluded, as lump sum income (rule 2248.1).
- f. The Department shall disregard from the combined resources limitation any portion of a liquid asset that the Reach Up household has set aside for currently incurred unpaid expenses included in their basic needs and housing allowance (rule 2244).
- g. The Department shall disregard from the combined resource limitation an amount equal to the Reach Up household's monthly income, if it is established that this income will be used to meet current monthly expenses.
- h. When feasible, future and potential sources of resources shall be identified and developed (rule 2258).
 1. Reach Up benefits, in the amount needed based on currently available resources, shall continue until such potential resources become available, at which time appropriate budgetary adjustment shall be completed.

2254.1 Combined Resources Limitation

- a. The maximum combined allowable resources, including both liquid and non-liquid assets, of all

members of the Reach Up household shall not exceed \$9000.

1. The resources of an ineligible household member on strike are counted as specified in rule 2233.1.
 2. The resources of an ineligible household member convicted of having made a fraudulent statement or representation with respect to their place of residence to receive assistance simultaneously from two or more states are counted as specified in rule 2233.2.
 3. The resources of an ineligible fugitive felon or probation or parole violator are counted as specified in rule 2233.3.
 4. The resources of a parent, who is ineligible for Reach Up benefits due to immigration status, count toward the Reach Up household's combined resources limitation.
 5. The resources of the spouse or civil union partner of a pregnant person with no children count toward the Reach Up household's combined resources limitation, if they live together.
- b. The total equity value of all real and personal property, except excluded items, may not exceed \$9000.

2254.2 Transfer of Property Prohibited

- a. Any Reach Up household member, who has voluntarily assigned or transferred non-excluded real or personal property for the purpose of qualifying for Reach Up benefits or for a larger amount than they would otherwise be entitled, is disqualified from receiving Reach Up benefits for a period of two years from the date of the assignment or transfer.
- b. Property transfers that occurred more than two years before the date of application for Reach Up benefits shall not affect eligibility.
- c. Property transfers that occurred less than two years before the date of application for Reach Up benefits shall not disqualify the Reach Up household if:
 1. The transfer was not made solely to qualify for Reach Up benefits;
 2. Fair market value was received, and remaining proceeds are within resource limitations; and
 3. The transfer was to a legally liable relative, who spent the equity on the household member's behalf, for any of the following:
 - i. Medical care;
 - ii. Funeral expenses of a deceased spouse;
 - iii. Mortgage payments;
 - iv. Property taxes or insurance;
 - v. Cost of maintaining the household member's home; or

- vi. Cost of the household member's living expenses in the relative's home.
- d. When a Reach Up household member could not initially establish eligibility due to a prohibited property transfer, they may avoid disqualification by having the property reconveyed to them for consideration as an available resource.

2254.3 Property Sales

- a. An excluded resource that is converted to a liquid asset is subject to the lump sum income rule 2248.1 when:
 - 1. There is a lump sum settlement from a real or personal property sale; and
 - 2. The property is owned by a Reach Up household member receiving Reach Up benefits.
 - i. Rule 2248.1 does not apply if the property was acquired before the Reach Up household member began receiving Reach Up benefits.
- b. The Reach Up household shall be permitted to retain the net proceeds from the sale of real property occupied as their permanent home for a period not to exceed 90 days, provided that:
 - 1. Net proceeds are held in a trust;
 - 2. The plan is to use these proceeds for purchase or construction of another home; and
 - i. The purchased home shall be occupied within 60 days from date of agreement to purchase; or
 - ii. The constructed home shall be completed and occupied within twelve months from date of agreement to construct.
- c. Payments to the Reach Up household under an installment contract on any real or personal property is treated as income and the balance of equity remaining from the mortgage is not considered a resource.
 - 1. The household retains the option of selling the mortgage or accepting a lump sum settlement (rule 2248.1).

2254.4 Excess Resources

- a. Any resources in excess of the combined resources limitation and not treated as a lump sum (rule 2248.1) shall be considered available to the Reach Up household.
- b. A Reach Up household shall become ineligible for benefits until such excess resources are exhausted.
- c. If the excess resources are equal to or exceed the Reach Up household's benefit amount, the household is ineligible for a period of 30 days or until resources fall below the combined resources limitation, whichever timeframe is longer.

2255 Real Property

- a. Real property is defined for purposes of Reach Up eligibility as fixed property, including land, buildings, and mobile homes.
- b. Real property owned, used, and occupied as a home by the Reach Up household shall be excluded from combined resources limitation.
- c. The value of the Reach Up household's equity in real property that is owned but is not being occupied as a home by the household, may be excluded from the combined resources limitation for a period of up to 6 months provided the household is making a good faith effort to sell the property.
 1. A good faith effort to sell means:
 - i. The property is listed with a reputable real estate agent or publicly advertised in a general newspaper, magazine, or online publication no less than weekly;
 - ii. The household is cooperating in marketing the property; and
 - iii. The household accepts reasonable purchase offers.
 2. Reach Up benefits paid during this home sale period shall be considered an overpayment.
 3. The household must agree that the proceeds of the sale shall be used to repay the Reach Up benefits received during this home sale period.
 - i. Any balance of the home sale proceeds shall be counted as a resource.
- d. If at the end of six months the property has not sold, and the Reach Up household continues to demonstrate a good faith effort to sell, the equity may be excluded from resources for a further period of 3 months with the approval of the Department.
 1. The equity must be considered a resource if the property is still unsold at the end of this additional three-month period.
- e. When a Reach Up household is temporarily living at a location other than property owned, and that property was previously used and occupied as their home, this temporarily uninhabitable property will be excluded from combined resources limitation. (rule 2247).
 1. When the home is uninhabitable for more than six months, exemption of the property as a home must be re-evaluated.

2256 Personal Property

- a. Personal property includes all liquid or non-liquid assets, other than real property.

- b. The Reach Up household may agree to convert payments being received as income on notes and mortgages under an installment contract to liquid assets.
- c. If payments are not being made on an installment contract and steps are not being initiated to foreclose, the entire equity remaining in a mortgage shall be considered a resource.
 - 1. If such resource exceeds the combined resources limitation, the Reach Up benefits will end.

2256.1 Liquid Assets

- a. Liquid assets are defined as cash, or assets that can readily be converted to cash and include:
 - 1. Interest on savings accounts only at time of initial Reach Up application and at each recertification;
 - 2. Stocks, bonds, and other securities shall be evaluated at the current market or redemption value; and
 - 3. The principal due on outstanding notes and/or mortgages payable to a Reach Up household member.
- b. Loans, grants and scholarships obtained and used, regardless of source, for a specific purpose that precludes their use for current living costs, shall be excluded as a liquid asset (rule 2257).
- c. In those cases where resources are close to the combined resources limitation, verification of accrued interest shall be required.

2256.2 Trust Funds /Trust Accounts

- a. Evaluation of trust funds/trust accounts as a countable resource shall consider the terms of the trust.
- b. The value of the trust fund/trust account principal that can be made immediately available to a Reach Up household member shall be considered a countable resource.
- c. Unless prohibited by terms of the trust fund/trust account, accrued interest shall be considered as income in the month received and a resource thereafter.
- d. The value of the trust fund/trust account principal that cannot be made immediately available shall be excluded as a countable resource.
- e. Any special provisions for use of the trust fund/trust account principal shall be evaluated as a future or potential resource, including but not limited to, the recoupment of an overpayment.

2256.3 Burial Plots - Funeral Agreements

- a. One burial plot for each Reach Up household member may be excluded as a resource.

- b. One funeral agreement per member may also be excluded, provided the equity value of the agreement does not exceed \$1500.

2256.4 Annuities

- a. Annuities must be included as a Reach Up household resource unless the household can demonstrate that these funds are not and cannot be made available to them.
- b. In counting resources of households with annuities, the total cash value must be counted minus the amount of penalty, if any, for early withdrawal.

2256.5 Vehicles

- a. A vehicle is defined as a passenger car, truck or jeep, motorcycle, camper, van, snowmobile or boat that is operable or stored on blocks and includes all major operating parts.
- b. A non-operable vehicle minus operating parts is considered junk and thus does not come within the definition of a vehicle.
 - 1. However, the salvage value of a junked vehicle may represent a substantial resource requiring individual evaluation.
 - 2. The vehicle's equity value equals the vehicle's fair market value minus the debt owed on the vehicle.
 - 3. In situations where the Reach Up household disagrees with the determined equity value of the vehicle being considered, a written appraisal of the value submitted by a licensed dealer will be accepted.
- c. The equity value of one operable motor vehicle for each adult and each child of driving age in the Reach Up household, who needs a vehicle to attend school or work, is excluded as a resource.
 - 1. In situations where the household owns additional vehicles, they shall identify each vehicle to be excluded.
 - 2. The equity value of all remaining vehicles owned by the household, unless otherwise excluded, must be counted towards the combined resources limitation.
- d. If a vehicle excluded under this provision is sold and then replaced within 30 days of the date of the sale with another vehicle, the proceeds from the sale will be disregarded as a resource during this 30-day period.

2256.6 Income-Producing Property

- a. Income-producing property is personal property used as a means of livelihood and is excluded from the combined resources limitation (rule 2254.1).

- b. Income-producing property usually exists in quantities beyond the customary needs of normal living and is used by members of a Reach Up household to produce income for support of the household, including:
 1. Vehicles;
 2. Tools;
 3. Livestock;
 4. Equipment;
 5. Machinery; and
 6. Similar goods owned.
- c. Income-producing property may be owned by an unemployed Reach Up household member, who can reasonably be expected to return to work.
 1. If there is no expectation that the unemployed Reach Up household member will return to work in that particular field, then the personal property shall be considered a resource.

2257 Excluded Resources

- a. The following items are excluded resources:
 1. Retroactive corrective payments that resulted from a Department underpayment in the month following receipt of the Reach Up benefit (rule 2218);
 2. Real property owned, used and occupied as a home by applicant/participant or the spouse of an applicant/participant;
 3. Equity value in real property owned, but not occupied as a home, by an applicant/participant for a certain period of time when a good faith effort is being made to sell (rule 2255);
 4. Basic items essential to daily living such as clothes, furniture and other similarly essential items of limited value;
 5. Personal property used to produce income (rule 2256.6);
 6. The value of 3SquaresVT benefits;
 7. The value of the U. S. Department of Agriculture donated foods or surplus commodities;
 8. Any resources held by a recipient of SSI/AABD;
 9. Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;
 10. Bona fide loans (rule 2201), excluding loans to undergraduate students for educational purposes, shall not be considered to be income or a resource available to the household;

11. Grants, loans or work/study to any undergraduate student for educational purposes that are:
 - i. Made or insured under any program administered by the Commissioner of Education;
 - ii. The sponsor of such grant or loan precludes the use of such funds for maintenance purposes; or
 - iii. The work/study program is administered by the college or university in which the undergraduate student is enrolled.
12. One burial plot for each Reach Up household member and one funeral agreement per member (rule 2256.3);
13. Any amount of renters' or property tax rebate excluded from income under rule 2248.1 and set aside for the purpose of using it to pay rent or property taxes due within 12 months of the Reach Up household's receipt of such rebate;
14. Payments to persons of Japanese or Aleut ancestry as restitution for injustices suffered during the Second World War;
15. Vermont and Federal earned income tax credits (EITC), whether received with each paycheck or as a refund following the end of the tax year, are excluded for a period of 12 months from receipt.
16. Vermont and Federal Child Tax Credits are excluded for a period of 12 months from receipt;
17. Payments made from the Agent Orange Settlement Fund or any other fund established because of the Agent Orange product liability litigation, retroactive to January 1, 1989;
18. The value of assets accumulated from the subsidized or unsubsidized earnings of adults and children in participating Reach Up households is excluded for the purposes of determining continued eligibility;
 - i. Interest earned on excluded assets is also excluded.
 - ii. Nonliquid assets, purchased with savings from earnings or with a combination of savings from earnings and other excluded income or resources, such as SSI/AABD retroactive benefits or federal earned income tax credit lump sum income, are excluded.
 - iii. Liquid assets excluded under this policy must be kept in a separate bank account from other liquid assets, unless to do so would create a hardship.
 - A. A hardship exists when there is no bank within a reasonable distance from the earner's residence or place of work that allows a bank account without charging fees.
 - iv. If a Reach Up household reapplies for benefits after benefits are terminated, assets accumulated during the time the household was not participating in Reach Up are excluded, provided that all other criteria specified for exclusion are met.
19. Payments made pursuant to the Radiation Exposure Compensation Act (Public Law 101-426);
20. Payments made under Indian Trust Funds Acts (Public Laws 97-458 and 98-64) and initial purchases made with such funds by the original recipient of the funds;

21. Interest held in a trust or in restricted lands under the Indian Tribal Judgment Funds Use or Distribution Act, as amended;
22. Distributions made under the Alaska Native Claims Settlement Act of 1971 (as amended) as follows:
 - i. Cash, including cash dividends on stock received from a Native Corporation to the extent that it does not, in the aggregate, exceed \$2000 per individual per calendar year;
 - ii. Stock, including stock issued or distributed by a Native Corporation as a dividend or distribution on stock;
 - iii. A partnership interest;
 - iv. Land or an interest in land, including those received from a Native Corporation as a dividend or distribution on stock; or
 - v. An interest in a settlement trust.
23. Payments made pursuant to the Maine Indian Claims Settlement Act of 1980 to a member of the Passamaquoddy Indian Tribe, the Penobscot Nation, or the Houlton Band of Maliseet Indians;
24. Payments made to a member of the Aroostook Band of Micmacs pursuant to the Aroostook Band of Micmacs Settlement Act;
25. Student financial assistance provided under the Carl D. Perkins Vocational and Applied Technology Education Act is disregarded as resources when the assistance is made available to meet attendance costs, which include:
 - i. Tuition and fees normally assessed a student carrying the same academic workload as the applicant/participant, as determined by the institution, including costs for rental or purchase of any equipment, materials, or supplies required of all students in the same course of study; and
 - ii. An allowance for books, supplies, transportation, dependent care and miscellaneous personal expenses for a student attending the institution on at least a half-time basis, as determined by the institution.
26. Student financial assistance provided under Title IV of the Higher Education Act or Bureau of Indian Affairs Student Assistance programs, including the following.
 - i. Pell Grants;
 - ii. Supplemental Educational Opportunity Grants (SEOG);
 - iii. State Student Incentive Grants (SSIG);
 - iv. College Work Study (CWSP);
 - v. Perkins Loans (formerly National Direct Student Loans), which do not include the Carl D. Perkins Vocational and Applied Technology Education Act outlined below; or
 - vi. Guaranteed Student Loans (GSLP), including PLUS loans and Supplemental Loans for students.

27. Financial assistance paid through the Disaster Mitigation Act of 2000, as amended, as major disaster and emergency assistance, including additional relief provided by States, local governments and disaster assistance organizations;
 - i. This disaster coverage is intended to provide relief to people living or working in an area severely struck by natural or man-made disaster.
 - ii. The disaster must have been so severe as to cause the President to designate a Federal Disaster Zone.
28. German reparations to concentration camp survivors, slave laborers, partisans, and other victims of the Holocaust;
29. Settlement payments to victims of Nazi persecution or their legal heirs resulting from the confiscation of assets during World War II;
30. Loan and cash value of whole life insurance;
31. Savings from earned income, matching dollar contributions, and accumulated interest deposited in Individual Development Accounts (IDAs) or a matched savings account sponsored by a community organization;
32. Funds in a retirement account, such as an individual retirement arrangement (IRA), a defined contribution plan qualified under 26 U.S.C. § 401(k), or any similar account as defined in 26 U.S.C. § 408; and
33. Funds in a qualified child education savings account, such as the Vermont Higher Education Investment Plan, established in 16 V.S.A. § 2877, or any similar plan qualified under 26 U.S.C. § 529.

2258 Potential Income and Resources

- a. Potential sources of income or resources shall be explored to meet current or future needs of the Reach Up household.
- b. Steps to identify and develop potential income or resources include:
 1. Filing an application for unemployment compensation for which the Reach Up household member may be entitled.
 2. If a household member potentially eligible for unemployment compensation fails or refuses to apply for unemployment compensation, they shall be ineligible for Reach Up.

2259 Potential Eligibility for Pension and Other Benefit Programs

- a. Entitlement to social security, Supplemental Security Income, railroad retirement, veterans' benefits, or similar benefit programs will be explored with the applicant/participant.
- b. Certain criteria may indicate potential or future entitlement of such benefits for these

applicants/participants and their legally liable relatives, including:

1. Current age;
 2. Physical or mental conditions;
 3. Survivor/dependent status of applicants/participants; and
 4. Employment and military service history.
- c. If any member of a Reach Up household is an elderly or disabled adult, or the child of a deceased or disabled parent, and has not already applied for social security or Supplemental Security Income benefits, the household shall be referred to the nearest social security office to apply for these benefits.

2260 Insurance and Liability Claims

- a. Insurance, in general, provides protection against specific future or unanticipated expense or loss of income.
- b. The following types of insurance owned by a Reach Up household member shall be evaluated for immediate or future potential income or resources:
 1. Life insurance, as a resource for burial and/or other final expenses of the insured, and as a source of income and/or resources for a surviving beneficiary of the Reach Up household;
 2. Health insurance, as a resource for illness or accident expenses of the Reach Up household;
 3. Disability income protection, potentially combined with either life or health insurance, as a resource to meet current needs of the insured and/or legal dependents; or
 4. Potential liability of a third-party shall be identified and appropriate claim initiated in cases involving personal injury and/or property damage.

2261 Potential Support from Relatives

- a. The Department emphasizes a support obligation of spouses, or civil union partners, for each other and of parents for their children.
- b. Potential sources of support shall be identified during the application/review process from the following legally liable relatives, who are absent from the home for any reason other than death:
 1. A parent of a dependent child; and
 2. A spouse.
- c. When appropriate, parents/caretakers shall be encouraged to take the initiative in securing support from other interested relatives and/or friends.

- d. Parents/caretakers shall cooperate with the Department to:
 - 1. Contact relatives, who may be legally liable for child support (rule 2232.1); or
 - 2. Pursue legal action to enforce child support obligations or establish parentage, unless there is good cause for refusal (rule 2232.3).

2261.1 Reporting Child Abandonment to Law Enforcement

- a. 33 VSA §1104 requires immediate notice to the appropriate law enforcement officials when Reach Up benefits are granted due to abandonment of a child by a parent.
- b. The applicant/participant must be informed of the Department's legal obligation under 33 VSA §1104 to report the receipt of Reach Up benefits to the appropriate law enforcement official.
 - 1. If the applicant/participant is unwilling to have the report made, they have the choice of withdrawing their request for benefits.
 - 2. Clear communication of this legal requirement, including the possibility that testimony may be required, is required to enable the applicant/participant to make an informed choice.
- c. Notification is required in all cases of abandonment by a biological, step or adoptive parent, including any married parent.

2262 Notice and Appeal of Reach Up Decisions

- a. Reach Up households have a right to notice (rule 2262.1) and appeal of actions the Department takes on their case or required actions the Department fails to take (rule 2262.2).
- b. The Department shall provide notice to all Reach Up households of their right to appeal to the Human Services Board for a fair hearing concerning the Department's actions or inactions and shall provide them with notice of their rights and the procedures applicable to such appeals.

2262.1 Notice of Appeal Rights

- a. The Department shall provide all Reach Up households with written notice of their appeal rights at the time of their application and each time they receive notice of any Department adverse action or decision.
 - 1. Department adverse actions are decisions that may deny, modify, or terminate a Reach Up household's benefits.
- b. The written notice shall include:
 - 1. The reasons for the adverse action or decision;
 - 2. How appeals may be initiated;

3. Where a person may obtain a copy of the Human Services Board rules; and
4. Where to obtain legal assistance, if needed.

2262.2 Grounds for Appeal of Reach Up Decision

- a. A Reach Up household that disagrees with the Department may appeal the following actions or inaction by the Department:
 1. Denial of their claim for Reach Up benefits or services;
 2. Failure to act with reasonable promptness;
 3. Actions that affect the household's receipt of benefits or services, including sanctions;
 4. Implementation of Department policy, or lack thereof, that affects the household's situation; and
 5. Required provisions included in the FDP.
- b. Appeals related to Reach Up Services decisions are covered in rule 2336.

2262.3 Appeal of Reach Up Decision

- a. A request for a fair hearing on a Reach Up household's appeal of a Department decision must be made within 90 days of the mailing date of the notice of decision.
- b. Except where indicated below, benefits continue without change if a household requests a fair hearing before the effective date of the decision and wishes to have benefits continue during the appeal process.
 1. A household may request that the adverse action be implemented pending the outcome of the fair hearing.
- c. If the effective date of the decision is on a weekend or a holiday, a household has until the end of the first working day immediately following the effective date of the decision to appeal the decision and receive continuing benefits.
- d. If benefits continue at the same level and the Human Services Board decision is favorable to the Department, then any overpayment received by a household pending the fair hearing will be subject to recoupment (rule 2219).
- e. If a household requests that benefits not be continued at the present level, and the Human Services Board decision is favorable to the household, the Department must retroactively pay any underpayments to the household.
- f. If a household withdraws from the fair hearing process prior to the fair hearing, the Department will seek recoupment of any overpayment received by the household because of the fair hearing request.

- g. Benefits do not continue without change in the following circumstances:
1. The sole issue is one of state or federal law or policy, or change in state or federal law;
 2. The household requests not to receive continued benefits pending the fair hearing;
 3. An unrelated change affecting the benefits occurs while the fair hearing decision is pending, the change is processed, and the household does not request a fair hearing after notice of that change; or
 4. The request for a fair hearing is made within the 90-day appeal period but not within the period that allows benefits to continue pending appeal.
- h. See rule 2262.4 related to continuation of benefits during a pending fair hearing related to protective payments.

2262.4 Appeal of Protective Payment Decision

- a. If a protective payment plan is used, the parent/caretaker may appeal to the Human Services Board for a fair hearing concerning the following protective payment decisions:
1. Determination that protective payment should be made or continued; or
 2. The selection of the protective payee.
- b. Protective payments shall continue pending the decision of the Human Service Board on the appeal request, even if a request for a fair hearing is made before the decision goes into effect, in the following cases:
1. Difficulty with money management results in budget assistance through a protective payment plan due to nonpayment of rent as determined under rule 2220.1(b)(1); or
 2. Where housing costs have been vendored due to the parent's/caretaker's temporary absence under rule 2220.
- c. Protective payments shall not continue pending the Human Service Board decision if a parent/caretaker requests an appeal before the decision goes into effect in the following cases:
1. Where the health and safety of the child is jeopardized by the inability of the parent/caretaker to meet basic financial obligations on a regular basis under rule 2220.1(b)(2); or
 2. Where housing costs have been vendored because of a sanction for failure to meet Reach Up services requirements under rule 2220.

2263 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.

Reach Up

2200 Reach Up (08/08/2008, 08-02)

The purpose of the Reach Up program is to:

- A. ~~assist families, recognizing individual and unique characteristics, to obtain the opportunities and skills necessary for self-sufficiency;~~
- B. ~~encourage economic independence by removing barriers and disincentives to work and providing positive incentives to work;~~
- C. ~~support parental nurturing;~~
- D. ~~support parental responsibility and positive parental role models, both custodial and noncustodial;~~
- E. ~~measure the success of the system by what is best for children;~~
- F. ~~improve the well-being of children by providing for their immediate basic needs, including food, housing and clothing;~~
- G. ~~respect the dignity of individuals and families receiving assistance by providing employment, education, and other services through social service delivery systems available to all Vermont citizens and by encouraging the private sector to integrate families receiving assistance into the mainstream of the employment market;~~
- H. ~~recognize the challenges facing many families receiving assistance by minimizing structural financial disincentives to increased earnings and the abrupt termination of assistance before parents are fully integrated into the employment market;~~
- I. ~~conserve state public financial resources by operating the system of aid in a manner that is efficient and avoids federal fiscal sanctions; and~~
- J. ~~conform to the federal TANF law.~~

Eligibility and Payment Process

2201 Eligibility and Payment Process (05/08/2018, 17-20)

The eligibility and payment process for Reach Up financial assistance consists of steps an applicant takes to request assistance and procedures the department follows to determine eligibility and payments. Steps within the process include:

- A. Application for assistance, including a request by an adult for addition to an existing financial assistance group.
- B. Interview. The interview shall provide the family with 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.
- C. Documentation of necessary information related to pertinent eligibility conditions including an initial family development plan (FDP) (rules 2322.1, 2330), and, for families who have received 60 or more countable, cumulative months of assistance, compliance with post-60-month FDP requirements (rule 2334) for a period of two consecutive weeks or, in the case of applicants claiming a deferment, supplying verification of and meeting the criteria for the deferment.
- D. Determination of initial or continuing eligibility and the amount of assistance.
- E. Written notice to applicants and participants of eligibility decisions.
- F. Authorization and payment of assistance for which applicants and participants are found eligible.

Eligibility and Payment Definition

~~2202~~ Eligibility and Payment Definition (07/01/2001, 01-06F)

~~The department defines eligibility according to state and federal laws and regulations that apply to receipt of Reach Up financial assistance.~~

~~The department defines payment as the form, frequency, and method used to pay Reach Up financial assistance to eligible individuals. The department pays assistance to or on behalf of eligible individuals through:~~

- ~~• money grants for Reach Up financial assistance;~~
- ~~• vendor payments from administrative funds for necessary expenses to establish eligibility for or to assure proper use of assistance; or~~
- ~~• vendor payments from Reach Up funds in lieu of money payments.~~

Case Records

2203 Case Records (10/01/1993, 93-47)

~~Permanent written records on each individual case shall be maintained and shall include applications for assistance, factual data, verification of information, budgetary computations, eligibility decisions, payment authorizations and copies of all correspondence.~~

~~Case information may contribute in statistical or other general terms to material needed for planning, research, and overall administration of department programs. Individual case data shall, however, be held in confidence under department regulations limiting disclosure of such information identifying a specific applicant/recipient.~~

~~Retention of records shall be subject to Federal and State requirements for audit and/or review.~~

Authorized Representative

2204 ~~Authorized Representative (10/01/1993, 93-47)~~

~~An authorized representative may under specific conditions act on behalf of an applicant/recipient (individual, family group or household group) to carry out specific activities related to establishing eligibility for, obtaining and using aid or benefits made available through department programs.~~

~~A judicially appointed legal guardian or legal representative automatically meets the criteria for an authorized representative.~~

~~A relative, friend, or other knowledgeable interested party with authority to act for the individual, may act on behalf of an applicant/recipient for Reach Up, who is unable to act for himself/herself due to physical or mental incapacity.~~

~~An applicant for Reach Up may, in an emergency precluding the presence of the applicant at a required interview, designate a representative to act on his/her behalf by addressing a letter, naming the individual designated and bearing the applicant's signature, to the department.~~

Fraud

~~2205~~ Fraud (10/01/1993, 93-47)

~~Fraud is defined by statute (33 VSA § 141) as:~~

- ~~A. Use of a willfully false statement, representation, impersonation, or other fraudulent device to obtain, attempt to obtain or aid and abet any person to obtain assistance or benefits to which s/he is not lawfully entitled or a larger amount than that to which s/he is lawfully entitled; or~~
- ~~B. Disposition of or knowingly aiding or abetting in disposition of property to obtain assistance to which a person is not entitled or a larger amount than that to which s/he is entitled.~~

~~2205.1~~ Suspected Fraud (05/01/1979, 79-21)

~~The following criteria will be used to evaluate cases of suspected fraud to determine whether they should be referred to a law enforcement agency:~~

- ~~A. Does the act committed appear to be a deliberately fraudulent one?~~
- ~~B. May the act be an incorrect omission or representation on the part of the client due to error, lack of understanding of eligibility requirements or of his responsibility for providing information to the Department?~~
- ~~C. May the act be a result of Department omission, neglect or error in securing or recording information?~~
- ~~D. Is the act a repetition of the same or similar acts which have been committed previously with subsequent explanation and clarification of the Department?~~

~~Examples of instances where fraud might be suspected and referral considered are as follows:~~

- ~~A. The recipient accepts and continues paid employment without notifying the Department after he has been clearly informed of the necessity of such notification.~~
- ~~B. The applicant for or recipient of assistance or benefits fails to acknowledge or report income from pensions, Social Security, or relatives when it is reasonably clear that there was a willful attempt to conceal such income.~~
- ~~C. The applicant for or recipient of assistance or benefits disposes of property (either real or personal) and attempts to conceal such disposal.~~

~~The above examples are intended as a guideline; each case will be evaluated individually.~~

Methods of Investigation (05/01/1979, 79-21)

~~Any investigation of a case of suspected fraud shall be pursued with regard for confidentiality and protection of the legal and other rights of the individual.~~

~~Procedures are established for review and documentation in the case record at all supervisory levels.~~

Fraud

Referral to Law Enforcement

(05/01/1979, 79-21)

~~Intent to defraud must be proven beyond a reasonable doubt to convict under the law; the final decision regarding referral to a law enforcement agency shall be the responsibility of the Commissioner.~~

2205.4 Records and Reports (05/01/1979, 79-21)

~~The department will maintain such records and submit such reports as deemed necessary by appropriate Federal agencies.~~

Quality Control Review

2206 Quality Control Review (05/01/1979, 79-21)

~~Continuing validation of the accuracy of information obtained through the simplified method and resulting decisions on eligibility and amount of aid or benefits is carried out through a Quality Control review of a random sample of each month's Reach Up caseload, at which time all items of eligibility are verified with the applicant and collateral sources. The focus is on the eligibility and correctness of payment of the case as of the review month from which the sample was selected.~~

~~The primary purpose of the validation review is assurance that department policies are clear and consistently applied and that applicants are able to understand and furnish accurate information. Whenever such review indicates possible willful fraud, further investigation and appropriate action shall be initiated.~~

Domestic Violence

2207 Domestic Violence (07/01/2001, 01-06F)

~~The department recognizes that families experiencing the effects of domestic violence may face a threat to the health, safety, and well-being of one or more family members as well as a barrier to economic independence. To encourage and help such families to address the effects of domestic violence, the department shall explain to applicants and participants that they:~~

- ~~• may ask for a deferment or modification to the work requirement (rule 2360);~~
- ~~• may ask for a waiver of the requirement to cooperate in the pursuit of child support (rule 2235.2);~~
- ~~• have a right to confidentiality unless the law requires a report of abuse; and~~
- ~~• may limit voluntary waivers of confidentiality based on criteria they choose, such as time periods or named collateral contacts.~~

~~The department shall provide this explanation at the time of application and eligibility review and at any time the department receives information indicating that the applicant or participant, or a dependent child, may be or may have been a victim of domestic violence.~~

~~Domestic violence is defined at rule 2301.~~

Application

2210 Application (02/04/2012, 11-04)

~~Application for Reach Up is the specific action of completing, signing and submitting an application form furnished by the department that conveys a desire to receive financial assistance or benefits from the department or to have eligibility for such assistance or benefits considered. An application for Reach Up may be considered as an application for Reach First when required or allowed by Reach First rules 2117, 2118. Application forms shall be signed by:~~

- ~~A. the individual applying for such assistance or benefits; or~~
- ~~B. an authorized representative of an individual applying for such assistance or benefits; or~~
- ~~C. where the applicant is incompetent or incapacitated, someone acting responsibly for him.~~

~~The date of application, which governs the time limit for rendering and implementing a decision on the application, is the first date on which a signed application form is received in any department office, regardless of whether such application is sufficiently complete for an immediate decision on eligibility.~~

~~Since an individual's initial contract(s) with the department may not always result in immediate submittal of a signed application form, all contacts (e.g., in person, by telephone, by mail, by referral from another agency) shall be considered inquiries up to the point of department receipt of a signed application form. Department response to inquiries shall include:~~

- ~~A. Furnishing application form(s);~~
- ~~B. Appropriate explanation of program(s) inquired about, including eligibility standards and criteria;~~
- ~~C. Explanation of applicant rights and responsibilities, including penalties for fraudulent acquisition and use of assistance and/or benefits.~~

~~A signed formal application for Reach Up furnished by the department is required to begin action on a request for financial assistance or benefits. Such application may be obtained by calling, writing, or visiting any of the Department's offices.~~

~~Any individuals, previously found ineligible for assistance and/or benefits, who believe their circumstances to have changed or who desire to have eligibility reconsidered, may reapply by submitting an up-to-date signed application form to the Department.~~

~~The formal application gives individuals the means to furnish information necessary for a decision, protects them from being ruled ineligible without formal application, informs them of their rights and responsibilities, and provides a basis for appeal if they are dissatisfied with any action of or lack of action by the department.~~

~~A relative, friend, or other interested party may assist an applicant in completion of necessary forms. The applicant or spouse, authorized representative, or legal guardian must sign the form and thereby assume responsibility for all information entered.~~

~~If an applicant has difficulty in completing an application or statement of need and no other person is available to assist, a department employee may record on a department form information furnished by the applicant. In such cases special care must be exercised to review the information entered before the applicant signs and assumes responsibility for the information.~~

Application

The individual in whose name an application is filed is designated the applicant, or the head of the applicant group. When a group of individuals apply together for assistance or benefits from more than one department program, it is preferable, although not mandatory, that the same member be designated head of the group for all programs.

For an application to be considered complete, the applicant must provide information about whether any members of the family have been convicted of a felony involving possession, use, or distribution of a controlled substance for an act committed after August 22, 1996.

Termination Due to Support Payment

(07/01/2001, 01-06F)

If a family's Reach Up was terminated because of countable child support in excess of the financial assistance grant, either alone or in combination with another reason affecting income eligibility, the department shall reinstate the family's participation in Reach Up effective the first day of the month when all the following conditions are met:

- The family becomes eligible for Reach Up during that month solely because of a loss or reduction of child support within the period of 12 consecutive calendar months beginning with the first full calendar month following the effective date of the Reach Up termination.
- The family has been ineligible for Reach Up since the termination.
- The family requests reinstatement by the 20th day of the month following the month in which the loss or reduction of child support first occurred.
- The family returns the forms required for reinstatement by the end of the month in which they request reinstatement.

During the 12-month administrative period, OCS shall distribute current child support collected on behalf of the family to the family within two days of receipt.

If, during the 12-month administrative period, the amount of monthly child support collected by OCS falls below the minimum amount that would have made the family ineligible when they were terminated from Reach Up, the department shall mail a Reach Up application to the family, along with other forms required to reinstate the family's eligibility.

2210.2 Choice of Program (02/04/2012, 11-04)

An applicant who is eligible for both Reach Up financial assistance and Supplemental Security Income (SSI), with or without the state AABD supplement, shall have free choice to select either program of financial assistance. No individual may, however, receive Reach Up financial assistance concurrently with receipt of federal SSI or state AABD. This prohibition does not preclude designation of a recipient of SSI as payee of a Reach Up grant on behalf of other eligible individuals.

Applicants and participants who apply for SSI or are pending a decision on an SSI application shall sign an agreement authorizing the department's recovery of Reach Up from SSI retroactive payments (rules 2330, 2335). Any family whose Reach Up is funded with state funds will reimburse the department according to the specifications in rule 2391.4.

Application

Deadline for Application Processing

(01/01/2001, 01-06)

~~Action on applications shall be completed as soon as possible but not later than within 30 days from date of application for Reach Up. Within this deadline a decision must be made concerning the application and a notice of that decision in writing sent to the applicant.~~

~~The above program deadline applies except in unusual circumstances (e.g., where a decision cannot be reached because of failure or delay on the part of the applicant or because of some administrative or other emergency that could not be controlled by the agency, in which instances the case record must document the cause for the delay). Failure to meet the established deadline shall not constitute the sole reason for denial of assistance unless it can be established and documented in the case record that such failure is the result of non-cooperation on the part of the applicant.~~

Methods of Investigation

~~2211~~ Methods of Investigation (02/01/2009, 08-10)

~~The applicant is the primary source of information about his need and eligibility for aid or benefits. Verification of information furnished on the signed application and through interviews is not required except as specified at 2211.3 Verification or elsewhere in rules.~~

~~Reliance on the applicant as the primary source of information to establish eligibility recognizes the right to privacy, but also places responsibility on the applicant to furnish necessary information completely and accurately or, when needed, to give consent to obtain such information elsewhere. The signature of an applicant or spouse, authorized representative, or legal guardian on an application must certify under penalty of perjury that information on the application pertaining to all members of the assistance group is correct and complete. Only one adult applicant signature is required (2208, Application). Department responsibility to assist an applicant to establish eligibility requires careful explanation and interpretation of program eligibility criteria and information needed to assess the applicant's circumstances against such eligibility criteria.~~

~~An applicant has a right to refuse to give information, or to submit required proof. Such refusal of information or action necessary to establish eligibility will result in denial or closure of aid or benefits. Willful misrepresentation of applicant circumstances will also result in legal action under fraud statutes. Department staff shall make every effort to assure full applicant understanding of the consequences of refusal to take necessary action to establish eligibility and/or misrepresentation of individual circumstances.~~

~~An individual may apply for aid or benefits through another person; for example: an authorized representative; a person acting responsibly for an incompetent or incapacitated individual; surviving relative or estate administrator of a deceased person. The individual acting for the applicant is, in such situations, considered the primary source of information, subject to the same rights, responsibilities and consequences for the applicant as an applicant acting directly for himself.~~

2211.1 Statement of Need (02/01/2009, 08-10)

~~The applicant's signed statement of need, contained within the application forms for the programs applied for, is the primary source document for information about the applicant's circumstances.~~

~~Application forms are designed to be as clear and simple to complete as possible, with due regard for the information necessary to establish eligibility. Appropriate descriptions of applicant rights and responsibilities, including penalties for willful misrepresentation of circumstances, are set forth immediately before the applicant's signature.~~

~~A signed Application form shall be sufficient to apply for Reach Up.~~

2211.2 Interviews (05/08/2018, 17-20)

~~An interview is required for all Reach Up applications. The department shall conduct interviews via phone. A face-to-face interview may be provided at the applicant's request.~~

~~The department may waive the interview requirement for applicants who are not mandatory members of the assistance group when they apply for financial assistance only on behalf of the children in the household (for example, caretaker guardians whose income or resources exceed the limits for inclusion in the assistance group or parents who are not included in the assistance group because they receive SSI/AABD benefits) if the following criteria are met:~~

Methods of Investigation

- ~~A. All questions on the application have been answered completely;~~
- ~~B. The application does not contain any questionable or inconsistent information; and~~
- ~~C. The department has received all required verification.~~

2211.3 Verification (05/08/2018, 17-20)

~~Verification, defined as a written entry in the case record of third-party or documentary confirmation of facts stated by an applicant, shall be required for the items listed below when the department is processing an initial application or eligibility redetermination for Reach Up financial assistance. Verification of individual items on this list is required when the participant reports a change in circumstances relating to that item or when the department receives information from some other source that indicates the most recent information reported by the participant may not be correct.~~

- ~~A. All non-excluded income (amount and source).~~
- ~~B. All non-excluded resources, within \$200 of the limit.~~
- ~~C. Actual dependent care costs claimed as a work expense and used as a deduction from earned income.~~
- ~~D. High risk pregnancy for a woman with no dependent children.~~
- ~~E. Paternity of biological father not married to child's mother.~~
- ~~F. Collateral information affecting eligibility or benefits.~~
- ~~G. Application for a social security number if the individual does not have one.~~
- ~~H. Months of TANF assistance received in another state.~~

~~Verification may be required for the following, if questionable:~~

- ~~A. Identity and residency.~~
- ~~B. Age, citizenship, or alien status for any member of the assistance group.~~
- ~~C. Any other information that affects eligibility or amount of benefits.~~

~~Written verification statements shall include sufficient detail to enable independent reviewer evaluation of the reasonableness of the resulting eligibility decision, including but not limited to a description of method used, dates, sources, summary of information obtained, and any computations required. If the wage earner cannot furnish complete pay stubs or similar verification, a statement of wages must be obtained from the employer.~~

~~The department shall verify and document earnings received in the prior 30 days for applicants and participants. For continuing eligibility, earnings must be verified at least once every six months.~~

~~However, if the earnings received in this 30-day period are not representative of current or future circumstances, then a best estimate must be made based on information and documentation obtained during the eligibility determination or redetermination. In such cases this alternative figure will be used to estimate monthly earnings.~~

Methods of Investigation

~~When earnings have just begun or changed; available pay stubs, a statement from the employer on wages and predicted hours of employment, or similar verification shall be used to make a best estimate of future earnings.~~

~~A change in dependent care costs is defined as a change in one or more of the following circumstances relating to the care provided:~~

- ~~A. the rate paid (hourly, daily, weekly, monthly) for required care;~~
- ~~B. person or facility providing care;~~
- ~~C. amount (number of hours per week) of care required; or~~
- ~~D. number of children or incapacitated adults requiring care.~~

~~A variation in dependent care costs caused solely by a school vacation, or illness or vacation on the part of the employed participant, lasting no longer than two weeks, shall not be considered a change in dependent care costs.~~

~~The following standard is to be applied when monthly dependent care costs vary as a result of minor fluctuations in the amount of employment related dependent care required. If total dependent care costs paid in the reporting month are no greater than 25 percent above or no less than 25 percent below the most recent monthly dependent care costs, the variation in dependent care costs will not fall within the department's definition of a change in dependent care costs and, therefore, will not require verification.~~

~~Verification of income from self-employment requires careful evaluation by the eligibility worker considering the following:~~

- ~~A. If the applicant or participant has been self-employed for a period of time and has reported this income to IRS, the latest income tax return can be used as one source, providing it reflects the current situation, for example, same type of self-employment, approximately the same number of hours and wages for employment.~~
- ~~B. An applicant or participant who has recently become self-employed shall provide a written statement of potential monthly income or all available business records (for example, income received, source of income, hours of work). Income shall be projected for 12 months based on these records.~~

~~Denial or closure shall result if an applicant or recipient:~~

- ~~• fails without good cause to submit documentation necessary for verification;~~
- ~~• fails without good cause to consent to verification of any eligibility factor;~~
- ~~• fails without good cause to cooperate in any investigation necessary to support an affirmative decision of eligibility.~~

Methods of Investigation

Good cause reasons include:

- A. ~~Natural disasters, such as fires or floods, having a direct impact on the applicant/recipient or an immediate family member.~~
- B. ~~Illness of such severity on the part of the applicant/recipient or an immediate family member that the applicant/recipient is unable to direct his or her personal affairs.~~
- C. ~~Refusal of an employer to provide earned income verification, or the unavailability of an employer to provide verification before the deadline.~~
- D. ~~Lost or stolen mail which is confirmed by the Postal Service.~~
- E. ~~Refusal of a landlord to verify housing expense.~~
- F. ~~Death of the applicant/recipient or an immediate family member.~~
- G. ~~Inability of a third party (e.g. Social Security Administration) to provide the necessary documentation within the designated time period.~~

~~Other reasons may be found to constitute good cause with the approval of the District Director or his or her designee.~~

2211.4 Collateral Sources (01/01/1987, 86-24)

~~Contact with sources other than the applicant may be made concerning his eligibility for aid or benefits. These contacts are limited to interviews, telephone calls, or correspondence necessary to obtain information required to make a decision on eligibility. Information requested from collateral sources is limited to the specific eligibility factors in question and may be made without the consent of the client when information by the client is either questionable or insufficient to determine eligibility.~~

~~Common collateral sources are relatives, landlords, employers, town officials, Town Service Officers, public records, doctors, medical facilities, etc. Other agencies which have worked with the client are generally the best source of collateral information.~~

Continuing Eligibility

2212 Continuing Eligibility (07/01/2001, 01-06F)

~~Reach Up benefits continue, as authorized, until changed or terminated due to:~~

- ~~• a change in circumstances;~~
- ~~• expiration of a period of eligibility;~~
- ~~• failure of a participant to provide sufficient information to allow a review of eligibility;~~
- ~~• failure of an adult subject to sanctions to comply with Reach Up services component requirements.~~

~~An active participant who refuses to participate in a quality control field review shall become ineligible for continued benefits.~~

Review of Eligibility

2213 Review of Eligibility (02/01/2009, 08-10)

~~A complete review of eligibility for continuing benefits shall be conducted periodically, as specified in 2213.1, for all Reach Up assistance groups. An eligibility review using application investigation methods encompasses all conditions and factors of eligibility. Each applicable factor shall be considered, and a decision made and recorded that the factor continues to be met or is no longer met.~~

- ~~A. Participants shall submit a new signed application at every eligibility review and provide current information about individual, family, and household circumstances in relation to program eligibility factors.~~
- ~~B. Interviews shall be required on the same basis as for initial eligibility.~~
- ~~C. Verification, including use of collateral sources as needed, shall be required on the same basis as for initial eligibility.~~
- ~~D. The participant is required to provide information about whether any members of the assistance group have been convicted of a felony involving possession, use, or distribution of a controlled substance for an act committed after August 22, 1996.~~

~~An eligibility review shall be complete when all the following applicable actions have been completed:~~

- ~~A. Written notice of the department's decision has been made available to the participant;~~
- ~~B. Any increased aid or benefits granted have been made available through the appropriate payment system, with due regard for immediacy of the participant's need for the increase;~~
- ~~C. Authorization to terminate or reduce aid or benefits has been processed through the appropriate payment systems.~~

2213.1 Reviews (02/01/2009, 08-10)

~~All assistance groups shall complete a full review of eligibility every 6 months or, at the discretion of the commissioner, every 12 months.~~

~~The eligibility review or period of eligibility for households may be scheduled at intervals shorter than that specified to coincide with known anticipated changes. A scheduled review interval or period of eligibility may not, however, exceed the 12-month limit.~~

Change of Circumstances

2214 Change of Circumstances (02/04/2012, 11-04)

The department has the responsibility of notifying the applicant of the requirement to report any changes in circumstances within 10 calendar days of the date the change becomes known to the assistance group. Applicants shall report changes that might affect eligibility or the amount of benefits (e.g., changes in income or resources, changes in the size or membership of the assistance group, new address, or termination of school attendance).

Applicants and participants shall notify the district office serving their area, by mail, telephone, or office visit, of any change in individual, family, or assistance group circumstances that may affect continuing eligibility for, or amount of, aid or benefits authorized under any department program. Such changes include, but are not limited to: residence location, family or assistance group composition, employment, income, and resources.

When a change is the addition of an adult to a financial assistance group, all eligibility conditions apply (2201) and are reconsidered for the new assistance group formed by the change.

A change reported for one program shall be considered to have been reported for all programs in which the assistance group is participating; for example, a change reported affecting Reach Up shall be considered reported for Medicaid and 3SquaresVT as well.

The district office shall, upon receipt of a report of changed circumstances, consider such changes in relation to all eligibility factors for all programs through which aid or benefits are currently authorized. If a reported change results in an assistance group's becoming ineligible, assistance shall be terminated for the earliest date for which the processing and notice deadline has not passed. The department shall reduce or terminate financial assistance without minimum advance notice for assistance groups sanctioned for noncompliance with services component requirements.

A description of payment cycles is given at rule 2222.

Reductions and closures resulting from changes reported fewer than ten days before the adverse action approval deadline may take effect for the next following benefit period. This ensures that recipients have a ten-day period in which to provide required verification and that department staff have a ten-day administrative period in which to complete whatever work is necessary to process the change. However, Eligibility Specialists should place a high priority on processing case actions before the next adverse action approval deadline.

When a scheduled review of eligibility will be due in the near future, or when the nature or extent of the change reported otherwise makes a full eligibility review desirable, the District Office may initiate a review in advance of the scheduled time limit.

2214.1 Change of Address (07/01/1994, 94-12)

A recipient of Reach Up shall notify the district office immediately of any change in his domicile advising of his new location and mailing address. Changes of domicile for other than visiting purposes shall require a review of circumstances and recomputation of budgeted need. Failure to so notify the district office may cause delay in receipt of assistance or benefits, can result in incorrect payments or render the department unable to determine continued eligibility to receive assistance. Visits away from his/her domicile of less than 30 days shall not generally warrant a change of address.

Change of Circumstances

~~A recipient of assistance or benefits who moves outside Vermont with the intent to domicile outside the state shall become ineligible upon abandonment of Vermont residence (rule 2233). Assistance shall continue for one full month following abandonment of Vermont residence to enable the recipient to apply for assistance at his/her new residence.~~

Deceased Participant

~~(02/01/2013, 12-18)~~

~~Eligibility of an individual recipient terminates upon death. Notice of death, processed through the applicable payment system(s), shall automatically cancel continuing payments and/or benefits to or on behalf of the deceased individual. Vendor payments for services incurred by eligible individuals before death shall, however, be authorized and paid, when billed within fiscal time limits.~~

~~Surviving members of an assistance group or household may continue eligible for aid or benefits following death of a group member. Continuing eligibility and resulting payment adjustments shall be established through appropriate eligibility review action.~~

Assistance Pending Fair Hearing

2215 Assistance Pending Fair Hearing (07/01/2001, 01-06F)

~~Requests for fair hearings must be made within 90 days of the mailing date of the notice of decision.~~

~~Except where indicated below, benefits continue without change if the participant requests a hearing before the adverse action date (i.e., no later than the 15th day of the month for midmonth adverse actions or the last day of the month for end-of-the-month adverse actions) and wishes to have benefits continue during the appeal process. However, the participant may request that the adverse action be implemented pending the outcome of the fair hearing.~~

~~If the 15th day of the month is on a weekend or holiday, the participant has until the end of the first working day after the 15th of the month to appeal the decision and receive continuing benefits.~~

~~If the last day of the month is on a weekend or holiday, the participant has until the end of the first working day in the new month to appeal the decision and receive continuing benefits.~~

~~If an adult sanctioned for failure to comply in full with the Reach Up services component requirements fails to comply with sanction requirements, receives a notice of termination, and requests a hearing within 10 calendar days of the notice, benefits for the month in question must be reinstated at the adult's request to the current month's level pending the outcome of the hearing. Assistance for subsequent months is dependent on compliance with sanction requirements (rule 2371).~~

~~If aid or benefits continue at the same level and the Human Services Board decision is favorable to the department, then any overpayment received by the participant pending the fair hearing will be subject to recoupment (rule 2225).~~

~~If the participant requests that benefits not be continued at the present level (i.e., the adverse action is implemented) and the Human Services Board decision is favorable to the participant, the department must retroactively pay any underpayments to the participant.~~

~~If the participant withdraws from the fair hearing process prior to the hearing, the department will seek recoupment or recovery of any overpayment received by the participant as a result of the fair hearing request.~~

~~Benefits do not continue without change in the following circumstances:~~

- ~~A. The sole issue is one of state or federal law or policy, or change in state or federal law; or~~
- ~~B. The participant requests not to receive continued benefits pending the hearing; or~~
- ~~C. The department has made a presumption of mismanagement as a result of a participant's nonpayment of rent (rule 2226.7); or~~
- ~~D. A change affecting the grant occurs while the hearing decision is pending, and the participant does not request a hearing after notice of that change.~~
- ~~E. The request for a hearing is made within the 90-day appeal period but not within the time period that allows benefits to continue pending appeal.~~

Decisions, Notification and Authorization

2216 Decisions, Notification and Authorization (07/01/2001, 01-06F)

By law, the commissioner is empowered to decide upon applications for benefits and to prescribe the amount of aid to be given. Authority to make case decisions is assigned to district directors or their designees.

Except for the situations listed in 2217.1, applicants and participants receive advance written notice of case actions affecting receipt and amount of benefits.

The department shall use appropriate procedures to authorize benefits and meet immediate and continuing need through the programs for which the applicant or participant is found eligible.

Application Decisions (07/01/1993, 93-33)

Decisions on applications or reapplications for assistance or benefits are classified as:

- A. Grants—when need exists, according to Department standards, and all other eligibility conditions of the program are met.
- B. Denials—when need does not exist, according to Department standards, or when one or more other eligibility conditions of the program are not met, or when the applicant cannot be located, or when the application is withdrawn by the applicant.
- C. Other disposals—when an applicant for current or future assistance or benefits dies before completion of the investigation.

2216.2 Money Payment (07/01/2001, 01-06)

Reach Up financial assistance shall be granted in the amount specified by department regulations and continue until changed. Provided all eligibility factors are met, money payments are granted effective the date of authorization, when the worker actually approves an eligibility decision, or 30 days from (and including) the date of application, whichever is earlier. This effective date applies to all applicants or reapplicants who apply after their eligibility for benefits has ended, except that families meeting the conditions specified in rule 2210.1 for reinstatement shall be granted effective the first of the month child support was reduced or terminated.

The initial grant shall be computed by multiplying the monthly amount of assistance to be granted (obtained by subtracting total net income from the precomputed payment standard) by the percentage below, which corresponds to the calendar day on which the grant is effective. This table is to be used no matter how many days there are in the month.

Percentage of Monthly Grant

Effective Date	Percentage	Effective Date	Percentage	Effective Date	Percentage
1	100	11	67	21	33
2	97	12	63	22	30
3	93	13	60	23	27
4	90	14	57	24	23

Decisions, Notification and Authorization

Effective Date	Percentage	Effective Date	Percentage	Effective Date	Percentage
5	87	15	53	25	20
6	83	16	50	26	17
7	80	17	47	27	13
8	77	18	43	28	10
9	73	19	40	29	7
10	70	20	37	30-31	3

2216.3 Review Decisions (01/01/1994, 94-12)

Decisions on review of continuing eligibility for assistance or benefits are classified as follows:

- A. ~~As is~~ when need exists, according to Department standards, in the same amount or scope and all other eligibility conditions of the program continue to be met.
- B. ~~Changes~~ when need exists, according to Department standards, in a greater or lesser amount or scope, and all other eligibility conditions of the program continue to be met. (Changes may result from Department error in award under current Department regulations.)
- C. ~~Closures~~ when need no longer exists, according to Department standards, or when one or more other eligibility conditions of the program are no longer met.

Review decisions shall be effective on the next date for which the case action can be processed, subject to any applicable advance notice requirement. If a change becomes known to the Department fewer than ten days before the next adverse action approval deadline, the eligibility worker should attempt to process the necessary case action before this adverse action approval deadline. However, if this is not possible, the decision will be effective for the benefit period which follows the benefit period affected by the adverse action approval deadline described above.

Notice of Decision

~~2217 Notice of Decision (03/12/1983, 82-103F)~~

~~Applicants for and recipients of Reach Up shall be furnished, prior to implementation of any decision affecting their receipt of such aid or benefits, a written notice which:~~

- ~~A. Specifies the type of action to be taken, and explains the action with reference to dates, amounts, reasons, etc.~~
- ~~B. Includes clear explanation of individual rights to confer with Department staff to request reconsideration of a decision, to request a fair hearing, and to request continuation of benefits pending a fair hearing decision if requested within specified time limits.~~

~~Unless specifically exempt, a decision resulting in termination or reduction in the amount or scope of aid or benefits or changing a grant to a protective payment system requires advance written notice of the proposed action. Advance notice must be mailed no less than 10 days prior to the effective date of the proposed action.~~

Exemptions from Minimum Advance Notice

(07/01/2001, 01-06)

~~The requirement for minimum advance notice of termination, reduction, or change in method of payment shall not apply to decisions resulting from the following:~~

- ~~A. A termination of benefits that results from the sanctioned adult's failure to comply with sanction requirements detailed in rule 2370.~~
- ~~B. A new or amended regulation promulgated under the provisions of the Administrative Procedures Act (3 VSA § 801 et seq.) that will have general and universal effect upon the benefits of a significant number of individuals and a general advance notice of such regulation change has been sent to all participants in the particular program affected.~~
- ~~C. The death of the only participant in a one-person assistance group;~~
- ~~D. The participant's voluntary request for such action as attested to by:
 - ~~1. Participant's signature, or the signature of authorized representative, on a formal waiver of notice; or~~
 - ~~2. Written submittal of information requiring such termination or reduction that contains the participant's clear admission of awareness that the required action will be taken.~~~~
- ~~E. A change of payee to continue assistance for the use and benefit of eligible children during or following family separation.~~

~~Except as indicated below, the notice to the participant must specify that benefits may not be continued pending the decision on an appeal, and the reason why.~~

2217.2 Money Grant Notice (03/01/1997, 97-9F)

~~Written notice of assistance granted shall include the following specific information:~~

- ~~A. Grant amount~~
- ~~B. Effective date of first payment~~

Notice of Decision

~~C. Conditions, if any, affecting continued payment (e.g., provisional award)~~

~~D. Method of payment (e.g., amount(s) and date(s); protective payment or vendor payment in lieu of regular payment).~~

~~Written notice of assistance denied shall include the specific reason for denial.~~

~~Written notice of assistance continued shall state that assistance continues "as is" or include the following specific information regarding a change:~~

~~A. Current grant amount and changed grant amount~~

~~B. Effective date of change~~

~~C. Reason for change~~

~~D. Method of payment (e.g., amount(s) and date(s); protective payment or vendor payment in lieu of regular payment).~~

~~Written notice of assistance closed shall include the following specific information:~~

~~A. Current grant amount~~

~~B. Effective date of closure~~

~~C. Reason for closure.~~

~~Money Grants~~

2220 Money Grants (11/1/13, 13-18F)

~~A money grant is a direct payment of assistance to or on behalf of, an eligible individual or family to meet need, as established under department regulations.~~

~~Reach Up money grants shall be made payable to the caretaker responsible for care and supervision of the eligible child, except when an alternate payee has been designated by court action or under Department regulations. Although the payee of the Reach Up grant is generally a member of the assistance group, a non-recipient caretaker may be designated payee to meet needs of eligible child in his/her care in the following situations:~~

- ~~A. A parent or other caretaker has his/her own needs met through a separate SSI/AABD grant for which he/she is payee in his/her own right.~~
- ~~B. A caretaker is not in need in his/her own right but provides care of eligible child(ren) in his/her home.~~

~~A recipient of a money grant shall not knowingly use or access assistance in any electronic benefit transfer transaction in a:~~

- ~~A. retail establishment which sells exclusively or primarily any alcoholic beverages defined in 7 V.S.A. § 2;~~
- ~~B. casino, gambling casino, or gaming establishment; or~~
- ~~C. retail establishment which provides adult oriented entertainment in which performers disrobe or perform in an unclotted state for entertainment.~~

~~A recipient who uses or accesses assistance in any of the above prohibited electronic benefit transfer transactions shall reimburse the department for the amount of assistance used or accessed in the prohibited transaction.~~

~~State law (33 VSA § 124) prohibits assignment, transfer, attachment, trustee process or execution with regard to money grants.~~

~~When funds available for payment of SSI/AABD and Reach Up grants are insufficient to provide assistance to all eligible individuals, State law (33 VSA § 114) requires reduction of assistance until sufficient funds become available.~~

Alternate Payee

~~2221~~ Alternate Payee (05/01/1979, 79-21)

~~Money grants shall be payable to the following individuals on behalf of a recipient under the conditions specified:~~

- ~~A. The court appointed legal guardian or legal representative of an Reach Up recipient unable, due to physical, mental or other limitations, to manage his own affairs.~~
- ~~B. A protective payee designated, under department regulations, to act on behalf of an Reach Up recipient who has demonstrated serious problems in management of funds or on behalf of an Reach Up recipient who has refused without good cause to accept employment or training.~~
- ~~C. Vendors of specific goods or services when vendor payment is used in lieu of designation of a third party payee for an Reach Up recipient.~~
- ~~D. A responsible adult acting temporarily in an emergency situation for the payee of an Reach Up grant,~~

~~Payment of assistance to a legal guardian or legal representative shall be authorized when a duly certified copy of the decree of appointment of the legal guardian or legal representative is received and filed in the case record, or is seen by an authorized department employee and such fact entered in the case record, or has been verified at the probate office.~~

~~Payment of assistance to a protective payee, or vendor payment of Reach Up assistance in lieu of payment to a protective payee, shall be authorized by the district director upon receipt of signed protective payment agreement.~~

Method of Payment

2222 Method of Payment (07/01/2001, 01-06F)

Regular monthly payments in the amount of the authorized grant will be made as follows:

~~100 Percent Payment Cycle~~

~~Except for assistance groups under controlled vendor payments (CVP) (rule 2226.5) or sanction for noncooperation with Reach Up services component requirements (rule 2370), assistance groups on whose behalf the Office of Child Support (OCS) collects child support payments from noncustodial parents (rule 2235) shall be in the 100 percent payment cycle and receive one payment at the beginning of each month to cover the entire month.~~

~~60-40 Percent Payment Cycle~~

~~All other assistance groups shall receive their grant amount in two payments. They will receive 60 percent at the beginning of the month to cover the first 15 days of the month and 40 percent on or about the 16th to cover the remainder of the month.~~

Daily payments for the authorized amount will be made in the following situations:

- ~~• grants authorized after the regular monthly payments (60 percent or 100 percent) are made for that month or the following month.~~
- ~~• increases authorized for the current month or the following month when payroll closing precludes implementation of the change through the regular monthly payment system.~~
- ~~• other authorized situations, such as controlled vendor payments or benefits issued to correct an underpayment.~~

2222.1 Vendor Payments (11/15/1996, 96-70)

~~Vendor payments are defined as all payments made directly to a third party who has furnished goods and/or services to, or on behalf of, an applicant for, or recipient of, aid, benefits or services under Department programs. Vendor payments cover the following types of authorized expenditures:~~

- ~~A. Administrative expense for services required to establish eligibility for assistance or to assure effective use of assistance payments.~~
- ~~B. Maintenance assistance authorized in lieu of direct money payment to the recipient.~~
- ~~C. Special needs payments, (rule 2263.2), when requested by the recipient or issued to home heating fuel suppliers for home heating fuel assistance.~~

~~Vendor billing, as defined under 1 and 2 above, shall require prior written authorization by designated Department staff. In specified emergency situations, oral authorization may be given; in such instances, confirming written authorization or approval of a designated staff member shall be required for payment.~~

~~Itemized bills shall be submitted in duplicate to the appropriate district office, when so directed, for approval. All other bills shall be submitted, itemized and in duplicate, and accompanied by appropriate written authorization to the State Office in Waterbury. Payment shall be made through established Department and State disbursement channels.~~

~~Contracts with specified vendors to provide goods and/or services shall specify acceptable methods of authorization, billing and payment for items covered under the contract.~~

Method of Payment

Maintenance Assistance

(03/01/1997, 97-9)

~~Vendor payments for maintenance assistance are currently limited to maintenance items authorized, in accord with ANFC protective payment regulations, by a district office employee in lieu of disbursement of the assistance grant to an alternate third party payee.~~

~~Vendor bills shall be paid upon receipt of an itemized bill, in duplicate, accompanied by written prior or confirming authorization.~~

Administrative Expenses

(03/01/1997, 97-9)

~~Administrative expense required to establish eligibility for assistance is currently limited to professional examination, evaluation and report on medical factors related to eligibility. Payment of reasonable charge for such examination and report shall be approved on receipt of the required written report and itemized bill.~~

~~Administrative expense required to assure effective use of assistance payments is currently limited to court costs (but not services of an attorney) incidental to appointment of a legal guardian or legal representative to safeguard the interests of a recipient of assistance. Payment to the court for necessary costs shall be approved on receipt of an itemized bill. Reimbursement to the individual appointed shall be approved on receipt of a written request accompanied by receipted itemized bills.~~

Deceased Payee

2223 Deceased Payee (03/01/1997, 97-9F)

~~A deceased recipient shall not be entitled to payment for any month following the month of death. Funds remaining from a grant paid before death of the payee remain available for use on behalf of the deceased recipient and/or eligible survivors.~~

~~Needs of deceased Reach Up recipients shall be removed from the Reach Up grant through the eligibility review process, with assistance continuing in the amount required to meet needs of surviving eligible members.~~

~~A payment for a period before the death of the payee will, upon notification, be reissued to one of the following specific individuals:~~

- ~~A. The administrator or executor of the individual's estate, if one has been appointed.~~
- ~~B. A surviving spouse, who was living with or dependent upon the recipient or payee.~~
- ~~C. The new payee of an Reach Up grant.~~

~~If a benefit is paid for a period after the death of the payee, a replacement payment shall not occur until the original payment is credited to the department.~~

Underpayments

2224 Underpayments (03/01/1997, 97-9)

~~Department errors that resulted in underpayment of assistance shall be promptly corrected retroactively under the following conditions:~~

- ~~A. When the information was available to the department at the time the error occurred to enable authorization of the correct amount.~~
- ~~B. Retroactive corrected payment shall be authorized only for the 12 months preceding the month in which the underpayment is discovered. Payments shall be authorized irrespective of current receipt of, or eligibility for, benefits.~~
- ~~C. The retroactive corrective payments shall not be considered as income or as a resource in the month paid or in the following month.~~

~~Corrective payments shall be retroactive to the effective date of the incorrect action, not subject to the above limitations, when:~~

- ~~A. Ordered as a result of a fair hearing or court decision.~~
- ~~B. Authorized by the Commissioner as the result of a department decision rendered on a formal appeal prior to hearing.~~

~~Retroactive corrective payments will be applied first to any outstanding unrecovered overpayment. The amount of corrective payment remaining, if any, shall be paid to the assistance group.~~

Overpayments

2225 Overpayments (02/04/2012, 11-04)

~~Overpayments of assistance, whether resulting from administrative error, client error or payments made pending a fair hearing which is subsequently determined in favor of the Department, shall be subject to recoupment. Overpayment amounts from undiscovered earnings shall be determined in accordance with rule 2275.4. Recovery of an overpayment can be made through repayment by the recipient of the overpayment, or by reducing the amount of payment being received by the Reach Up group of which he is a member.~~

~~Except for a case involving fraud, no recoupment need be carried out for individuals no longer eligible for Reach Up if the amount of the overpayment is less than \$35.00. Any overpayments of \$35.00 or more should be recovered from individuals no longer eligible for Reach Up. However, if after an attempt has been made to recover the amount and continued attempts at recovery would cost as much or more than the amount of the overpayment, further attempt at collection may be waived, with approval of the commissioner or the commissioner's designee.~~

~~Overpayments of assistance that are subject to recoupment from a participant's program benefit shall be recouped from the program in which the overpayment occurred. When participants who have been overpaid in one program transfer to or subsequently apply for and are found eligible in another program, the overpayment and recoupment shall not transfer to that other program. Any outstanding overpayment amounts may be recovered in other ways authorized under these rules and shall be recouped if the participant returns to the program in which the overpayment occurred.~~

~~No recoupment shall be attempted for months of overpayment occurring more than 12 months prior to the date of discovery unless the overpayment was caused by the recipient's willful withholding of information which affected the amount of payment. When a recipient's willful withholding of information caused the overpayment, recoupment of overpayments that took place within a three-year period prior to the date of discovery can be attempted. When an overpayment not caused by the recipient's willful withholding of information began more than 12 months prior to discovery, the department shall recoup only those overpayment amounts occurring during the 12 months prior to discovery.~~

~~Recoupment shall be made each month from any gross income (without application of disregards), liquid resources and Reach Up payments so long as the assistance unit retains from its combined income 90 percent of the amount payable to an assistance unit of the same composition with no income. For assistance units with no other income, the amount of the recoupment will equal 10 percent of the grant amount.~~

~~If, however, the overpayment results from Department error or oversight, the assistance unit must retain from its combined income 95 percent of the amount payable to an assistance unit of the same composition with no income. For assistance units with no other income, the amount of the recoupment will equal 5 percent of the grant amount.~~

~~If the individual responsible for the overpayment is no longer eligible or moves to another assistance group, recovery shall be either from that individual, the original assistance group, the new assistance group or both, at the Department's option as determined by the commissioner or the commissioner's designee.~~

~~If through the Department's administrative oversight certain requirements in the Child Support Program are not met, such as support payments not deducted from the first Reach Up benefit, the Department may recoup from the individual or assistance group. If a fraud referral is made, recoupment must be delayed pending the outcome of the fraud investigation.~~

Protective Payments

~~2226~~ Protective Payments (02/01/2013, 12-18)

~~Protective payments are management of assistance by a third party outside of the assistance group to meet the needs of a dependent child and the adults with whom the child is living. This is necessary when payment of assistance to an adult living with the child would be contrary to the welfare of the child, or when such payments are required as a sanction as indicated below. Management of assistance through controlled vendor payments is optional when the family requests direct payment for housing, utilities, or other basic needs and meets the requirements at rule 2226.5.~~

~~Protective payments are used as follows:~~

- ~~A. Protective payments are used as a temporary measure when difficulty in money management jeopardizes the welfare of the child and when an adult living with the child has the capacity to learn to manage the family's funds in a way to assure proper care of the child. This capacity can be presumed unless there is evidence to the contrary.~~

~~The benefit is paid to a protective payee who is interested in, or concerned with, the welfare of the family. If an acceptable protective payee cannot be found, a substitute form of protective payment known as Controlled Vendor Payments (CVP) is used (rule 2226.5 and Procedures Manual Protective Payments).~~

~~Families with money management problems as determined by the department, should be referred to money management counseling, if available in the community.~~

~~When mental or physical limitations preclude capacity to improve management of funds, legal alternatives shall be pursued. There must be documentation of inadequate physical capability or of mental incapacity that precludes self-care and concern for family welfare. Petition for appointment of a legal guardian or legal representative for an adult living with the child may be initiated by the department.~~

- ~~B. Protective payments for housing are made in cases where an adult living with the child fails to meet services component requirements, according to criteria in rule 2370.~~
- ~~C. Protective payments for housing are made in cases where a parent or caretaker is temporarily absent from the home according to the criteria in rule 2230.3.~~

~~2226.1~~ Money Mismanagement (09/01/1996, 96-57)

~~The District Director will evaluate evidence of money mismanagement, determine whether the recipient demonstrates the capacity to overcome these problems, and decide whether or not, based on these factors, a protective payment plan is warranted.~~

- ~~A. A determination of money mismanagement shall be made if one or more of the following three criteria are met:~~
- ~~1. A presumption of money mismanagement which threatens the health or safety of the child shall be made when an applicant's or recipient's rent payments are, at any given time, in arrears in an amount equivalent to two months or more of the incurred rent. Any rent which was incurred but not paid to the current landlord over the previous 12 months and which remains unpaid shall be taken into consideration in determining whether the equivalent of two months' rent has been reached. Rent will be considered overdue for any month when it remains unpaid ten days past the due date.~~

~~Protective Payments~~

- ~~2. Money mismanagement also exists where the health and safety of the children are jeopardized by the inability of the caretaker to meet basic financial obligations on a regular basis. Such obligations include, but are not limited to, the following:~~
- ~~a. rent, tax or mortgage payments;~~
 - ~~b. utility or service payments, such as those which provide heat, water and electricity;~~
 - ~~e. the provision of adequate food and clothing.~~

~~If failure to pay bills is threatening the loss of shelter or necessary services, this condition is sufficient to justify authorization of protective payments.~~

~~A determination that protective payments are necessary may be made if a pattern of nonpayment of rent, either alone or in combination with nonpayment of other basic financial obligations, is established.~~

~~A determination of money mismanagement may not be based solely upon the fact that bills are not paid on a timely basis. For purposes of this section, a bill shall be considered paid on a timely basis if paid within ten days of its due date. However, when either the provider issues a second bill for a new service (e.g., a bill for a separate oil delivery), or the bill for a succeeding time period becomes due (e.g., the next month's rent), the issue shall no longer be that of timely payment. The issue shall be whether nonpayment of bills is threatening the loss of services, thereby jeopardizing the welfare of the children.~~

- ~~3. In accordance with Act 158, money mismanagement exists when the health and well-being of the children are jeopardized due to the consequences of unpaid bills for the family's home heating fuel. This standard is met when an Reach Up family owes in excess of \$25.00 for home heating fuel on January 31 of the year in which the application is filed. Reach Up families with outstanding fuel bills in excess of this amount on January 31 will have any special needs fuel payments during the following heating season made in the form of controlled vendor payments directly to the family's heating fuel supplier.~~

~~Prior to determining the eligibility of a Reach Up family for payment of rental or mortgage arrearage assistance in the Emergency Assistance program at rule 2853, the department shall determine whether money mismanagement exists under the criteria in this section of Reach Up policy and initiate rent vendor payments where indicated. Potential eligibility for payment of rental or mortgage arrearage shall neither nullify nor affect in any other way any determination made under 2226~~

- ~~B. When the department receives information that money mismanagement may exist under criterion 1 or 2 above, no action will be taken until the department offers the recipient the opportunity to rebut the claim of mismanagement. The recipient will have at least 10 days to seek to rebut the claim.~~

~~The determination of money mismanagement made under criterion 1 or 2 above may be rebutted when a recipient can demonstrate one of the following:~~

- ~~1. Payment was withheld because of a reasonable exercise of consumer rights arising from a legitimate landlord-tenant dispute, and the recipient has arranged to pay rent (a) into an escrow account with their attorney; or (b) into an escrow account with a bank, if the landlord is in agreement; or (c) into a separate bank account, if the landlord is not in agreement; or (d) to the court, if so ordered, until such time as the dispute is resolved.~~

Protective Payments

~~A dispute is considered legitimate when:~~

- ~~• the landlord fails to comply with the landlord's obligations of habitability, and~~
- ~~• the tenant gave the landlord actual notice of the noncompliance, and~~
- ~~• the landlord fails to make repairs within a reasonable time and the noncompliance materially affects health and safety, and~~
- ~~• the noncompliance, is not caused by the negligent or deliberate act or omission of the tenant or a person on the premises with the tenant's consent.~~

~~Resolution of the dispute is considered achieved when that noncompliance is corrected.~~

~~Rent which is not paid to a landlord but which is diverted to make a repair to the recipient's shelter not made within a reasonable time by the landlord or to pay for fuel or utilities for which the landlord is responsible but has failed to pay shall not be considered unpaid rent in the determination of money mismanagement. The repair must be one which materially affects the health and safety of the children. The recipient must present receipts of repairs or purchase of fuel, etc. to document this claim.~~

~~If a recipient is already in a protective payment status, including parents sanctioned under rule 2312, when a legitimate landlord-tenant dispute arises, the recipient must set up and pay rent into an escrow account with an attorney or with a bank (if the landlord agrees) or pay rent to the court, if so ordered, to hold the rent pending resolution of the dispute. If a recipient on CVP does not arrange an escrow account, the eligibility worker holds the money in the recipient's Reach Up account pending resolution of the dispute.~~

~~Rent payments set aside to pay rent pending resolution of a legitimate landlord-tenant dispute are excluded as a resource (rule 2284). Once the dispute has been resolved, withheld rent payments not paid for shelter are counted as a resource.~~

- ~~2. Payment was not made because the family experienced an emergency or extraordinary event that appropriately required the use of funds.~~
- ~~3. Payment was not made because the family's essential expenses exceed their benefits and available gross income, after deduction of self-employment business expenses and a standard employment expense deduction. In addition, the family is making a good faith effort to pay for essential expenses. Essential expenses include rent; mortgage and insurance that is part of the mortgage; taxes; fuel; electricity; water; sewer; basic telephone; medical expenses not reimbursable under an assistance program or insurance plan or by a third party; work-related child care expenses not reimbursable under an assistance program or by a third party; food in an amount equal to the 3SquaresVT Thrifty Food Plan for the Reach Up household; and actual and reasonable school expenses. Reasonable school expenses do not include general purpose wearing apparel but do include wearing apparel that is not general purpose, not provided by the school, and required for a specific school activity in which the family member participates. The department determines whether school expenses are reasonable.~~

~~Income and benefits would include all those benefits available to the family to meet needs including, but not limited to, all earned and unearned income, the Reach Up benefit, child support payments and the child support passalong, the Lifeline telephone benefit, the Fuel Program line of credit or crisis benefit, the 3SquaresVT benefit, and the WIC benefit.~~

~~The fact that a Reach Up financial assistance payment does not include full rent does not by itself preclude a finding of money mismanagement.~~

Protective Payments

Payee Selection Criteria

(07/01/2001, 01-06)

Selection of the protective payee shall be with the parent or caretaker's participation and consent to the extent possible and based on the following considerations:

- A. ~~Interest or concern in the welfare of the family demonstrated by regular and frequent contacts, efforts to help at times of crisis, and evidence of friendship beyond that of ordinary neighborly concern.~~
- B. ~~Ability to help the family make proper use of the assistance payment, especially ability in ordinary household budgeting, experience in purchasing food, clothing, and household supplies within a limited income, and knowledge of effective household practices.~~
- C. ~~Availability to work with the family either by being close geographically or with means of transportation, and the necessary time to work closely with the family for their daily needs, household budgeting, and home management problems.~~
- D. ~~Ability to establish and maintain a positive relationship with the family, one that inspires the confidence and respect needed to motivate a desire for change and to acquire new skills.~~
- E. ~~Good character and reliability, a responsible and dependable person who can handle money vital to the well-being of the family and can deal with highly confidential information with respect for the rights of the family.~~

The following individuals, when qualified through interest in and concern for the welfare of the family, may be selected as protective payee:

- A. ~~A relative, friend, or neighbor.~~
- B. ~~Member of a church or community service group.~~
- C. ~~An individual who works with a voluntary or public social service agency (e.g., homemaker or housekeeping aide; practical nurse; health, rehabilitation or housing agency staff member; community aide [O.E.O.], town service officer).~~
- D. ~~A foster parent or other adult supervisor of a minor parent in a supervised living situation.~~
- E. ~~A qualified department employee, subject to conflict of interest limitations, if no other payee can be found. (rule 2226.3)~~

Qualified employees of the department may serve as protective payees only when no other suitable individual is available. When a department employee is selected, efforts to find another payee outside the department should continue. The case record must show continuing effort to secure a payee outside the department and the reason such efforts have not been successful.

Conflict of Interest Limitation

(07/01/1994, 94-12)

To avoid conflict of interest situations, the following individuals are prohibited from serving as payee:

- A. ~~State Office staff, District Directors, and District Supervisors.~~
- B. ~~Landlords, grocers, and other vendors of goods and services dealing directly with recipient; i.e., proprietors, administrators or fiscal agents of a nursing home, or social care, Medicaid or non-medical institution, except for superintendent (or his/her designee) of a public institution for mental diseases or for the mentally retarded.~~

Protective Payments

~~C. The eligibility worker determining financial eligibility for the individual, special investigative or resource staff, or staff handling fiscal processes related to the recipient.~~

2226.4 Payee Relationship (07/01/1994, 94-12)

~~A protective payee shall be appointed or terminated by the eligibility worker after review by the District Director. All appointments shall include a written definition of the arrangement defining the responsibilities and objectives of the plan, the authority of the payee, reporting responsibilities and recognition of the rights of the recipient and confidentiality of the relationship.~~

~~Services of a protective payee shall be terminated when:~~

- ~~• the client is considered able to manage funds in the best interests of the children, or~~
- ~~• a legal guardian or legal representative is appointed to serve the best interests of the recipient, or~~
- ~~• in the judgement of the eligibility worker, with approval of the District Director, the payee is not performing his/her responsibilities in the best interests of the recipient.~~

~~The protective payee has the authority to make decisions about the expenditures of the assistance payment. S/he may make the actual expenditures himself/herself, make them after joint discussion with the recipient, or supervise the recipient's spending. Actual current shelter costs should be met first, then other basic needs such as food, heat, water, and electricity and clothing. Any balance may be applied toward other needs.~~

~~Assumption of payments on behalf of the client by a protective payee shall not constitute a contractual arrangement between the Department or the protective payee and any providers of service to the client.~~

Controlled Vendor Payments (CVP)

(02/01/2013, 12-18)

~~The eligibility worker manages the grant through the controlled vendor payment system (CVP) by authorizing payments or vendor authorizations to pay bills and obtain basic needs. The department places families on CVP when:~~

- ~~• a determination of money mismanagement (rule 2226.1) precludes payment of benefits directly to the family and~~
- ~~• no protective payee has been appointed; or~~
- ~~• a parent is sanctioned for noncooperation with services component requirements (rule 2370); and housing costs must be vendored; or~~
- ~~• a parent or caretaker is temporarily absent from the home (rule 2230.3) and housing costs must be vendored; or~~
- ~~• a parent or caretaker requests direct payment and~~
 - ~~1. the financial assistance grant amount is sufficient to make the requested payments in full;~~
 - ~~2. the provider of housing or other services agrees to accept payment on the same schedule as Reach Up payments are made, and~~
 - ~~3. the provider agrees to the condition that direct payment may cease without notice from the department to the provider.~~

Protective Payments

~~The worker cannot spend more than the authorized grant amount, but can spend less and carry an unspent balance forward to a future month as necessary to budget for one-time expenses such as property taxes, mortgage insurance, and one-time resolution of a landlord-tenant dispute.~~

~~In making payments on behalf of the family, the worker shall first pay actual current shelter expenses before other disbursements are made.~~

~~Sixty percent of the benefits are available on the first of the month, and forty percent on the 16th. At the discretion of the worker and taking into consideration the portion of benefits available at a given time of the month, a schedule of rent payments will be established to insure that rent payments are kept current.~~

~~Any balance remaining in the account when the protective payee is appointed is paid to the payee.~~

~~Assumption of payments on behalf of the family by the department shall not constitute a contractual arrangement between the department and any providers of service to the family.~~

2226.6 Redetermination (07/01/2001, 01-06)

~~Reconsideration of the need for protective payments and the way in which a protective payee's responsibilities are carried out shall be as frequent as indicated by the family's circumstances, as specified in the Procedures Manual, Protective Payments section.~~

~~Once a determination of money mismanagement is made (rule 2226.1), protective payments will continue until the family's essential expenses are current or, in the case of vendor payments made under 2226.1 A 3, at the end of the heating season.~~

~~Steps toward judicial appointment of a guardian or other legal representative should be sought (see Procedures Manual P-2230) if, at any time, it appears that the parent or caretaker cannot benefit from the protective payee arrangement. Such steps should also be taken if CVP appear likely to continue beyond two years because efforts have not resulted in improved use of assistance on behalf of the family.~~

2226.7 Appeal (02/01/2013, 12-18)

~~If a protective payment system is used, the participant may appeal to the Human Services Board for a fair hearing concerning the following protective payment decisions:~~

- ~~A. Determination that protective payment should be made or continued.~~
- ~~B. The selection of the protective payee.~~

~~In cases of a presumption of mismanagement due to nonpayment of rent as determined under criterion 1 of 2226.1 or where housing costs have been vendored due to the parent or caretaker's temporary absence, protective payments shall continue pending the decision of the Human Service Board on the appeal request even if a request for a fair hearing is made before the decision goes into effect.~~

~~Determinations of a need for protective payments that are not based on a presumption of mismanagement due to nonpayment of rent, but are:~~

- ~~A. made under criterion 2 of 2226.1, or~~

Protective Payments

~~B. made as a result of a sanction for failure to meet services component requirements~~

~~will not have protective payments made pending the Human Service Board decision if a participant requests an appeal before the decision goes into effect.~~

Eligible Child

~~2230 Eligible Child ((03/01/2017, 17-02))~~

~~An eligible child is defined as an individual who meets all Reach Up criteria of need, age, and residence. An individual qualifies under the age criterion as a child if he or she is under 18. In addition, an 18-year-old child is eligible if he or she is a full-time student in a secondary school or an equivalent level of vocational or technical training and is expected to complete high school or the equivalent program before reaching his or her nineteenth birthday. Children who are eligible for Reach Up on the day before their eighteenth or nineteenth birthday remain eligible for Reach Up for the full calendar month during which their eighteenth or nineteenth birthday occurs.~~

~~An eligible child must also be living with a parent or a qualified caretaker. A parent or qualified caretaker may apply and be found eligible to participate in Reach Up on behalf of a child who is not yet in the home or is temporarily absent from the home. Eligibility for Reach Up assistance may continue, in certain circumstances, during the temporary absence of either the child or parent/caretaker from the home.~~

~~Physical aspects of the home and care of the child that appear to be below minimum standards of health and decency shall not limit eligibility as long as the child lives with the relative or qualified caretaker. Improvement of detrimental conditions shall be attempted through casework and related services; if hazardous conditions continue, protective action shall be initiated under applicable laws and regulations.~~

~~The parent or caretaker responsible for care and supervision of the child shall be a person of sufficient maturity to assume this responsibility adequately. Parents and children living together must be included in the same assistance group (see rule 2240 for exceptions). Another relative or caretaker living in the same household with the parents and children, who has assumed responsibility for the care and supervision of the children, can only be added to the assistance group if the parents are incapable of providing care and supervision for some reason, such as mental incapacity.~~

~~2230.1 Qualified Caretaker (7/1/2015, 15-08)~~

~~A qualified caretaker is a relative or unrelated adult acting in loco parentis (taking the role of a parent). A caretaker may be defined as a qualified caretaker if he or she meets the following conditions:~~

- ~~A. Is a person who is fulfilling a parental role which is in the best interest of the child(ren) and is providing physical care, guidance, and decision-making related to the child(ren)'s health, school, medical care and discipline.~~

~~If a parent of the child(ren) can be reached (for example, the parent is incarcerated), the decision to name a designated caretaker will be made after consultation with that parent.~~

~~Best interest of the child will be presumed when the child's life is able to continue as normally as possible in the absence of one or both parents, where there is no substantiated evidence of child abuse or neglect or other evidence of violence or criminal behavior by the caretaker, and where there is a pre-existing relationship with the child and the parent.~~

- ~~B. Is fulfilling this role because the parent(s) is not in the home due to death, incarceration, extreme illness such that the parent is unable to provide guidance, or or abandonment where there is no available relative able to care for the child, or where placement of the children with a relative would be considered unsuitable. The caretaker may be considered a more appropriate choice than an available relative due to the child's existing relationship to the caretaker and/or the caretaker's ability to provide quality care and guidance to the child.~~

Eligible Child

2230.2 Home (7/1/2015, 15-08)

A home is defined as the family setting maintained, or in process of being established, in which the parent or caretaker assumes responsibility for care and supervision of the child(ren). However, lack of a physical home (i.e. customary family setting), as in the case of a homeless family is not by itself a basis for disqualification (denial or termination) from eligibility for assistance.

The child(ren) and parent or caretaker normally share the same household. A home shall be considered to exist, in certain circumstances, during the temporary absence of either the child or parent/caretaker from the customary family setting.

2230.3 Temporary Absence from the Home (03/01/2017, 17-02)

In all cases where a child or parent/caretaker is or will be absent from the home for a period of 30 days or more, the parent or caretaker must notify the department, advising of the reason for the absence, the designation of the alternate payee (if applicable), and the parent/caretaker's intent to maintain a home for the child during the absence. All temporary absences of a parent or caretaker exceeding 30 days shall be subject to verification and approval by the department. Temporary absences of a child or parent/caretaker must not be expected to exceed 180 consecutive days. The 180-day count shall begin from the date the child or parent/caretaker leaves the home.

A. Temporary Absence of a Parent or Caretaker

1. A parent or caretaker who is temporarily absent from the home to receive inpatient or outpatient care from a hospital, substance abuse treatment facility, or other medical institution for a period greater than 30 days, but not expected to exceed 180 consecutive days, may continue to receive Reach-Up assistance if the following criteria are met:
 - i. The parent or caretaker continues to maintain a home and be responsible for the child;
 - ii. The parent or caretaker has arranged for a responsible adult to care for the child and to be designated as the alternate payee of the Reach Up grant during the absence;
 - iii. The parent or caretaker plans to return to the home at the end of the absence; and
 - iv. The household continues to meet all other eligibility requirements for Reach Up.
2. A parent or caretaker who is temporarily absent from the home for reasons other than to receive medical care as specified under (A)(1) (e.g. to handle a family emergency, seek employment, or out of home visits) may continue to receive assistance for a period not to exceed 30 days.

Eligible Child

- ~~3. For absences beyond 30 days, the department shall provide housing expenses by vendor payment if a housing allowance is included in the grant. Housing expenses include rent, mortgage, property taxes, insurance, allowable maintenance and repair, and room and board. If there is any balance remaining after the housing expenses are deducted, the remaining amount shall be paid to the designated alternate payee in two payments. Sixty percent of any remainder shall be paid within the first half of the calendar month and forty percent within the second half of the month.~~
- ~~4. Needs shall be budgeted pursuant to rule 2264.~~
- ~~5. Reach Up assistance will terminate when the parent or caretaker has been absent from the home for more than 180 consecutive days.~~

2230.3 Temporary Absence from the Home (03/01/2017, 17-02)

B Temporary Absences of a Child

- ~~1. Temporary absences of a child from the home, not expected to exceed 180 consecutive days, are limited to the following, unless the department determines that the child's circumstances are substantially similar to those described below:
 - ~~i. The child is placed in the custody of the Department for Children and Families pursuant to a court order and reunification with the parent or caretaker is the court-ordered permanency planning goal; or~~
 - ~~ii. The child is incarcerated.~~~~
- ~~2. Temporary absences of a child from the home exceeding 180 consecutive days are limited to:
 - ~~i. a child attending school pursuant to rule 2261.3; or~~
 - ~~ii. a child receiving care in a hospital, substance abuse treatment facility, or other medical institution.~~~~
- ~~3. The parent or caretaker of a child who is temporarily absent from the home for any of the above reasons shall continue to receive Reach Up assistance as long as the following criteria are met:
 - ~~i. The parent or caretaker with whom the child is living continues to maintain a home for the child;~~
 - ~~ii. The parent or caretaker plans for the child to return to the home at the end of the absence; and~~
 - ~~iii. The household continued to meet all other eligibility requirements for Reach Up.~~~~
- ~~4. Reach Up assistance on behalf of a child who is temporarily absent from the home for reasons other than those specified under (B)(1) and (2) (e.g. out of home visits) may continue for a period not to exceed 30 days.~~

Eligible Child

- ~~5. Needs shall be budgeted as though the child were living in the home of the parent or caretaker.~~
- ~~6. Reach Up assistance on behalf of the child will terminate when the child has been absent from the home for more than 180 consecutive days. For children placed in the custody of the Department for Children and Families, Reach Up assistance will terminate when reunification is no longer a court ordered permanency planning goal. Reach Up assistance on behalf of a child who is away from home attending school pursuant to rule 2261.3 or receiving care in a medical institution pursuant to subsection (B)(2) above may continue beyond a 180-consecutive days absence through the solely state-funded program.~~

B. Separation of Child and Parent or Caretaker at Time of Application

Benefits may be approved for an applicant if the child and parent or caretaker will be living together in the home within 30 days after disbursement of the first Reach Up payment. The department may exercise its discretion to extend this time period up to 180 days in order that unique situations may be addressed on an individual basis, but has no obligation to do so.

Eligible Parent

~~2231 Eligible Parent (03/01/2017, 17-02)~~

~~An eligible parent is defined as an individual who:~~

- ~~A. Lives in the same household with one or more eligible biological, legally recognized, step, or adopted children; and~~
- ~~B. Is not in receipt of benefits under the SSI/AABD program; and~~
- ~~C. Has met all other eligibility requirements set forth by these regulations (for example, cooperation with Reach Up services component requirements or obtaining a social security number).~~

~~The parent of a disabled child receiving SSI/AABD is also an eligible parent. Both parents, if living in the same household with eligible children, must be included in the Reach Up assistance group, unless subject to the five-year bar for qualified aliens, or another exception, as specified in rule 2240.~~

~~In the case of a pregnant woman having no children in her household, the pregnant woman's expected delivery date must fall within the next 30 days or, if she meets at least one of the conditions specified in 2240 C2, within the three month period following the month of application, and it has been determined that the child, if born, would be eligible for Reach Up. In addition, a Reach Up grant to an assistance group that includes a pregnant woman cannot be increased solely on the basis of her pregnancy.~~

~~When a pregnant woman with no children is living with her spouse or the biological father of her expected child, the department shall not include the needs of the spouse or biological father in the assistance group. The income and resources of the spouse, however, shall be considered in determining the pregnant woman's eligibility for Reach Up.~~

~~A parent whose parental rights have been terminated does not qualify as an eligible parent.~~

~~2231.1 Shared Custody (7/1/2015, 15-08)~~

~~When two parents share custody of a child, and both parents have applied for Reach Up and have claimed the same child as a member of their household, the eligible parent shall be determined according to the following table. In most cases, the eligible parent will be determined according to the Parental Rights and Responsibilities (PR&R) Agreement, regardless of where the parents claim the child is actually living.~~

Custody Situation	Eligible Parent
One parent has sole legal and physical responsibility pursuant to a Parental Rights and Responsibilities (PR&R) Agreement	The parent with sole legal and physical responsibility is the eligible parent.
One parent has physical responsibility for the child more than half of the time pursuant to a PR&R agreement.	The parent with physical responsibility for more than half of the time is the eligible parent.
The parents share physical responsibility for the child equally pursuant to a PR&R agreement.	The parent who applies first is the eligible parent.
The parents share physical responsibility for the child equally in the absence of a PR&R agreement.	The parent who applies first is the eligible parent.

Eligible Parent

~~When a parent, who does not have physical responsibility for a child more than half of the time, is the only parent to apply for Reach Up financial assistance, that parent will remain the eligible parent until the other parent applies for assistance and claims the child as a member of the household.~~

~~When there is a dispute between the parents as to the division of physical responsibility, in the absence of a PR&R agreement, the first parent to apply for assistance will remain the eligible parent until the other parent provides sufficient evidence to verify that the child primarily lives in the second household. This evidence includes, but is not limited to:~~

- ~~A. Current day care records;~~
- ~~B. Current school records;~~
- ~~C. Current medical records; or~~
- ~~D. Collateral statements from neighbors.~~

~~When adequate verification has been submitted by the other parent that is sufficient to prove that the child primarily lives in the second household, the first household shall be given 10 days to provide verification proving that the child primarily resides in the first household. If the first household does not provide verification proving that the child primarily resides in the household, the parent in the second household shall be the eligible parent.~~

~~2231.2 Multi-generational Households (7/1/2015, 15-08)~~

~~Minor parents living in the same household as their parents shall be permitted to have their eligibility determined separately from their parents, regardless of whether the parents are eligible for Reach Up financial assistance. One of the parents shall be designated as the alternate payee, unless the minor parent chooses to be the payee of the grant. However, minor parents may choose to be included in their parents' assistance group. Minor parents who choose to be included in their parents' assistance group shall be subject the requirements in rule 2336. Minor parents receiving their own grant do not meet the definition of "eligible child" under rule 2230 because they are not considered in need as defined by rule 2250, and therefore, the minor parent's parents do not qualify as eligible parents in relation to the minor parent.~~

Needy Essential Person

2232 ~~Needy Essential Person~~ (02/01/2009, 08-10)

~~An individual (other than the parent of an eligible child whose relationship automatically qualifies him or her for inclusion in the Reach Up assistance group) is deemed as an essential person and shall be included in the assistance group if he or she fulfills all of the following criteria:~~

- ~~A. The essential person lives in the same household with the applicant/recipient; and~~
- ~~B. He or she is not eligible in his/her own right for SSI/AABD or Reach Up, but is in need according to Reach Up standards.~~
- ~~C. He or she furnishes specific care and/or services which the applicant/recipient cannot perform himself or herself and which is deemed essential and which would need to be provided otherwise if the "essential" person were not in the household. This type of service includes:~~
 - ~~1. The provision of child care which enables a caretaker relative to work on a full-time paid basis outside the home;~~
 - ~~2. Care for an incapacitated family member in the home;~~
 - ~~3. The provision of child care that enables a caretaker relative to receive training full-time;~~
 - ~~4. The provision of child care that enables a caretaker relative to attend high school or General Educational Development (GED) classes full-time;~~
 - ~~5. The provision of child care, not to exceed a period of two months, that enables a caretaker relative to participate in Job Search or other Reach Up work programs.~~

~~To determine the need of an essential person who is not the spouse or parent in the assistance group, see rule 2221.~~

~~The determination of the essential person must be approved by a Supervisor.~~

~~When an "essential" person qualifies for either SSI/AABD or Reach Up, his/her needs shall be met only through application for and grant of aid in his/her own right. Such individuals shall not be included in an assistance group as a "needy" essential person.~~

Residence

~~2233~~ Residence (10/01/1993, 93-47)

~~State law (33 VSA § 1101) provides that, to be eligible for Reach Up, an individual shall be a resident of Vermont at the time of application for such assistance. A "Vermont resident" is defined as an individual who is domiciled voluntarily within Vermont regardless of the duration of such domicile. (To be "domiciled" is to be physically present in Vermont and to have an intent to make Vermont one's home, that is, not to be in the State for a temporary purpose, or with respect to a child, the state in which he or she is living on other than a temporary basis.) If such a person applies for Reach Up in Vermont and is eligible but is receiving benefits from another State, the grant should be computed for the overlapping periods. If the payment level in the other State equals or exceeds that of Vermont the application should be denied. If Vermont's payment level exceeds that of the other State, the balance can be given in a grant for the overlapping period.~~

~~A resident can also be one who is living in the State, and is not receiving assistance from another State and entered the State with a job commitment or seeking employment in the State (whether or not currently employed). A child living with a caretaker who qualifies under this definition is a resident of the State in which the caretaker is a resident.~~

~~For an individual coming into Vermont and going to a medical facility (e.g., hospital, nursing home, or mental hospital) to acquire medical care, see rule 2421.~~

~~Vermont has no citizenship requirements. An alien lawfully admitted for permanent residence or permanently residing in the United States authorized by law according to Immigration and Naturalization Service (INS) records, is eligible for Reach Up provided he or she meets all applicable eligibility factors. Aliens illegally residing in the country are not eligible for assistance.~~

~~Residence is retained until abandoned. "Abandonment" of Vermont residence is defined as a move outside Vermont with the intent to domicile outside Vermont.~~

~~A recipient of public assistance shall retain Vermont residence during temporary absence from Vermont for any of the following purposes:~~

- ~~A. visiting;~~
- ~~B. obtaining necessary medical care;~~
- ~~C. obtaining education or training sponsored under a program of vocational rehabilitation, work incentive or higher education.~~

~~Intent to return to Vermont upon achieving the purpose of such temporary absence shall be supported by appropriate substantiating facts. In all cases where a recipient is to be absent from the state for a period of 30 days or more, the recipient must notify the District Director responsible for his case, advising of her/his new location, mailing address, and his/her intent in respect to residence. Failure to so notify the District Director may cause delay in receipt of assistance or Department inability to determine continued eligibility to receive assistance.~~

Residence — Committed Child

(10/01/1993, 93-47)

~~The residence of a child committed by a Vermont Juvenile Court to the care and custody of the Family Services Division is Vermont, regardless of where the child is actually living. Eligibility on the basis of Vermont residence continues as long as the commitment order is in effect.~~

Residence

~~A child committed to the care and custody of another state shall be considered a resident of that state, even though actually "living" in Vermont, and thus ineligible for assistance (Reach Up) from Vermont.~~

~~Federal and State law (section 406 of the Social Security Act; 33 VSA § 1101 and 1102) require that, to be eligible for Reach Up, a committed child shall be living:~~

~~A. In a licensed or approved foster home in which he has been placed by the department (Reach Up FC); or~~

~~B. In the home of a relative, as defined for any dependent child (Reach Up).~~

~~Foster care placement and supervision under applicable Child Services regulations shall meet the criteria of residence in foster care.~~

Social Security Numbers

~~2234 Social Security Numbers (07/01/2001, 01-06F)~~

~~The department will notify applicants or participants that it uses social security numbers in the administration of the Reach Up program.~~

~~The department will advise applicants how to apply for social security numbers and will not delay, deny or discontinue assistance while the issuance and verification of such numbers is pending.~~

~~Refusal of any member of the assistance group to furnish, verify, or apply for a social security number shall make that individual ineligible for assistance.~~

Support Obligations and Payments

~~2235 Support Obligations and Payments (03/01/2017, 17-02)~~

~~Physical absence of a parent from the home, for any reason, does not relieve the parent of legal responsibility for support of dependent children. Any payment of Reach Up financial assistance made to or for the benefit of a dependent child creates a debt due and owing to the Department for Children and Families (DCF) by any noncustodial parent. The amount of said debt shall equal the amount of Reach Up paid, unless the Family Court rules otherwise, or unless the Office of Child Support (OCS), on behalf of the commissioner, enters into a voluntary agreement with the responsible parent to limit the debt, or unless the noncustodial parent presents a court order that limits said debt.~~

~~Participating parents who receive assistance through a Solely State Funded Program (see rule 2390) shall assign all child support rights to the DCF. The participating parent shall apply for services from the OCS, if not already receiving such services, and cooperate fully with the OCS in their efforts to collect the assigned support. The department shall deny or terminate assistance to participating parents, caretaker relatives and guardians who fail or refuse to apply for services from OCS.~~

~~2235.1 Assignment of Support Rights (02/04/2012, 11-04)~~

~~Assignment of support rights is the legal procedure by which a person receiving public assistance agrees to turn over to the state any right to child support, including arrearages, paid by the noncustodial parent in exchange for receipt of a financial assistance grant and other benefits. The state will use a portion of such child support to defray or recoup its expenditures for Reach Up financial assistance.~~

~~Assignment of support rights is a condition of eligibility for Reach Up financial assistance. This requirement applies to parents and other caretakers and may not be waived. Assignment of support rights to the department means all rights to support from any other persons applicants for financial assistance may have, including rights to support in their own behalf or on behalf of any members of the Reach Up assistance group.~~

~~The biological parent will sign the assignment of support rights when one of the parents is a stepparent, regardless of which parent is the applicant.~~

~~2235.2 Cooperation With Child Support (07/01/2001, 01-06F)~~

~~A parent or other caretaker of a child included in the Reach Up assistance group shall be required to cooperate in all practical and feasible means of establishing parentage and pursuing support from any noncustodial parent, unless good cause for refusal to cooperate is claimed and the decision is pending or granted.~~

~~Failure to cooperate, as determined by OCS, shall result in a 25 percent reduction in the amount of the family's Reach Up grant.~~

~~Areas in which the applicant's active cooperation is required include, but are not limited to:~~

- ~~A. Identifying and locating the parent of a child included in the assistance group.~~
- ~~B. Establishing the parentage of a child born out of wedlock included in the assistance group.~~
- ~~C. Obtaining support payments for the applicant or participant and for a child included in the assistance group.~~

~~Support Obligations and Payments~~

- ~~D. Obtaining any other payments or property due the applicant or participant or the child.~~
- ~~E. Appearing at times and places as requested to provide information or give witness at a judicial hearing.~~
- ~~F. Paying to the child support collection agency any child support payments received after an assignment of support has been made.~~

~~The department shall notify OCS of all noncustodial, legally liable relatives of children included in the Reach Up assistance group within two working days of the time assistance is granted, unless a request for a waiver from the requirement to cooperate is pending. The department must notify the applicant or participant of the right to request a waiver based on good cause (rule 2235.3) as an exception to the cooperation requirement.~~

~~Information provided to OCS is subject to verification with the applicant or participant.~~

~~2235.3 Good Cause for Refusal (07/01/2001, 01-06)~~

~~The department shall excuse a Reach Up financial assistance applicant or participant from cooperating with the establishment of parentage and pursuit of support when there is, in the department's judgment, good cause for noncooperation. Good cause exists when the department determines that cooperation is not in the best interest of the child for whom assistance is requested and is reasonably anticipated to result in any one of the following:~~

- ~~A. Serious physical or emotional harm to the child for whom support is being sought.~~
- ~~B. Physical or emotional harm to the participant parent or caretaker so serious that it reduces the ability to care for the child adequately.~~
- ~~C. At least one of the following circumstances exists, and the commissioner or the commissioner's designee agrees that, because of the existence of that circumstance in the particular case, requiring a parent or other caretaker to cooperate in proceedings to establish parentage or pursue support would be detrimental to the child for whom support would be sought:
 - ~~1. The child for whom support is sought was conceived as a result of incest or forcible rape;~~
 - ~~2. Legal proceedings for the adoption of the child are pending before a court of competent jurisdiction, or~~
 - ~~3. The applicant or participant is currently being assisted by a public or licensed private social agency to resolve the issue of whether to keep or relinquish the child for adoption, and the discussions have not gone on for more than three months.~~~~

~~2235.4 Request for Waiver (07/01/2001, 01-06)~~

~~A parent or other caretaker requesting a waiver of the cooperation requirement must provide evidence of a good cause circumstance or sufficient information to permit the department to determine the~~

Support Obligations and Payments

~~circumstances. A grant to a potentially eligible assistance group shall not be denied, reduced, or delayed pending a good cause decision.~~

~~When good cause is claimed, the penalty for noncooperation (rule 2235.2) will not be imposed as long as the individual is fully cooperating in obtaining evidence necessary to support waiver of the cooperation requirement. Upon request, the eligibility worker will provide reasonable assistance in obtaining evidence to support the claim.~~

~~At its discretion, the department may verify the evidence received or seek additional evidence necessary to evaluate a good cause claim. In processing requests for waiver of the cooperation requirement, the department will:~~

- ~~A. not contact the noncustodial parent from whom support would be sought unless such contact is determined to be necessary to establish the good cause claim; and~~
- ~~B. notify the parent or other caretaker of the child, prior to making such necessary contact, to enable the individual to:~~
 - ~~1. present additional evidence or information so that contact with the noncustodial parent becomes unnecessary;~~
 - ~~2. agree to the contact;~~
 - ~~3. withdraw the family's request for assistance; or~~
 - ~~4. refuse to allow the contact after being advised that this refusal will result in denial of the good cause claim.~~

~~Acceptable evidence upon which the department will base a determination of good cause includes, but is not limited to, documents such as law enforcement records; court documents; criminal records; birth certificates; medical records; social service, child protective services; or psychological records; records of adoption proceedings; and sworn statements from individuals, other than applicant or participant, with knowledge of the circumstances. Statements must be sworn to before a person authorized to take sworn statements, such as a notary public, justice of the peace, or county clerk.~~

~~If additional evidence is needed, the applicant or participant must be promptly notified of the type of documentation required.~~

~~Whenever the waiver request is based in whole or in part upon the anticipation of emotional harm to the child, the participant parent, or the caretaker, the present emotional state and health history of the individual subject to emotional harm must be considered as well as the extent of involvement of the child in the establishment of parentage or support enforcement activity to be undertaken. A finding of good cause for emotional harm may only be based upon a demonstration of an emotional impairment that substantially affects the individual's functioning.~~

~~When a claim is based on the applicant's or participant's anticipation of serious physical harm, no evidence is submitted in support of the claim, and the eligibility worker believes the claim to be credible, the claim will be investigated by the eligibility worker, with assistance from the child support worker if appropriate, to determine whether the applicant or participant has good cause for refusal to cooperate. The request and any available documentation should be submitted to the commissioner or the commissioner's designee.~~

Support Obligations and Payments

~~On the basis of the evidence, the commissioner or the commissioner's designee will determine whether cooperation would be against the best interest of the child for whom support would be sought. This determination will be made within a time frame that does not exceed 30 days from the day good cause claim is made, except when the required verification cannot be obtained within that time frame. The department will not deny, reduce, or delay assistance pending good cause determinations if the requester is cooperating in the collection of evidence.~~

~~OCS is prohibited from attempting to establish parentage or collect support in cases where the caretaker claims good cause for refusal to cooperate until a decision has been made regarding the waiver request. OCS may, however, attempt to establish parentage and collect support without the cooperation of the parent or other caretaker following a decision by the commissioner or the commissioner's designee that this can be done without risk to the child.~~

~~2235.5 Review of Good Cause Waivers (02/04/2012, 11-04)~~

~~A review of the continued existence of good cause circumstances upon which the waiver was granted is required no less frequently than at each redetermination of eligibility for those cases in which determination of good cause is based on a circumstance that may change. A formal decision based upon resubmission of evidence shall not be required, however, unless the eligibility worker determines that significant change of circumstances relative to good cause has occurred.~~

Citizenship

2236 Citizenship (02/01/2009, 08-10)

~~As a condition of eligibility for Reach Up an individual must be:~~

- ~~A. A citizen or national of the United States or~~
- ~~B. A qualified alien.~~

~~Exception: Certain qualified aliens are barred from Reach Up for five years.~~

~~Reach Up applicants must declare citizenship and alien status on the application. Non-citizens must provide documentation of immigration status. The state may undertake to document citizenship or identity through one or more data system cross matches that may be available for such purposes. If the state obtains the needed documentation, the individual need not provide additional proof in this regard.~~

~~A. Citizens and Nationals~~

~~A "U.S. citizen" is:~~

- ~~1. An individual born in the 50 states, the District of Columbia, Puerto Rico, Guam, Virgin Islands, and the Northern Mariana Islands (except for individuals born to foreign diplomats);~~
- ~~2. A naturalized citizen; or~~
- ~~3. An individual who otherwise qualifies for U.S. citizenship under §301 of the Immigration and Nationality Act (INA), 8 U.S.C. 1401.~~

~~A "national of the United States" is an individual who:~~

- ~~1. is a U.S. citizen or~~
- ~~2. though not a citizen, owes permanent allegiance to the United States.~~

~~As a practical matter, non-citizen nationals include individuals born in American Samoa or Swain's Island. For purposes of determining Reach Up eligibility, including verification requirements, citizens and non-citizen nationals of the United States are treated the same.~~

~~B. Qualified Aliens~~

~~A "qualified alien" is:~~

- ~~1. A lawful, permanent resident;~~
- ~~2. A refugee, including~~
 - ~~a. Individuals admitted to the United States under § 207 of the Immigration and Nationality Act (INA);~~
 - ~~b. A Cuban or Haitian entrant, as defined in § 501(e)(2) of the Refugee Education Assistance Act of 1980;~~
 - ~~e. An Amerasian, admitted to the United States under § 584 of the Foreign Operations Export Financing, and Related Programs Appropriation Act, 1988 (as contained in § 101(e) of Public Law 100-202 and amended by the 9th proviso under Migration and Refugee Assistance in title II of the Foreign Operations Export Financing, and Related Programs Act, 1989, Public Law 100-461, as amended);~~

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3. ~~An asylee, as defined in § 208 of the INA;~~
4. ~~An alien whose deportation has been withheld under:~~
 - a. ~~§ 243(h) of the INA, as in effect prior to April 1, 1997 (the effective date of § 307 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), division C of Public Law 104-208);~~
 - b. ~~§ 241(b)(3) of the INA, as amended by section 305(a) of division C of Public Law 104-208;~~
5. ~~An alien who has been granted parole for at least one year by the USCIS under § 212(d)(5) of the INA;~~
6. ~~An alien who has been granted conditional entry under § 203(a)(7) of the INA;~~
7. ~~A battered alien as defined at 2242.7 C;~~
8. ~~A victim of a severe form of trafficking, in accordance with § 107(b)(1) of the Trafficking Victims Protection Act of 2000; or~~
9. ~~An American Indian, born outside the U.S. and who enters and re-enters and resides in the U.S. is, for Reach Up purposes, considered a lawful permanent resident and, as such, a qualified alien. This includes:~~
 - a. ~~An American Indian who was born in Canada and who is of at least one half American Indian blood. This does not include the non-citizen spouse or child of such an Indian or a non-citizen whose membership in an Indian tribe or family is created by adoption, unless such person is of at least 50 percent American Indian blood.~~
 - b. ~~An American Indian who is a member of a federally recognized Indian tribe, as defined in § 4(e) of the Indian Self-Determination and Education Assistance Act, 25 U.S.C. 450b(e). Abenaki is not a federally recognized tribe.~~

C. Battered Alien

To qualify as a "battered alien" for purposes of establishing qualified alien status, the following condition must be met:

1. ~~The individual must be:~~
 - a. ~~A victim of battering or cruelty by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the victim and the spouse or parent consented to, or acquiesced in the battery or cruelty; or~~
 - b. ~~The parent of a child who has been such a victim, provided that the individual did not actively participate in the battery or cruelty; or~~
 - c. ~~The child residing in the same household of such a victim.~~
2. ~~The individual must no longer be residing in the same household as the perpetrator of the abuse or cruelty.~~
3. ~~The individual must have been approved for legal immigration status, or have a petition pending that makes a prima facie case for legal immigration status, under one of the following categories:~~

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- a. ~~Permanent residence under the Violence Against Women Act (VAWA);~~
- b. ~~A pending or approved petition for legal permanent residence filed by a spouse or parent on USCIS Form I-130 or Form I-129f;~~
- e. ~~Suspension of deportation or cancellation of removal under VAWA.~~

~~D. Five-Year Bar for Qualified Aliens~~

~~Immigrants who enter the United States on or after August 22, 1996 as qualified aliens are not eligible to receive Reach Up for five years from the date they enter the country. If they are not qualified aliens when they enter, the five-year bar begins the date they become a qualified alien. The following qualified aliens are subject to the five-year bar:~~

- 1. ~~Lawful permanent residents (LPRs);~~
- 2. ~~Aliens granted parole for at least one year;~~
- 3. ~~Aliens granted conditional entry (however, as a practical matter the five-year bar will never apply to such aliens, since, by definition, they entered the U.S. and obtained qualified alien status prior to August 22, 1996); and~~
- 4. ~~Battered aliens.~~

~~The following qualified aliens are not subject to the five-year bar:~~

- 1. ~~Refugees;~~
- 2. ~~Asylees;~~
- 3. ~~Cuban and Haitian Entrants;~~
- 4. ~~Victims of a severe form of trafficking;~~
- 5. ~~Aliens whose deportation is being withheld;~~
- 6. ~~Qualified aliens who are (1) honorably discharged veterans, (2) on active duty in the U.S. military or (3) the spouse (including a surviving spouse who has not remarried) or unmarried dependent child of an honorably discharged veteran or individual on active duty in the U.S. Military;~~
- 7. ~~Aliens admitted to the country as Amerasian immigrants;~~
- 8. ~~Lawful permanent residents who first entered the country under another exempt category (i.e., as a refugee, asylee, Cuban or Haitian entrant, trafficking victim, or alien whose deportation was being withheld) and who later converted to the LPR status;~~
- 9. ~~Immigrants who entered the United States and became qualified aliens prior to August 22, 1996; and~~
- 10. ~~Immigrants who entered prior to August 22, 1996 and remained "continuously present" in the United States until becoming a qualified alien on or after that date. Any single absence of more than 30 consecutive days or a combined total absence of 90 days before obtaining qualified alien status is considered to interrupt "continuous presence."~~
 - a. ~~Immigrants who do not meet "continuous presence" are subject to the five-year bar beginning from the date they become a qualified alien.~~

Citizenship

- ~~b. Immigrants do not have to remain continuously present in the United States after obtaining qualified alien status.~~
- ~~11. Members of a Federally recognized Indian tribe; and~~
- ~~12. American Indians born in Canada to whom Section 289 of the INA applies.~~

Special Cases of Ineligibility

2237 Special Cases of Ineligibility (07/01/2001, 01-06F)

Regardless of whether they meet all other eligibility requirements for Reach Up, certain families and individuals are ineligible for Reach Up. The following subsections define these special cases:

2237.1 Strike Participants (07/01/2001, 01-06)

~~The term "strike" includes any strike or other concerted stoppage of work by employees, including a stoppage by reason of the expiration of a collective bargaining agreement, and any concerted slowdown or other concerted interruption of operations by employees.~~

~~Participating in a strike means the act of stopping, slowing, or otherwise interrupting work in concert with others to obtain demands from the individual's employer.~~

~~The department will deny or terminate assistance to a family in which a parent is on strike. If another member of the assistance group is on strike, the needs of that individual will be removed from the assistance grant payable to the family. The department will consider such individual's income and resources available to the family if the individual is legally liable for the child.~~

~~Closure or reduction of the Reach Up grant will apply to the period in which the individual is participating in a strike as soon as administratively possible.~~

2237.2 Residence in Two States (07/01/2001, 01-06)

~~The department will deny or terminate assistance to individuals convicted in federal or state court of having made a fraudulent statement or representation with respect to their place of residence to receive assistance simultaneously from two or more states. Such individuals shall be ineligible for a 10-year period beginning with the date of conviction. The department will consider such individuals' income and resources available to the family. For any month beginning after the President of the United States grants a pardon with respect to the conduct which was the subject of the conviction, the individual shall be deemed eligible.~~

Fugitive Felons and Probation and Parole Violators (07/01/2001, 01-06)

~~The department will deny or terminate assistance to individuals who flee from justice to avoid detection, prosecution, or punishment after a felony conviction or who violate a condition of probation or parole imposed under federal or state law. The department will consider such individuals' income and resources available to the family. For any month beginning after the President of the United States grants a pardon with respect to the conduct which was the subject of the conviction, assistance will be not be denied.~~

Time Limits

2238 Time Limits (03/01/2017, 17-02)

~~A. A family in which a participating adult has received 60 or more countable, cumulative months of Reach Up financial assistance or cash assistance funded by a TANF block grant in another state, shall be ineligible for assistance under the Reach Up program, unless each participating adult is fully complying with Reach Up services component requirements and:~~

- ~~1. The participant is deferred from his or her work requirement for one of the reasons listed in rules 2363, 2363.1, or 2363.2; or~~
- ~~2. The participant is engaged in any of the countable work activities listed in rules 2350.1-2350.11, rule 2351, or any other work activity recognized in accordance with Title IV-A of the Social Security Act for the number of hours equal to the participant's work requirement.~~

~~B. The count for the time limit on assistance begins with July 1, 2001. Each full or partial month for which a participant receives financial assistance counts toward the 60-month time limit. A month in which only support services are received by an employed participant does not count toward the 60-month time limit. In a two-parent family in which the parents have not received assistance for the same number of months, the time limit is based on the parent who has received assistance for the greater number of countable months. Assistance received under the Postsecondary Education, Reach First, and Reach Ahead programs does not count toward the 60-month limit.~~

~~A month in which financial assistance is received does not count toward the 60-month time limit if the participant is deferred from his or her work requirement for a full calendar month for one or more of the following reasons:~~

- ~~1. The participant is unable to work pursuant to rule 2363.2;~~
- ~~2. The participant is caring for a child during the first 12 months of a possible 24-month deferment granted pursuant to rule 2363(c) (NOTE: no more than 12 cumulative, deferred months shall be exempt from counting toward the 60-month time limit in a participant's lifetime);~~
- ~~3. The participant is affected by domestic violence pursuant to rule 2363.1; or~~
- ~~4. The participant is needed in the home on a full-time basis to care for an ill or disabled parent, spouse, or child pursuant to rule 2363(F).~~

Time Limits

~~C. The time limit shall not apply in the following cases:~~

- ~~1. Single or two parent families with at least one parent under the age of 18;~~
- ~~2. A dependent child living with a non-parent caretaker who is not in the assistance group; or~~
- ~~3. A dependent child living with a single parent who receives SSI/AABD benefits, or with two parents who both receive SSI/AABD benefits.~~

~~2238.1 Termination after 60 Months (05/08/2018, 17-20)~~

~~For families who have received 60 or more countable, cumulative months of assistance, noncompliance with Reach Up services component requirements, without good cause, or not fulfilling the work requirement, without good cause, will result in termination of the family's Reach Up grant. Good cause shall be determined according to rules 2372 and 2373.~~

~~2238.2 Reapplication after 60 Months (03/01/2017, 17-02)~~

- ~~A. A family whose Reach Up grant was terminated for either noncompliance or not fulfilling the work requirement, without good cause, after having received 60 or more countable, cumulative months of assistance may be eligible for assistance at any time following a break in assistance of at least two months.~~
- ~~B. A family whose Reach Up grant was terminated for a reason other than noncompliance or not fulfilling the work requirement, without good cause, after having received 60 or more countable, cumulative months of assistance may be eligible for assistance at any time following termination of the grant.~~
- ~~C. A family whose Reach Up grant will be terminated for a reason other than noncompliance or not fulfilling the work requirement, without good cause, must continue to comply with all Reach Up requirements until the grant is terminated; a family who does not comply with these requirements and does not have good cause for not complying, will not be eligible to receive benefits for two months from the date the grant is terminated.~~
- ~~D. Assistance shall be paid only upon complying fully with post-60-month FDP requirements (rule 2334) for a period of two consecutive weeks or, in the case of applicants claiming a deferment, upon supplying verification of and meeting the criteria for the deferment. A family whose application is denied for not completing the two-week period of compliance or supplying verification of a deferment may reapply at any time.~~
- ~~E. A family who received continuing benefits (see rule 2215) during the period of time in which they would have been subject to a two-month break in benefits will not be eligible to receive benefits for two months from the date their grant is terminated pursuant to a Human Services Board order affirming the Department's decision. The Department shall not recoup such benefits except for those continuing benefits paid beyond two months.~~

Formation of the Assistance Group

2240 ~~Formation of the Assistance Group (03/01/2017, 17-02)~~

~~An "assistance group" is defined as one or more individuals whose requirements, income, and resources are considered as a unit to determine need for financial assistance.~~

~~A Reach Up assistance group must include one or more eligible dependent children. In addition, the assistance group must include all siblings, including half-siblings, living with the dependent child or children and qualifying under the age criteria, as defined in policy. A parent must be included in the assistance group if the parent lives in the home with a child included in the assistance group unless the child's legal guardian is receiving assistance on behalf of the child, in which case the legal guardian may choose to not have the parent included in the child's assistance group. A parent whose residence in the home is interrupted by active duty in the uniformed services of the United States or by education, training, or employment away from home must be included in the assistance group.~~

~~There are three exceptions to the requirement that a Reach Up assistance group include at least one eligible child. They are:~~

- ~~A. A family in which the only dependent child (or children) is a disabled child recipient of SSI/AABD benefits.~~
- ~~B. A family that consists of a pregnant woman (with or without the father or stepfather of her unborn child) having no children in her household when either the woman self-declares on her Reach Up application or it has been medically verified that the pregnant woman's expected delivery date falls within the next 30 days and it has been determined that the child, if born, would be eligible for Reach Up.~~
- ~~C. A family that consists of a pregnant woman (with or without the father or stepfather of her unborn child) having no children in her household when high risk pregnancy has been medically verified, or by self-declaration on her Reach Up application if the applicant is a pregnant minor, and the pregnant woman's expected delivery date falls within the three-month period following the month of application but not within the next 30 days and the following two criteria (a and b) have been met:
 - ~~1. The child, if born, would be eligible for Reach Up.~~
 - ~~2. The pregnant woman meets at least one of the following conditions:
 - ~~• The pregnant woman is a minor. In addition, when a woman has been eligible for and receiving Reach Up financial assistance as a pregnant minor, and her 18th birthday falls before the 30th day immediately preceding her expected delivery date, her eligibility for Reach Up on the basis of being a pregnant minor continues through the end of the pregnancy.~~
 - ~~• The pregnant woman is not a minor and requests consideration for early Reach Up eligibility on the basis of her belief that she is unable to work due to a high risk pregnancy and is found eligible on this basis.~~~~~~

~~A pregnant woman who has been determined disabled by the state's disability determination agent for Medicaid in accordance with applicable requirements of the Social Security Act shall be presumed to be unable to work due to a high-risk pregnancy.~~

~~The ability to work of all other pregnant women having no children in their household who seek Reach Up benefits before the 30th day immediately preceding the pregnant woman's expected delivery date (and who are not eligible as minors and not members of the grandparented group identified in the following bullet) shall be determined on the basis of a case-by-case assessment of the~~

Formation of the Assistance Group

~~medical conditions present, to what degree those conditions are controlled or modified by treatment, and other relevant medical factors.~~

~~This determination shall be made by the commissioner or his or her designee on the basis of medical evidence provided by the woman's obstetrician, nurse midwife, or other qualified medical professional (as determined by the commissioner or his or her designee) and obtained by the pregnant woman, and additional medical data when deemed necessary by the commissioner or his or her designee, which he or she shall obtain from the treating obstetrician, nurse midwife, or other qualified medical professional, or on a consultative basis.~~

~~Medical professionals who perform examinations required to enable the department to determine a pregnant woman's ability to work due to a high risk pregnancy will be provided reasonable reimbursement from administration funds.~~

~~The determination of a pregnant woman's ability to work shall be based on whether she can perform any substantial gainful activity which exists in the local or adjacent labor markets and shall not be limited to a determination of whether she is able to perform work in which she is currently or has been previously engaged. Non-medical factors, including but not limited to previous employment history, current employment status and availability of alternative sources of income support, and health related factors, such as a pattern of substance abuse on the part of the pregnant woman, or other high risk behaviors on her part, shall not be the basis of a determination that a pregnant woman is unable to work due to a high risk pregnancy.~~

~~In the case of a pregnant woman seeking Reach Up benefits on this basis, the department shall determine eligibility no later than 10 calendar days following receipt of all information necessary to make the eligibility decision.~~

- ~~• The pregnant woman is eligible for and receiving Reach Up benefits on the basis of pregnancy on June 30, 1996, and continues to be eligible on that basis.~~

~~The assistance group may also include the following individuals when they are living in the same household:~~

~~A. A needy caretaker.~~

~~B. A needy essential person.~~

~~The assistance group shall not include an individual receiving benefits under the SSI/AABD program. Income and resources of a SSI/AABD recipient shall be excluded from consideration in determining income and resources for the Reach Up financial assistance group, except that \$115.00 of the SSI payment received by a parent shall be counted as unearned income when determining the amount of the family's benefits. If both parents receive SSI, a maximum of \$115.00 of the parents' combined SSI payments will be counted. Parents who receive SSI will continue to be excluded from the Reach Up assistance group for all other purposes. A child's SSI payment will not be counted, even if a parent receives the payment on behalf of the child. Caretakers' SSI payments will not be counted.~~

~~For purposes of this rule, the terms "SSI/AABD recipient" and "individuals receiving benefits under the SSI/AABD program" include disabled individuals who received SSI/AABD, became gainfully employed, and were subsequently granted 1619(b) status by the Social Security Administration. They shall continue to be considered SSI/AABD recipients during any months in which their 1619(b) status remains in effect, whether or not they receive an SSI/AABD payment during those months.~~

Formation of the Assistance Group

~~An individual participating in the Job Corps program who normally returns home on weekends is entitled to be a member of the Reach Up financial assistance group.~~

~~The assistance group shall not include a sibling or a parent subject to the five year bar for qualified aliens. The income and resources of such a sibling shall not be considered in determining the eligibility and payment of otherwise eligible dependent children. The income of such a parent is considered available to otherwise eligible children after applying the following disregards:~~

- ~~A. The standard employment expense deduction (rule 2275) for each employed parent or the amount of earned income of the employed parent, whichever is less. In no case can the amount of the standard employment expense deduction for an employed parent exceed the amount of his or her gross earned income after deduction of any allowable self-employment business expenses.~~
- ~~B. All payments by such parents of alimony or child support for individuals not living in the household.~~
- ~~C. An amount equal to the need standard which is the sum of:
 - ~~• the basic needs standard for a family size corresponding to the number of individuals, including the parents, who are or could be claimed as dependents for income tax purposes by the parents and~~
 - ~~• the actual shelter expense up to the maximum applicable to the family's county of residence.~~~~
- ~~D. Amounts paid by the parents to individuals not living in the house but who are or could be claimed~~

Caretaker

~~2241~~ Caretaker (7/1/2015, 15-08)

~~A caretaker is defined as an individual other than a natural, step, or adoptive parent whose relationship to one or more eligible children qualifies the caretaker for inclusion in the Reach Up assistance group. If a parent living in the home is incapable of exercising parental obligations, both the parent and a caretaker living with the children and responsible for the children's care and supervision may be included in the assistance group. There can be only one person designated as the caretaker for the assistance group at any given time.~~

~~The needs of caretakers eligible for either SSI/AABD or Reach Up shall be met only through such financial assistance in their own right.~~

~~The department shall take the following steps to determine eligibility for one or more children living with a caretaker other than a parent and for the caretaker.~~

~~A. Eligibility of the Child's Assistance Group Without the Caretaker~~

~~First, the department shall determine the eligibility of the children's assistance group without the caretaker. The assistance group is formed according to rule 2240 and must meet all requirements for Reach Up eligibility. A housing allowance may be included in the assistance groups needs, up to the housing allowance maximum, if the caretaker charges for housing.~~

~~If the children's assistance group is not eligible for Reach Up, the caretaker is not eligible either.~~

~~B. Eligibility of the Caretaker~~

~~If the children's assistance group is eligible, the department shall find out whether the caretaker responsible for the child seeks Reach Up financial assistance. If so, the department shall determine whether the caretaker is needy. A caretaker is needy if the caretaker meets the financial eligibility criteria for Reach Up eligibility.~~

~~To determine whether the caretaker meets these criteria, the department considers the income and resources of the caretaker and the following persons, if any, living with the caretaker and one or more eligible children: the caretakers spouse, minor children, and other tax dependents. The caretakers group does not include the children eligible for Reach Up.~~

~~For the caretaker to be considered needy, the combined countable resources of the caretakers group, as defined above, must not exceed the Reach Up resources maximum. Countable resources are determined according to Reach Up rules.~~

~~The combined countable income of the caretakers group is determined according to the rules for initial Reach Up eligibility, as if the caretakers group were the assistance group. Payments made by a member of the group to a person outside the home who is or could be claimed as a tax dependent may be deducted from that members earned income.~~

~~For the caretaker to be considered needy, the combined countable income of the caretakers group must not exceed the ratably reduced needs of the caretakers group, determined according to Reach Up rules. The housing allowance included in this determination, combined with the housing allowance included in the eligibility determination for the children's assistance group with the caretaker, must not exceed the caretakers total housing costs.~~

~~If the income and resources of the caretakers group meet the financial criteria described in this subsection, the caretaker is needy. If they do not, the caretaker is not needy and is not included in the children's assistance group.~~

Caretaker

~~C. Inclusion of the Needy Caretaker in the Children's Assistance Group~~

~~Once the department has determined the caretaker needy, the caretakers needs may be included in the children's assistance group, along with the caretakers income. When the caretaker is included in the child's assistance group, only the caretakers shelter expenses, up to the maximum housing allowance, are included in the groups needs.~~

~~If the caretakers income exceeds the difference between the ratably reduced needs for the children's assistance group without the caretaker and the ratably reduced needs for the same group with the caretaker, the caretaker should not be included in the assistance group. This insures that the caretaker's income is not used to support a child for whom the caretaker has no support obligation.~~

~~Resources of a caretaker who does not have the legal responsibility of a parent to support the child are not considered available to the child. The caretaker's income is also not considered as available to the child unless the caretaker has indicated a commitment to make ongoing monetary contributions toward the support of the child. In such cases only the income actually contributed to the child, considered unearned income to the child, would be counted.~~

~~D. Minor Parent Living with a Caretaker~~

~~A needy caretaker for a minor parent shall not be included in the minor parent's assistance group unless the minor parent chooses to be included in the assistance group with the needy caretaker. Regardless of whether the caretaker is included in the minor parent's assistance group, the caretaker shall be designated as the alternate payee, unless the minor parent chooses to be the payee of the grant. Minor parents who choose to be included in an assistance group with a needy caretaker shall be subject the requirements in rule 2336.~~

~~Unmarried Parent with a Child in Common~~

2242 ~~Unmarried Parent with a Child in Common~~ (01/01/2009, 08-20)

~~In situations where unmarried parents eligible in their own right have a child in common whose paternity has been established by birth certificate, court order, or written acknowledgement by both parents, the grant shall be budgeted as a single assistance group. For example, if a father with a child by a previous marriage shares a home with a woman with a child by a previous marriage, each is eligible in their own right. If subsequently they have a child, the entire household shall be rebudgeted as a single assistance group.~~

Need Determination

2250 Need Determination (04/01/2008, 08-02)

~~Need is defined as the lack of income or other resources in sufficient quantity to provide a reasonable subsistence compatible with decency and health. Establishment of need is a basic eligibility requirement and, therefore, shall be determined at initial application or reapplication and at each subsequent review of eligibility, including changes of circumstances.~~

Method for Determination of Need

~~2251 Method for Determination of Need (04/01/2008, 08-02)~~

~~Financial need is established through the following computations:~~

- ~~A. Budgetary comparison of the assistance group's available net monthly income to the payment standard.~~
- ~~B. Comparison of the assistance group's available assets to the combined resources limitation (see 2261).~~

~~Standards for basic requirements, common to all individuals and families, have been established to simplify determination of need and to ensure equitable consideration for all individuals in similar circumstances.~~

~~Financial need, and the amount thereof, shall be established when budgetary computation shows a deficit (e.g., requirements exceed income) and resources are within the maximum allowed. If either condition is not met (e.g., budgetary computation shows surplus or resources total above maximum), the applicant/recipient shall be ineligible, due to lack of financial need.~~

Ratable Reduction

2252 Ratable Reduction (03/01/2004, 03-19)

~~Because funding is insufficient to meet 100 percent of the need standard, payment to an eligible Reach Up assistance group is based on a calculation that limits it to 49.6 percent of the groups needs.~~

~~The groups Reach Up grant is determined according to the following steps:~~

- ~~A. For assistance groups living in a room and board situation, add the standard for other basic needs to the room and board standard (rule 2263.4). For other assistance groups, add the basic need standard (rule 2263), housing allowance (rule 2264), and special needs housing allowance (rule 2263.2) together.~~
- ~~B. Multiply the result in step 1 by 49.6 percent.~~
- ~~C. Subtract income countable for Reach Up from the result in step 2.~~
- ~~D. Round the result in step 3 down to the nearest whole dollar.~~

Eligibility Computation

2253 Eligibility Computation (04/01/2008, 08-02)

~~Financial eligibility is computed for an initial application, or a reapplication, and each time an assistance group's circumstances change.~~

~~Eligibility based on income is determined as follows:~~

- ~~A. Determine the amount of the assistance group's gross non-excluded earned and unearned income, including any support predicted or collected by the Office of Child Support except for the \$50 disregard. Apply appropriate deductions and disregards to determine net income. (rule 2270)~~
- ~~B. Determine the payment standard for the assistance group (total need requirements multiplied by the rateable reduction, rule 2261).~~
- ~~C. Subtract 1 from 2.
 - ~~1. If net income equals or exceeds the payment standard, the assistance group is ineligible due to lack of financial need.~~
 - ~~2. If net income is less than the payment standard, the difference is the budgetary deficit (rule 2255).~~~~

~~For families reapplying for Reach Up solely because of loss of child support see rules at 2210.1.~~

Prospective Budgeting

2254 Prospective Budgeting (12/01/1994, 94-36)

~~Whenever the following terms are used in Reach Up rule, these definitions shall apply:~~

~~"Budget month" means the calendar month from which the household's income is used to compute the amount of assistance.~~

~~"Payment month" means the calendar month for which an assistance payment is made. Payment is based on income in the budget month.~~

~~"Prospective eligibility" means that eligibility for any given month is determined by estimating as accurately as possible whether all eligibility factors will be met during that month.~~

~~"Prospective budgeting" means that the amount of payment for any given month will be based on the best estimate of income and circumstances which will exist in that month. In prospective budgeting the budget month and payment month are the same.~~

Prospective Eligibility and Budgeting (07/01/2001, 01-06F)

~~All factors of eligibility and the basic need standard, including shelter costs, shall be determined prospectively for all assistance groups for all payment months.~~

~~Payment shall be determined prospectively for all assistance groups, including those sanctioned for failure to comply in full with the Reach Up services component requirements, based on the department's best estimate of the assistance group's circumstances. This estimate is derived from information collected and documented during the initial eligibility determination, periodic reviews, and the processing of reported changes in circumstances.~~

~~Income not received on a monthly basis shall be averaged, if fluctuating, and converted to monthly income separately for each income source. Weekly income and expenses shall be converted to monthly using a multiplier of 4.3 weeks per month. Biweekly income and expenses are converted to monthly using a multiplier of 2.15.~~

~~Information about circumstances during the most recent calendar month shall be the basis of the estimate of the assistance group's circumstances during the remainder of the review period until and unless a change in circumstances is reported or otherwise identified.~~

~~When an individual has been determined eligible and is added to an existing Reach Up assistance group, assistance based on the individual's needs and income will be effective for the date on which the individual joined the assistance group provided that a timely report of the change was made. A report of change is considered timely if it is reported within ten calendar days of the date the change became known to the assistance group. If the change was not reported in a timely manner, assistance based on the individual's needs and income shall be effective for the date on which the change was reported.~~

Amount of Payment

2255 Amount of Payment (07/01/2001, 01-06F)

~~The amount of assistance payment shall be the amount of the budgetary deficit rounded down to the nearest lower whole dollar amount. Except for families receiving parent share payments (rule 2272.2), no payment shall be made to a family in any month in which the amount of assistance is determined to be less than \$10.00 for that month, prior to any recoupment applied to the grant. An assistance group not receiving payment solely because the payment would be less than \$10 shall be considered eligible for Reach Up for all other purposes (i.e., shall be eligible for Medicaid and services provided through the services component of the Reach Up program). This will also apply in cases where an assistance group's payment of 99 cents or less has been rounded down to zero.~~

Income Deficits Prohibited

~~2256~~ Income Deficits Prohibited (~~07/01/2001, 01-06~~)

~~Assistance funds shall not be granted to meet income deficits. Examples of income deficits are:~~

- ~~• farm or business operating deficit due to operating costs in excess of gross receipts;~~
- ~~• nonrecipient household member's unpaid share of household expenses.~~

Needs

2260 Needs (12/01/1994, 94-36F)

~~Certain requirements, basic to all individuals, shall be accounted for in budgetary computation. These include:~~

- ~~A. Food~~
- ~~B. Clothing~~
- ~~C. Personal incidentals~~
- ~~D. Shelter~~
- ~~E. Fuel~~
- ~~F. Utilities~~
- ~~G. Chore Service~~
- ~~H. Special Needs — an amount for generic special needs is included within the combined standard. Other special needs are added under circumstances specified in rule 2263.~~

~~Each of these basic requirements shall be accounted for in one of the following ways:~~

- ~~A. Using the standard allowance for the required item.~~
- ~~B. Indicating that the required item is available without monetary cost and is to be shown as furnished (e.g., food, shelter, etc. "furnished"). An item which constitutes "in-kind" earnings shall be budgeted at appropriate standards and will not be considered furnished. Refer to other sections for specific budgeting policies when basic items are furnished "in-kind".~~
- ~~C. Indicating that the required item is included in the cost of another item (e.g., board and room).~~
- ~~D. Weekly income and/or expenses are converted to monthly by considering 4.3 weeks equal to one month.~~

~~No budgetary allowance is made for purchase, maintenance or related expenses of operating an automobile, except that such expenses may be allowable business expenses for self-employment.~~

~~Basic requirements are budgeted as indicated in the following sections.~~

Need Standards

2261 Need Standards (11/01/1984, 84-54)

Total basic monthly requirement of each assistance group shall be computed using the following:

- A. Combined standard table (adjusted for "furnished items", if any) for the applicable assistance program (Reach Up);
- B. Housing allowance provisions, including, where applicable, maintenance of housing during temporary absence;
- C. Shared household computation method, where applicable.

When non-recipient members of a household fail to contribute to household expenses, their needs shall not be budgeted as a need of the recipient group(s). Department eligibility staff shall encourage and assist, if necessary, applicant(s)/recipient(s) to obtain contributions from such non-recipient household members at least equal to their share of household expense, as computed above.

2261.1 Basic Need Standards (03/01/2004, 03-19)

The following table contains the combined basic need standards used to determine eligibility for Reach Up. The combined basic standards include food, fuel, utilities, clothing, personal needs and incidentals (e.g., soap, toothpaste, cosmetics, etc.), chore (e.g., snow removal, lawn maintenance, household cleaning supplies, etc.), and special needs (e.g., telephone, life insurance premiums, water, sewer, and municipal assessment costs, fire insurance premiums, household appliances, etc.) required by assistance group members regardless of the total number of individuals residing in the household.

Basic Need Standards

Number in Assistance Group	1	2	3	4	5	6	7	8	9 or more
Basic Needs	\$475	\$680	\$891	\$1064	\$1247	\$1372	\$1589	\$1769	Add \$170 for each additional person

2261.2 Members in Long term Care (07/01/2004, 94-12)

Allowance for an eligible Reach Up group member in long term care (i.e., in a nursing home, or if under 21 or over 65 in a public institution for mental disease) shall be the Other Basic Need Standard (including clothing, personal and special needs and incidentals) allowed for an individual in rule 2263.4. This amount shall be added to the Combined Basic Need Standard for Eligibility for the other members of the assistance group.

Children in Schools or Institutions (07/01/1994, 94-12)

Allowances for a Reach Up child who is away from home to attend school shall be included in full when the parent or other caretaker is responsible for the child's expenses at the school.

Need Standards

~~When a school or institution agrees to accept a child and be responsible for the child's needs during residency at the school or institution, a decision must be made as to whether that child should continue as part of the Reach Up assistance group. If responsibility for the care and control of that child remains with the parent, stepparent or caretaker and the parent/child relationship is maintained, then the child is considered to be living in the household and should be included in the Reach Up assistance group.~~

~~If the parent, stepparent or caretaker is no longer responsible for the care and control of the child (e.g. child is committed to the Family Services Division) then that child does not meet the requirements for living in the household and he or she cannot be included in the Reach Up assistance group.~~

2261.4 Special Needs (07/01/2001, 01-06)

~~A. A special needs allowance may be provided for the purchase of money management counseling for the parent or caretaker in a Reach Up assistance group whose bill paying practices (or the failure to pay bills) relative to financial obligations for basic needs indicate a need for this counseling.~~

~~B. A special needs allowance may be provided for services furnished in a residential setting to homeless Reach Up families or women receiving Reach Up benefits while they are pregnant.~~

~~These services may include, but are not limited to budgeting, nutrition, food preparation, child birth education, assistance in obtaining permanent housing, and counseling.~~

~~This special needs allowance may include the cost of room and/or board provided to the family or individual by the residential facility.~~

~~C. A monthly special needs housing allowance shall be paid to assistance groups otherwise eligible for Reach Up who have actually incurred housing expenses, as determined by rule 2264, in excess of the applicable maximum monthly housing allowance. The assistance groups eligibility for Reach Up shall be determined first without the special needs housing allowance. For assistance groups determined eligible, the amount of the special needs housing allowance shall be calculated as housing expenses in excess of the maximum monthly housing allowance, or \$90, whichever is less. The allowance is subject to the ratable reduction.~~

Living Arrangement

2262 Living Arrangement (01/01/2009, 08-20)

~~Budgetary computation of need for any payment month shall include allowances for all maintenance items required in the living arrangement of the individual or family group during the payment month, except that allowances for maintenance of prior living arrangement pending return shall be continued, under specified conditions, during temporary absence required by illness or other emergency.~~

~~Standard allowances and budgeting policies are classified according to the following major patterns of living:~~

- ~~A. Household or housing unit;~~
- ~~B. Room and board;~~
- ~~C. Room with separate meals;~~
- ~~D. Institution.~~

~~Most Reach Up participants reside as families in a household or housing unit; therefore Reach Up budgeting, with limited exceptions, shall be based on household living, either as a single family unit or through sharing expenses with other household members.~~

~~Individuals residing in institutions shall meet all eligibility conditions of the program through which assistance is granted.~~

Housing Allowance

2263 Housing Allowance (05/08/2018, 17-20)

Housing expense is defined as the total of all verified costs incurred for any of the following: rental (house, apartment, lot), real estate (or equivalent personal property) taxes, maintenance and repairs, mortgage payments, homeowners insurance, and condo and association fees. (To include allowances for maintenance and repairs within the housing expense the property must be owned and listed in the name of the applicant/recipient.) Housing allowances shall be budgeted "as incurred" to cover recurring shelter expenses necessary to maintain a home, not to exceed the current maximums stated below. The housing allowance portion of a Reach Up financial assistance grant is limited to expenses incurred for the current month; overdue expenses for prior months cannot be included in the grant for the current month. Expenses incurred less frequently than monthly (i.e., real estate taxes) shall be prorated into monthly amounts for the period covered. (See rule 2263, on the special needs housing allowance.)

Maximum Monthly Housing Allowance

Outside Chittenden County	Chittenden County
\$400	\$450

The expense for shelter when shared may be included based upon the client's cost not to exceed the maximums.

~~When housing is provided in full (i.e., at no cost) and is considered unearned income in kind, no housing allowance and no unearned income are budgeted. When housing is provided in part (i.e., at reduced cost) and is considered unearned income in kind, only the assistance group's incurred cash obligation for housing is budgeted as the housing allowance (not to exceed the applicable housing maximum) and no unearned income is budgeted.~~

~~In the case of housing received as in-kind earned income, the housing allowance budgeted should be the maximum monthly housing allowance for which the assistance group is eligible or the sum of the assistance group's incurred monthly cash obligation, if any, for allowable housing costs and the amount of in-kind earned income received in the form of housing, whichever is less. The monetary value to be budgeted as in-kind earned income shall be that portion of the housing allowance attributable to earned income in-kind, ratably reduced (i.e., the housing allowance amount is not ratably reduced; the earned income in-kind is ratably reduced). This ensures that earnings received in the form of housing do not reduce the amount of assistance provided to meet the assistance group's other basic needs.~~

~~A standard amount which, in most cases, represents a portion of the fuel and/or utility subsidy used by Housing and Urban Development (HUD) in the calculation of rent for Reach Up families in subsidized housing will be considered unearned income for Reach Up purposes, according to rule 2271. The standard amount for those families who must pay for fuel or fuel and utilities is \$70. The standard amount for those families who must pay for utilities only is \$30. An applicant or recipient who documents an actual subsidy amount less than the standard may have the actual amount counted as unearned income in benefit and eligibility calculations.~~

~~In no case shall the provision of fuel and/or utilities as part of an assistance group's housing be considered either unearned or earned income in-kind. Nor in these instances shall these items be shown in the budget as furnished. This policy applies irrespective of whether or not the assistance group incurs a cost for housing.~~

~~Nonpayment of all or a portion of shelter expense will be evaluated against the criteria for need of protective payments and subject to the limitations outlined in rule 2226.~~

Housing Allowance

~~Nonpayment of all or a portion of shelter expense will be evaluated against the criteria for need of protective payments and subject to the limitations outlined in rule 2226.~~

~~2263.1 Subsidized Housing (7/1/2015, 15-08)~~

~~Recipients who live in or are moving into subsidized housing shall have their shelter expenses budgeted in the Reach Up grant as stipulated below.~~

~~The most common types of subsidized housing are:~~

- ~~• Section 8~~
- ~~• Section 23~~
- ~~• F. H. A (Farmer's Home Administration) rental assistance units.~~
- ~~• Section 236~~
- ~~• Housing owned and operated by the local public housing authority.~~

~~2263.2 Budgeting Subsidized Housing (7/1/2015, 15-08)~~

~~The Reach Up budget is computed as one would normally for a Reach Up family, except that the amount used for shelter will always be the maximum housing allowance permitted for a rental located in the county in which the family resides.~~

- ~~A. If housing construction is financed under F. H. A. but the recipient is not in a Rental Assistance unit, budget according to normal Reach Up procedures. Only 515 Rental Assistance units are budgeted as subsidized housing.~~
- ~~B. Section 236 housing should be budgeted according to normal Reach Up procedures unless a client lives in a Section 8 unit. Then budget as subsidized housing.~~
- ~~C. It is possible for a recipient to be in unsubsidized or private housing and have a Section 8 certificate, in which case budget as in subsidized housing.~~

~~For examples see Procedures P-2210 E.~~

~~2263.3 Shared Households (7/1/2015, 15-08)~~

~~Total monthly requirements of each assistance group which shares a household or housing unit with one or more separate assistance groups and/or non recipient members shall be computed in accordance with the following rules:~~

~~Please note that the limits described below do not apply to assistance groups eligible for the room and board standard because the housing cost portion (i.e. room rent) of this standard cannot be identified separately.~~

- ~~A. When the household is composed of two or more assistance groups, with no non recipient members:
 - ~~1. Budget each group for full basic considering eligible members of the assistance group;~~~~

Housing Allowance

2. ~~Include housing cost as incurred by each recipient group, each group's share not to exceed the housing allowance maximum and the sum of the shares not to exceed the total cost of housing (example: two assistance groups share a rental with total rent paid to the landlord of \$250.00. Each recipient group may share in this cost, but no share may exceed housing allowance maximum and the sum of the two shares may not exceed \$250.00).~~

~~Exception: If an assistance group member(s) is the only person(s) on the lease or mortgage, but a different Reach Up group living in the household regularly pays a share of the rent or mortgage payment, the housing allowance for each assistance group shall not exceed the amount for which it is in practice responsible.~~

3. ~~Any monetary contribution from another assistance group in the household to the assistance group responsible for the household expenses shall be treated as:~~

a. ~~Earned income: payment(s) for a service received, i.e., room and board (rule 2263.4);~~

b. ~~Unearned income: general contributions unrelated to payment for shared expenses. (For occasional gifts and irregular contributions see rule 2271.3.);~~

c. ~~Excluded income:~~

i. ~~a payment(s) to the Reach Up group responsible for household expenses by another assistance group member(s) for his or her share of common household expenses;~~

ii. ~~a payment made directly to a non-resident landlord or mortgage holder (and not to any assistance group in the household).~~

~~NOTE: If one Reach Up group is renting part of their housing unit to another Reach Up group and the first group is paying rent to a landlord for the entire unit, or is paying a mortgage as the home owner, the total shelter allowed for both budgets cannot exceed the total shelter paid for the housing unit, or the actual home owner costs (i.e., mortgage and taxes), regardless of the fact that the second Reach Up group considers the first Reach Up group as their landlord. Also, as in the above situations, each group's shelter cannot exceed the maximum allowed.~~

- d. ~~When an assistance group member is the head of a household including one or more non-recipient members:~~

i. ~~Budget assistance group(s) for full basic considering eligible members of the assistance group;~~

ii. ~~Include housing cost as incurred by each recipient group, each group's share not to exceed the housing allowance maximum and the sum of all shares, including any non-recipient's share, not to exceed the total cost of housing;~~

~~Exception: If an assistance group member(s) is the only person(s) on the lease or mortgage, but a different Reach Up group living in the household regularly pays a share of the rent or mortgage payment, the housing allowance for each assistance group shall not exceed the amount for which it is in practice responsible.~~

Housing Allowance

~~iii. Any monetary contribution from a non-recipient household member(s) or from another assistance group in the household to the assistance group responsible for the household expenses shall be treated as:~~

~~(A) Earned income: payments for a service received, i.e., room and board (rule 2263.4);~~

~~(B) Unearned income: general contributions unrelated to payment for shared expenses. (For occasional gifts and irregular contributions see rule 2271.3.);~~

~~(C) Excluded income:~~

~~(1) a payment to the Reach Up group responsible for household expenses by a non-group member for his or her share of common household expenses;~~

~~(2) a payment made directly to a non-resident landlord or mortgage holder (and not to any assistance group in the household).~~

~~e. When one or more assistance groups share a household headed by a non-recipient:~~

~~i. Budget assistance group(s) for full basic considering eligible members of the assistance group;~~

~~ii. Include housing cost as incurred by each recipient group, each group's share not to exceed the housing allowance maximum, and the sum of all shares, including any non-recipient's share, not to exceed the total cost of housing.~~

~~Exception: If an assistance group member(s) is the only person(s) on the lease or mortgage, but a different Reach Up group living in the household regularly pays a share of the rent or mortgage payment, the housing allowance for each assistance group shall not exceed the amount for which it is in practice responsible.~~

~~iii. Any monetary contribution from one or more assistance groups or non-recipient household member(s) to another assistance group in the household, treat as:~~

~~(A) Earned income: payments for a service received, i.e., room and board (rule 2263.4);~~

~~(B) Unearned income: general contributions unrelated to payment for shared expenses. (For occasional gifts and irregular contributions see rule 2271.3.);~~

~~(C) Excluded income:~~

~~(1) a payment to the Reach Up group responsible for household expenses by a non-group member for his or her share of common household expenses;~~

~~(2) a payment made directly to a non-resident landlord or mortgage holder (and not to any assistance group in the household).~~

Housing Allowance

~~2263.4 Room and Board Standards (7/1/2015, 15-08)~~

~~Room and board as a living arrangement for Reach Up participants shall be budgeted in the amounts established by the table below. Additional amounts are allowed for other basic needs, which include clothing, personal needs and incidentals, chore, and special needs.~~

~~Room and Board Allowances~~

Number in Assistance Group	1	2	3	4	5	6	7	8	9 or more
Room and Board	\$379	\$547	\$725	\$853	\$1008	\$1098	\$1265	\$1403	Add \$138 for each additional person
Other Basic Needs	\$96	\$133	\$166	\$211	\$239	\$274	\$324	\$366	Add \$32 for each additional person

~~The total budgeted requirement (room and board standard plus other basic needs standard) is subject to the ratable reduction.~~

~~Payments for Reach Up children who qualify for Reach Up foster care shall be provided by the Family Services Division through Title IV-E of the Social Security Act, as amended.~~

~~2263.5 Institution (7/1/2015, 15-08)~~

~~Individuals residing in institutions have the majority of their basic needs (other than clothing and other individual needs) met through one of the following methods:~~

- ~~A. Boarding allowance budgeted (see Board and Room).~~
- ~~B. Vendor payment by the department, under Medicaid, to a licensed nursing home or to a mental hospital on behalf of a recipient of Reach Up who qualifies for such payment.~~
- ~~C. Vendor payment by the department, under Reach Up-UF, to a licensed child care institution on behalf of a child who qualifies for Reach Up-FC.~~

~~The vendor payment for care in a nursing home or mental hospital is a form of medical assistance; the cost of such care shall not, therefore, be considered in establishing need for assistance. Allowances for basic personal needs in the institution, when appropriate, shall be budgeted to establish need for Reach Up assistance.~~

~~Need of a child, who qualifies for Reach Up foster care and who is placed in a child care institution shall be budgeted in accord with payment policies currently in effect for care of children in department custody.~~

Housing Allowance

2263.6 Foster Home (7/1/2015, 15-08)

~~Eligible children placed in foster homes at State expense have their basic requirements met through vendor payment covering allowances for board, clothing, incidentals, personal spending and special needs made to one of the following:~~

- ~~A. A licensed foster home (family home, family group home, professional group home); or~~
- ~~B. A relative, other than a parent, whose home fully meets applicable licensing standards, but does not require a formal license because placement is limited to "related" child(ren).~~

~~Payments are made by the Family Services Division (FSD) under Title IV-E. FSD notifies ESD since Title IV-E recipients are automatically eligible for Medicaid. (See Interpretive Memo opposite rule 4300 and P-2412 for procedures).~~

~~Since by State statute, parents are legally responsible for support of their minor children, no vendor payment shall be allowed on behalf of a committed child placed in the home of his/her parent(s). A financially needy parent may apply for and, if eligible, receive Reach Up assistance on behalf of such child(ren).~~

2263.7 General Assistance and Emergency Assistance Temporary Housing (7/1/2015, 15-08)

~~The housing allowance for recipients of General Assistance or Emergency Assistance (GA/EA) temporary housing assistance is the maximum housing allowance permitted for a rental located in the county in which the family resides, in addition to the special needs housing allowance (if applicable). The housing allowance will always be the maximum housing allowance, in addition to the special needs housing allowance (if applicable), regardless of whether the participant is required under the GA/EA program to contribute a percentage of their income toward the cost of temporary housing (see General Assistance rules § 2652.2 and 2652.3; Emergency Assistance rules § 2852.2).~~

2263.8 Shelters and Transitional Housing (03/01/2017, 17-02)

~~The housing allowance for residents of a shelter or transitional housing is the maximum housing allowance for a rental located in the county in which the shelter or transitional housing is located, in addition to the special needs housing allowance (if applicable). The housing allowance will always be the maximum housing allowance, in addition to the special needs housing allowance (if applicable), regardless of the family's incurred housing expenses.~~

Temporary Absence — Illness

2264 ~~Temporary Absence — Illness~~ (07/01/1994, 94-12)

~~When a caretaker has been or will be absent from the home for 30 days or more, due to illness requiring hospitalization or care outside the home, but remains able to provide continuing supervision of the child(ren), needs shall be budgeted as follows:~~

- ~~A. Allowances, according to applicable standards, for continuing needs of eligible child(ren) cared for in their own home or in a temporary placement by a responsible person under the caretaker's direction.~~
- ~~B. Allowances, according to applicable standards, for continuing needs of the caretaker.~~
- ~~C. Allowances, according to applicable standards, for maintenance of the family residence (e.g., housing, fuel, utilities, etc.) for a period not to exceed six months for the expected return of the caretaker and child(ren).~~

Temporarily Uninhabitable Home

2265 Temporarily Uninhabitable Home (07/01/1994, 94-12)

~~When the home owned by an applicant or recipient is temporarily not habitable, the shelter expenses for the home may continue to be budgeted for up to six months. A home may be temporarily not habitable because of a fire, the heating system is inoperable, the water pipes are frozen, it is in a remote area where roads are not routinely snow plowed, etc.~~

~~The shelter expenses of the temporary living arrangement may also be budgeted, however, the total of the home expenses and the temporary shelter expenses may not exceed the shelter maximum.~~

Income

~~2270~~ Income (12/01/2006, 06-24)

Income is defined as any cash payment or equivalent "in kind" which is actually available to the applicant or recipient. Sources of income include, but are not limited to, earnings from employment or self-employment, and "unearned" income (pensions, benefits, interest, or return on investments, contributions, assistance from other agencies, etc.).

All income except that specifically excluded shall be evaluated to establish net income available to meet need. When spouses are maintaining a common living arrangement, their joint incomes shall be evaluated and considered for availability to meet their joint needs, even though only one applies for or receives assistance under any Department program. Verification of all income except that specifically excluded shall be required in the Reach Up Program.

Transfer of assignment of income for the purpose of qualifying for a larger amount of assistance than that of which the individual would otherwise be entitled is prohibited. Voluntary transfer of income within two years before date of application or while in receipt of Reach Up shall result in ineligibility unless the income is reconveyed to the applicant or recipient.

Future and potential sources of income shall be identified and developed, when feasible. (See Potential Income and Resources.) State assistance in the amount needed based on currently available income shall, however, continue until such income becomes in fact available, at which time appropriate budgetary adjustment shall be completed.

~~2270.1~~ Lump Sum Income (05/08/2018, 17-20)

The applicant or recipient of Reach Up is responsible for notifying the Department promptly upon receipt of any lump sum payment of earned or unearned income.

Lump sum payments, including windfall payments, shall be counted as income unless excluded under an exception cited below. Windfall payments shall not include sums resulting from the conversion of an existing asset (i.e. acquired when the individual was not in receipt of Reach Up benefits) to a liquid asset. However, money resulting from the sale of a vehicle acquired when the individual was in receipt of Reach Up benefits shall be treated as a resource and not as a windfall payment. Lump sum payments, including windfall payments, which have been set aside in a trust fund and which are excluded in accordance with Reach Up policy relating to "Trust Funds" shall not be counted as income.

Additional exceptions to the above regulation are:

- A. ~~An income tax refund shall be treated as a resource, except for any portion which is a federal or Vermont Earned Income Tax Credit (EITC) refund. EITC payments are disregarded both as income and as a resource (rules 2276 and 2284).~~
- B. ~~Insurance payments or similar third party payments, if received for payment of medical bills or funeral costs and used for those purposes, must be excluded. Also excluded would be a home owner's insurance payment (e.g. for a house which burned down) if it is used to rebuild or repair the house or purchase a new one.~~

Income

~~Lump sum payments which are not excluded should be added together with all other non Reach Up income received by the assistance group during the month. When the total less applicable disregards exceeds the standard of need for that family, the family will be ineligible for Reach Up for the number of full months derived by dividing this total income by the need standard applicable to the family. Any remaining income will be applied to the first month of eligibility after the disqualification period.~~

~~The period of ineligibility due to a lump sum benefit may be recalculated if:~~

- ~~A. An event occurs which, had the family been receiving assistance, would have changed the amount paid:~~
- ~~B. The income received has become unavailable to the family under the circumstances listed below. Such circumstances are limited to the following unless the Commissioner or his or her designee determines that the recipient's circumstances are substantially similar to those described below:~~
 - ~~1. death or incapacity of the principal wage earner.~~
 - ~~2. loss of shelter due to fire or flood.~~
 - ~~3. repairs to owner-occupied homes which are essential to the health and safety of the family.~~
 - ~~4. repair or replacement of essential, major household appliances.~~
 - ~~5. repair or purchase of one or more motor vehicles per Reach Up assistance group, essential for employment, education, training or other day-to-day living necessities. Expenses may include purchase and use tax, inspection fee, insurance, and registration fees, but not day-to-day operating expenses.~~
 - ~~6. payments attributable to current monthly housing expenses (rule 22643) which are in excess of the maximum monthly Reach Up housing allowance.~~
 - ~~7. payment of expenses which meet the following criteria:~~
 - ~~a. The bills were overdue as of the date the lump sum income was received.~~
 - ~~b. The bills were the legal liability of the client or other member of the assistance group.~~
 - ~~c. The client provides documentation that the lump sum income was used to pay the bills.~~

~~Eligible expenses under "7" above are as follows and are restricted to those of the primary residence and would include any late charges described in payment agreements or allowed by Public Service Board rules:~~

- ~~a. overdue rent (including lot rent)~~
- ~~b. overdue mortgage payments (principal and interest)~~
- ~~c. overdue property taxes~~
- ~~d. overdue homeowner's insurance~~

Income

- e. ~~overdue heating bills~~
 - f. ~~overdue utility bills (e.g. electricity, gas, water, or sewage)~~
 - g. ~~overdue telephone bills (basic monthly charge, applicable taxes, plus \$5 per month in toll charges)~~
 - h. ~~overdue child care expenses necessary for a member of the assistance group to maintain employment, with the following limitation. If the overdue expenses were incurred when the individual was receiving Reach Up, only the unsubsidized amounts are considered eligible expenses.~~
 - i. ~~overdue expenses for one or more motor vehicles per Reach Up assistance group, essential for employment, education, training or other day to day living necessities. Expenses may include overdue bills for repairs, purchase and use tax, loan or lease payments, inspection fee, insurance, and registration fees, but not day to day operating expenses.~~
8. ~~advance payment (payment for expenses which will be incurred after the date the lump sum income was received), up to 12 months, of any of the expenses listed in subsections (a) through (i) above.~~
- ~~C. The family incurs and pays for medical expenses which offset the lump sum income.~~
- ~~D. The family deposits the lump sum payment, or a portion thereof, into a savings account excluded under 2284(AA), (BB), or (CC).~~

2270.2 Income in Kind (07/01/1989, 89-24)

~~Income in kind is defined as any basic requirement, such as food, shelter, etc., which is furnished regularly at no cost to the applicant or recipient.~~

~~In computing the requirements, if any item is furnished in full and is considered unearned income in kind, it is shown in the budget as "furnished" and no unearned income in kind is budgeted. In computing the requirements, if any item is furnished only partially and is considered unearned income in kind, it is not to be shown in the budget as "furnished" and no unearned income in kind is to be budgeted.~~

~~In computing the requirements, if any basic need item is furnished in part or in full and considered as earned income in kind, the item should not be shown in the budget as "furnished," but it shall be given a monetary value by the employer, and treated as earned income in the budget computation. However, in no case shall the monetary value assigned to a need item received as in kind earned income exceed the ratably reduced amount specified for that item in the ITEMIZED NEED STANDARD TABLE for an assistance group of equal size.~~

~~In the case of housing received as in kind earned income, the housing allowance budgeted should be the maximum monthly housing allowance for which the assistance group is eligible or the sum of the assistance group's incurred monthly cash obligation, if any, for allowable housing costs and the amount of in kind earned income received in the form of housing, whichever is less. The monetary value to be budgeted as in kind earned income shall be that portion of the housing allowance attributable to earned income in kind, ratably reduced (i.e. the housing allowance amount is not ratably reduced; the earned income in kind is ratably reduced). This ensures that earnings received in the form of housing do not reduce the amount of assistance provided to meet the assistance group's other basic needs.~~

Income

~~In no case shall the provision of fuel and/or utilities as part of an assistance group's housing be considered either unearned or earned income in kind. Nor in these instances shall these items be shown in the budget as "furnished." This policy applies irrespective of whether or not the assistance group incurs a cost for housing.~~

Housing Allowance

~~2271 Unearned Income (03/01/2017, 17-02)~~

~~Unearned income includes the following:~~

- ~~A. Income from pension and benefit programs, such as social security, railroad retirement, veteran's pension or compensation, unemployment compensation, employer or individual private pension plans and annuities.~~
- ~~B. Income from capital investments in which the individual is not actively engaged in managerial effort.~~
- ~~C. Time payments on mortgages or notes resulting from a casual sale (i.e., a sale not related to self-employment) of real or personal property.~~
- ~~D. Voluntary contributions from others.~~
- ~~E. Child support in excess of \$50 per month paid directly by OCS to families. The amount of direct child support prior to recoupment of an overpayment due to client error will be deducted from the family's Reach Up entitlement for the second month following the calendar month in which the child support was paid to OCS. (rule 2272)~~
- ~~F. \$70.00 of a Housing and Urban Development (HUD) fuel or fuel and utility subsidy or \$30.00 of a utility only subsidy that has been included in HUD's calculation of the rent of a Reach Up family living in subsidized housing, thereby reducing its rental obligation by an equivalent amount. This amount is not limited to a subsidy actually paid to the Reach Up family. An applicant or participant who documents an actual subsidy amount less than the standard may have the actual amount counted as unearned income in benefit and eligibility calculations.~~
- ~~G. Reach First payments attributed to the months for which the family applies for Reach Up assistance.~~
- ~~H. \$115.00 of a parent's SSI payment. If both parents receive SSI, a maximum of \$115.00 of the parents' combined SSI payments will be counted. A child's SSI payment will not be counted, even if a parent receives the payment on behalf of the child. Caretakers' SSI payments will not be counted.~~

~~The full amount of available unearned income shall be applied to the payment standard, except for disregards specified under certain federal programs. (rule 2276)~~

~~Any nonexcluded income from student loans or grants shall also be converted to a monthly amount by averaging the total amount of the grant or loan over the period it is intended to cover.~~

~~2271.1 Social Security - Railroad Retirement (07/01/1994, 94-12)~~

~~The full amount of Social Security or Railroad Retirement benefits awarded to members of the assistance group shall be considered, except that the Medicare Part B premium of a new recipient, which continues to be withheld from his benefit check pending completion of his transfer to the Department's "Buy In" agreement, shall be disregarded until the benefit check increase is actually available to the recipient.~~

Housing Allowance

~~2271.2~~ Veterans Benefits (07/01/1994, 94-12)

~~The Veterans Administration allows any guardian appointed by that agency to retain 5 percent of the monthly award handled as reimbursement for guardian services. Income available to the applicant or recipient is the amount of the award reduced by the amount retained by the guardian.~~

~~2271.3~~ Contributions (07/01/1989, 89-24F)

~~Regular and predictable contributions (cash or in-kind) shall be considered unearned income. Occasional small gifts and/or irregular contributions shall be disregarded in budgetary computations, provided the amounts do not exceed \$30 per recipient per calendar quarter. (For calendar quarters see rule 2272.2; for monetary contributions in shared households see rule 2263).~~

Distribution of Child Support

2272 Distribution of Child Support (07/01/2001, 01-06F)

OCS distributes current child support collected on behalf of Reach Up assistance groups to ESD. ESD distributes family bonus and parent share payments to these Reach Up assistance groups for receipt on or about the first day of the second month following the month in which the child support was received by OCS.

2272.1 Family Bonus Payment (07/01/2001, 01-06F)

The family bonus payment is the first \$50 from child support collected by OCS in any calendar month and distributed to ESD on behalf of a Reach Up participant. ESD pays the family bonus to the custodial parent without affecting Reach Up eligibility or decreasing the amount of the grant. The maximum family bonus payment paid to an assistance group in a single calendar month without affecting its Reach Up eligibility is \$50, even when more than one noncustodial parent pays child support on behalf of that assistance group for that calendar month. In no case shall the family bonus amount exceed the amount of child support paid on behalf of the members of the assistance group.

2272.2 Parent Share Payment (07/01/2001, 01-06F)

The parent share payment is the amount in excess of \$50 from child support collected by OCS in any calendar month and distributed to ESD on behalf of a Reach Up participant. The parent share payment shall be:

- deducted from the Reach Up grant prior to any recoupment for the second month following the month in which OCS received the child support and distributed it to ESD; and
- paid to the assistance group according to the Reach Up financial assistance payment schedule (rule 2222).

Arrearage Collected (07/01/2001, 01-06F)

Arrearage is past due child support owed by a noncustodial parent. Arrearage collected by OCS from the noncustodial parent shall be distributed according to federal rules governing the distribution of child support. In general, arrearage collected on behalf of a Reach Up assistance group is applied to unpaid support obligations accumulated while the family was on assistance. When the arrearage collected from the noncustodial parent represents an accumulation of the support obligation during a period of Reach Up financial assistance (prior to July 1, 2001, Aid to Needy Families with Children [ANFC]), the department may retain an amount up to the financial assistance payment for that period.

Advance Support Payments (07/01/2001, 01-06F)

Child support will be treated as advance payments only if current and past support obligations are paid in full.

Earned Income

~~2274~~ Earned Income (04/01/2008, 08-02)

~~Earned income shall include all wages, salary (cash or in-kind), commissions or profit from activities in which the individual is engaged as an employee or a self-employed person, including but not limited to active management of capital investments (e.g., rental property).~~

~~Earned income is defined as income prior to any deductions for taxes, if applicable, FICA, insurance, or any other deductions, voluntary or involuntary, except that in determining earned income for self-employed individuals, allowable business expenses shall be deducted first (rule 2274.3).~~

~~Self-employment income will be determined by the client's most recent tax return unless the tax return is not indicative of the current situation, a tax return has not been filed, or the client has earned income not subject to taxation. In these circumstances, the department will use the client's records and other available sources to determine self-employment income. For determining monthly self-employment income, see rule 2211.3 and P-2210 C.~~

~~Earnings over a period of time, for which settlement is made at one given time are also included) (e.g., sale of farm crops, livestock, poultry).~~

~~Payments to individuals under the following programs shall be treated, as described below:~~

~~A. Vermont Earned Income Tax Credits~~

~~The Vermont Earned Income Tax Credit is paid only as a lump sum following the end of the tax year. See rules 2276, Excluded Income and 2284, Excluded Resources.~~

~~B. Economic Opportunity Act~~

~~Payment to individuals under any of the following programs, whether as partial and temporary beneficiaries or as employees, shall be considered earned income:~~

~~Work Training Program (Title I, Part B)~~

~~Community Action Programs (Title II)~~

~~Voluntary Assistance Programs for Needy Children (Title II)~~

~~C. Elementary and Secondary Education Act~~

~~Income from employment as a teacher's aide, lunch room worker, clerical aide, etc. under a Title I project funded by the Elementary and Secondary Education Act shall be considered earned income.~~

~~D. Workforce Investment Act of 1998(WIA)~~

~~Workforce Investment Act (WIA) programs prepare youth and adults to participate in the labor force by providing job training and other services expected to increase employment, earnings, and educational and occupational skills.~~

~~Some WIA programs pay participants wages, treated as unsubsidized earned income for adults.~~

2274.1 Computation Method (02/01/2009, 08-10)

~~Computation of net earned income takes into consideration applicable business expenses (self-employment only), the standard employment expense deduction, any applicable earned income disregard, and any allowable dependent care deduction.~~

Earned Income

~~Gross earned income must be verified as specified at rule 2211.3.~~

~~To determine eligibility and benefits, all income figures are converted to monthly figures, using a multiplier of 4.3 weeks equal to one month. A multiplier of 2.15 weeks per month is used for income received biweekly.~~

Earned Income Computation Sequences

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

~~Items are deducted from the gross earned income of each member of the assistance group, whose total earned income is not otherwise excluded, in the sequences listed below. Whenever the sum of these deductions exceeds the gross earned income of the individual, the maximum allowable deduction is the amount of the gross earned income. Child care provided under Support Services to Participating Families does not constitute dependent care expenses and is not an allowable deduction.~~

~~A. Unsubsidized Earned Income Deduction Sequence~~

- ~~1. business expenses (deducted from total self-employment business receipts to establish adjusted gross earned income)~~
- ~~2. earned income disregard (rule 2275.3)~~
- ~~3. dependent care expenses allowed as a deduction from earned income~~

~~B. Subsidized Earned Income Deduction Sequence~~

- ~~1. employment expense (2275.1)~~
- ~~2. dependent care expenses allowed as a deduction from earned income~~

~~C. Subsidized Plus Unsubsidized Earned Income Deduction Sequence~~

~~If an individual has earnings from both subsidized and unsubsidized employment, the computation follows the sequence in A above. Only the earned income disregard is allowed. If less than \$90 is deducted from unsubsidized earnings, however, the remainder of the \$90 (\$90 minus the amount deducted from unsubsidized earnings) will be deducted from any subsidized earnings.~~

2274.3 Business Expense (04/01/2008, 08-02)

~~Business expenses, which are deducted from gross receipts to determine adjusted gross earned income, are limited to operating costs necessary to produce cash receipts, such as:~~

- ~~A. office or shop rental;~~
- ~~B. taxes on farm or business property;~~
- ~~C. hired help;~~
- ~~D. interest on business loans;~~
- ~~E. cost of materials, stock, inventory, or livestock for resale required for the production of this income.~~

Earned Income

~~Items such as depreciation, personal business and entertainment expense, personal transportation, purchase of capital equipment and payment on the principal of loans for capital assets or durable goods, are not business expenses.~~

~~Tax returns and business records are considered appropriate sources of accurate figures for farm and business receipts and expenses.~~

~~The income of a household owning or operating a commercial boarding house shall be treated as any other business income. A commercial boarding house is defined as an establishment licensed as a commercial enterprise offering meals and lodging for compensation. In areas without licensing requirements, a commercial boarding house shall be defined as a commercial establishment offering meals and lodging with the intention of making a profit.~~

~~Exception: No computation is required for providing foster care to children in custody of and placed by the Family Services Division. The rate of payment is established to cover expenses only, with no allowance for profit; therefore, no earned income is considered available from this source.~~

~~The room and board portion of income received by developmental home providers furnishing qualified foster care to individuals placed by the State of Vermont or by a developmental or mental health services agency under contract with the state is established to cover expenses only, with no allowance for profit. Therefore, no earned income is available from this portion of the income. Compensation received in addition to that intended to cover room and board, considered difficulty-of-care payments, is earned self-employment income. Payment for respite care services from this source of income is an allowable business expense.~~

~~For a household that is not a commercial boarding house, the business expense of furnishing room and board, alone or as part of custodial care, shall be allowed, provided that the amount shall not exceed the payment the household receives from the roomer/boarder for lodging/meals. (See procedures for Business Expenses - Providing Room and Board.) If the assistance group can document that actual expenses for providing room and board are greater than the standard business expenses allowed, the actual expenses may be allowed as a business expense.~~

2274.4 Providing Child Care (04/01/2008, 08-02)

~~A standard business expense deduction is provided for the expenses associated with providing meals to children receiving child care in the assistance group's home. To receive this deduction the assistance group must report the number of children receiving meals; the number of days on which meals were provided; and the type of meals provided. The standard business expense deduction for child care meals shall be used unless the assistance group requests a higher business expense deduction for child care meals and fully documents expenses which substantiate costs which exceed the standard deduction.~~

~~Assistance groups which include providers of child care are also entitled to a business expense deduction for non meal related expenses incurred in the course of providing child care as a form of self employment. All non meal related expenses must be determined on a case by case basis and must be fully documented by the assistance group. These non meal related expenses may include, but are not limited to, a portion of rent, interest on mortgage, non cooking related utility expenses, cost of toys, and purchase of non meal related supplies.~~

Earned Income

~~Assistance groups may receive the standard business expense deduction for meals and an individually determined deduction for non-meal related business expenses; individually determined business expense deductions for both meal related expenses and non-meal related expenses; only a deduction for meals (no other expenses are claimed and documented); or only a deduction for non-meal related expenses (no meal related expenses are claimed). See the Procedures Manual under procedures for Business Expenses — Providing Day Care.~~

Earned Income Deductions

2275 Earned Income Deductions (7/1/2015, 15-08)

The department shall allow certain deductions from an individual's earned income to cover employment expenses (rules ~~2275.1—2275.2~~) or provide an incentive disregard for employed participants (rule ~~2275.3~~). For income not reported timely without good cause, however, no disregards are allowed (rule ~~2275.4~~).

Total deductions and disregards shall not exceed the amount of earned income to which they are applied.

Employment Expenses (7/1/2015, 15-08)

The standard employment expense deduction of \$90 is used in lieu of the amount of actual expenses for taxes, insurance, retirement, union dues, fees, and other reasonable employment expenses. Only one deduction is allowed per individual with earned income.

The deduction shall be applied to:

- ~~subsidized earned income in determining continuing eligibility;~~
- ~~earned income of an individual ineligible for the earned income disregard, as specified in rule 2275.4; and~~
- ~~earned income of an individual whose needs are not included but whose income and resources are counted.~~

The department shall not apply both the standard employment expense deduction and the earned income disregard to the earned income of any individual at the same time.

Dependent Care Expenses (7/1/2015, 15-08)

A deduction from the earned income of an assistance group member is allowed to cover the cost of care for an assistance group member who is an incapacitated adult, when all the following conditions are met:

- A. ~~The care is necessary to enable the caretaker to accept or retain employment or self-employment, and the hours of care are reasonably related to the caretaker's hours of employment or self-employment.~~
- B. ~~A member of the same assistance group or the incapacitated adults spouse does not provide the care.~~
- C. ~~The incapacitated adults spouse is unavailable or unable to provide the necessary care.~~
- D. ~~The provider of care is at least 16 years old.~~
- E. ~~The assistance group member claiming the deduction has provided a statement signed by the provider of care about the hours and cost of care.~~

Paid expenses converted to a monthly amount shall be deducted up to a maximum of \$175 per month. If a participant's dependent care expenses are below the maximum, transportation to and from the dependent care facility may be deducted as part of the expense.

The cost of employment-related child care needed by assistance groups is provided either:

Earned Income Deductions

- ~~• as a support service reimbursement subject to the conditions and limitations described in rule 2271; or~~
- ~~• as an exclusion from gross earned income, if the child is not a member of the assistance group, as described in rule 2276.~~

Earned Income Disregard (7/1/2015, 15-08)

~~The department shall disregard the first \$250.00 per month of the total unsubsidized earned income of each eligible assistance group member plus 25 percent of the balance remaining. The disregard includes a standard allowance used in lieu of the amount of actual expenses for taxes, insurance, retirement, union dues, fees, and other reasonable employment expenses.~~

Disallowance of Disregard (7/1/2015, 15-08)

~~No disregard is allowed for any new or increased earned income the participant fails without good cause to report by the end of the calendar month following the month in which the new or increased income was first received. Circumstances considered good cause for failure to report timely are limited to the following:~~

- ~~A. natural disasters, such as fires or floods;~~
- ~~B. illness of such severity that the participant is unable to direct personal affairs;~~
- ~~C. refusal of an employer to provide earned income verification or the unavailability of an employer to provide verification before the deadline;~~
- ~~D. lost or stolen mail confirmed by the Postal Service;~~
- ~~E. total monthly gross earnings, less any allowable business expenses (self-employment only), at or below the level of applicable earned income deductions and disregards.~~

~~This provision has no effect on an assistance group's responsibility to report all changes in circumstances within 10 days of their being known to the group or on the groups liability in the case of an overpayment.~~

Excluded Income

2276 Excluded Income (03/01/2017, 17-02)

- ~~A. Home produce used by the household for its own consumption.~~
- ~~B. Any income received by a recipient of SSI/AABD living in the Reach Up household, except for \$115.00 of a parent's SSI payment (rules 2240, 2271).~~
- ~~C. All income to an undergraduate student (may include parent as well as child in Reach Up Grant) from student grants, loans, or work/study if:
 - ~~1. such loans or grants are made under a program administered or insured by the U. S. Commissioner of Education; or~~
 - ~~2. the sponsor of the grant or loan precludes its use for maintenance purposes; or~~
 - ~~3. the work/study program is administered by a college or university recognized by educational authorities in which the undergraduate student is enrolled half time or more than half time, as defined in relation to the definition of full time used by the school.~~~~

~~Examples of excludable income sources: Basic Educational Opportunity Grants, Vermont Student Assistance Corporation grants or loans, Senatorial Scholarships, Supplemental Educational Opportunity Grants (SEOG), and College Work Study Programs (CWSP).~~

~~That portion of any Veterans Administration Educational Assistance Program payment that is for the student and is actually used for tuition, books, fees, child care services necessary for enrollment, etc., is also excluded.~~

- ~~D. Student financial assistance provided under Title IV of the Higher Education Act or Bureau of Indian Affairs Student Assistance programs.~~

~~Examples of programs in Title IV of the Higher Education Act include:~~

- ~~1. Pell Grants;~~
- ~~2. Supplemental Educational Opportunity Grants (SEOG);~~
- ~~3. State Student Incentive Grants (SSIG);~~
- ~~4. College Work Study (CWSP);~~
- ~~5. Perkins Loans (formerly National Direct Student Loans). These are different from loans under the Carl D. Perkins Vocational and Applied Technology Education Act, which are not totally disregarded see 5 below;~~
- ~~6. Guaranteed Student Loans (GSLP), including PLUS loans and Supplemental Loans for students.~~
- ~~E. Student financial assistance provided under the Carl D. Perkins Vocational and Applied Technology Education Act is disregarded as income or resources when the assistance is made available to meet attendance costs. Attendance costs include:
 - ~~1. tuition and fees normally assessed a student carrying the same academic workload as the applicant/recipient, as determined by the institution, including costs for rental or purchase of any equipment, materials, or supplies required of all students in the same course of study as the applicant/recipient; and~~
 - ~~2. an allowance for books, supplies, transportation, dependent care and miscellaneous personal expenses for a student attending the institution on at least a half time basis, as determined by the institution.~~~~

~~Excluded Income~~

~~F. Reimbursements for expenses (child or dependent care, transportation, purchase or maintenance of clothing, meals, etc.) attributable to participation in unpaid voluntary activities, including the value of meals provided during the course of these activities, shall not be considered either earned or unearned income for the purpose of determining eligibility for or the amount of benefits to be received from the Reach Up program.~~

~~G. Aid from other sources to meet needs not covered by the assistance grant, for example:~~

- ~~1. Aid granted for a specific purpose, such as vocational rehabilitation, including incentive allowances being paid by the Division of Vocational Rehabilitation to an active Reach Up recipient.~~
- ~~2. Aid for items and/or services not included in the standard assistance plan or medical assistance, such as special training for a child through a private agency, eyeglasses, dental care, etc.~~
- ~~3. General Assistance benefits.~~

~~H. Payments made pursuant to a court order for support or alimony, or an Administrative Order for support issued by the Human Services Board, or a contract between the Office of Child Support and noncustodial parent requiring the payment of support. This income exclusion is limited to payments actually made by a member of the assistance group toward the support of a person(s) outside the assistance group. The payment amount is deducted first from the assistance group's countable earned income with any balance deducted from unearned income.~~

~~I. Federally subsidized adoption assistance for special needs children, when verified by the Family Services Division (FSD) or a comparable agency in another state.~~

~~J. Payments for dependent care for a child who is not a member of the Reach Up assistance group but for whom a Reach Up parent, stepparent or caretaker is legally liable. The child and the child care must meet the requirements in rule 2316.~~

~~The provider of care must be at least 18 years of age, or at least 16 years of age if the provider has a high school diploma or GED or attends secondary school full time, and must meet the conditions specified under rule 2316 for providers of child care.~~

~~The actual amount paid or the FSD maximum payment rate for child care, whichever is less, shall be deducted from the parents or caretakers countable gross earned income.~~

~~K. In determining the countable income of a nonparental caretaker (rule 2221), payments for dependent care for an incapacitated spouse or other household member who is or could be claimed by the caretaker as a tax dependent.~~

~~The dependent care must be necessary for the employment of the nonparental caretaker. Payments for dependent care provided by a member of the assistance group, other legally liable relative or legal guardian do not qualify as necessary dependent care expenses under this policy.~~

~~The provider of care must be 16 years of age or older and submit a completed and signed form 218 P. The child must meet the age requirements in rule 2316.1.~~

~~The actual amount paid, up to a maximum of \$175 per month, shall be deducted from the household's gross earned income.~~

~~L. The value of 3SquaresVT benefits under the Food Stamp Act of 1977.~~

~~M. The value of the U. S. Department of Agriculture donated foods (surplus commodities).~~

Excluded Income

- ~~N. Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.~~
- ~~O. Earned income of an eligible child if the child is a full or part-time student. A student is a person who is enrolled in a school, college, university, or a course of vocational or technical training designed to fit him or her for gainful employment. The exclusion shall continue to apply during temporary interruptions in school attendance due to semester or vacation breaks, provided the child's enrollment will resume following the break.~~
- ~~P. Court ordered cash contributions for medical support paid by a noncustodial parent.~~
- ~~Q. Payments for support services and/or reimbursement for out-of-pocket expenses made to individual volunteers serving as foster grandparents, senior health aides, or senior companions; and to persons serving in the Service Corps of Retired Executives and Active Corps of Executives and any other program under Titles II and III pursuant to Section 418 of P.L. 93-133.~~
- ~~R. Payments to individual volunteers under Title I of P.L. 93-133 Section 404(g), University Year For Action payments under P.L. 93-113, and PL 96-143, Section 9 (VISTA) payments, unless determined by the Director of ACTION to be equivalent to or greater than the federal or state minimum wage.~~
- ~~S. The tax-exempt portions of payments made pursuant to P.L. 92-203 (Alaska Native Claims Settlement Act of 1973).~~
- ~~T. Payments distributed per capita to or held in trust for members of any Indian Tribe under P.L. 92-254, P.L. 93-134, or P.L. 94-540.~~
- ~~U. Payments received for the care of foster children in the custody of and placed by the Family Services Division.~~
- ~~The room and board portion of income received by developmental home providers furnishing qualified foster care to individuals placed by the Department of Developmental and Mental Health Services (DDMHS) or by a developmental or mental health services agency under contract with DDMHS. (See 2253.2).~~
- ~~V. Experimental Housing Allowance Program payments made under Annual Contributions Contracts entered into prior to January 1, 1975, under the U. S. Housing Act of 1937, as amended.~~
- ~~W. Reach Up support services, either as reimbursements or advance payments to the individual for child care, transportation, work-related expenses, work-related supportive services, education, or training-related supportive services.~~
- ~~Payments or reimbursements for child care expenses provided under Child Care Assistance for non-participants in Reach Up are also excluded as income in determining eligibility for or the benefit amount in Reach Up.~~
- ~~X. Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older American Act of 1965, as amended.~~
- ~~Y. The value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended, and the Special Food Service Program for children under the National School Lunch Act, as amended (P.L. 92-433 and P.L. 93-150).~~
- ~~Z. Receipts distributed to members of certain Indian tribes referred to in Section 5 of P.L. 94-114 effective October 17, 1975.~~
- ~~AA. Any income received from an emergency fuel supplement or energy allowance to assist with the cost of heating.~~

Excluded Income

- ~~AB. The first \$50 in child support payments made by an absent parent on behalf of an assistance group member within each calendar month. When more than one absent parent makes child support payments on behalf of a single Reach Up assistance group in the same calendar month, the maximum amount of child support to be disregarded in determining the assistance group's eligibility is \$50.~~
- ~~AC. Payments to persons of Japanese or Aleut ancestry as restitution for injustices suffered during the Second World War.~~
- ~~AD. Vermont and Federal Earned Income Tax Credits (EITC), whether received with each paycheck or as a refund (lump sum), shall not be counted as income.~~
- ~~AE. Payments made from the Agent Orange Settlement Fund or any other fund established because of the Agent Orange product liability litigation are excluded as income in determining eligibility for or the benefit amount in Reach Up financial assistance. This provision is retroactive to January 1, 1989 according to P.L. 101-201 enacted December 6, 1989 and P.L. 101-239 enacted December 19, 1989.~~
- ~~AF. Payments made pursuant to the Radiation Exposure Compensation Act (Public Law 101-426).~~
- ~~AG. Payments made under Indian Trust Funds Acts (Public Laws 97-458 and 98-64) and initial purchases made with such funds by the original recipient of the funds.~~
- ~~AH. Interest held in a trust or in restricted lands pursuant to section 8 of Public Law 93-134 and up to \$2,000 annual income received from the lease or other uses of the individually owned trust or restricted lands.~~
- ~~AI. Distributions made under Public Law 100-241 which amended the Alaska Native Claims Settlement Act as follows:~~
- ~~1. cash, including cash dividends on stock received from a Native Corporation, to the extent that it does not, in the aggregate, exceed \$2000 per individual per calendar year; or~~
 - ~~2. stock including stock issued or distributed by a Native Corporation as a dividend or distribution on stock; or~~
 - ~~3. a partnership interest; or~~
 - ~~4. land or an interest in land, including land or an interest in land received from a Native Corporation as a dividend or distribution on stock; or~~
 - ~~5. an interest in a settlement trust.~~
- ~~AJ. Payments made pursuant to the Maine Indian Claims Settlement Act of 1980 to a member of the Passamaquoddy Indian Tribe, the Penobscot Nation, or the Houlton Band of Maliseet Indians.~~
- ~~AK. Payments made to a member of the Aroostook Band of Micmaes pursuant to the Aroostook Band of Micmaes Settlement Act.~~
- ~~AL. Financial assistance paid through the Disaster Relief Act of 1974 as amended by Public Law 100-707 in 1988 and provided as major disaster and emergency assistance is excluded both as income and a resource in determining eligibility or benefit levels. This disaster coverage is intended to provide relief to people living or working in an area severely struck by natural or man-made disaster. The disaster must have been so severe as to cause the President to designate a Federal Disaster Zone. Additional relief provided under these circumstances by States, local governments and disaster assistance organizations is also excluded.~~

Excluded Income

~~AM. German reparations to concentration camp survivors, slave laborers, partisans, and other victims of the Holocaust. Settlement payments to victims of Nazi persecution or their legal heirs resulting from the confiscation of assets during World War II.~~

Resources

2280 Resources (04/01/2008, 08-02)

~~Resources are defined as any assets, other than income, that a Reach Up applicant or member of an assistance group has available to meet need. Such assets generally take the form of real or personal property the applicant or participant owns individually or jointly with other persons.~~

~~The Department shall evaluate the total equity value of all resources, except items specifically excluded, to establish their combined value for comparison with the resource limitation below. When a member of the assistance group and one or more persons who are not members of the same assistance group own resources jointly, the department shall consider at least a pro rata share of the resources available to the assistance group unless the assistance group can demonstrate that such resources are inaccessible to the assistance group. When the assistance group can demonstrate that it has access to only a portion of the resource, the value of that portion shall count toward the assistance group's resource limitation. The resource shall be considered totally inaccessible to the assistance group if the resource cannot practically be subdivided and the assistance group's access to the value of the resource is dependent upon the agreement of the joint owner.~~

~~When a member of an assistance group receives any liquid asset during a period of Reach Up participation (including periods of participation with zero benefits) and the asset is not otherwise excluded from consideration as income or resources in the determination of eligibility for Reach Up the department shall treat the asset as Lump Sum Income subject to the regulations under that heading. This includes liquid assets obtained as a result of the sale of a non-excluded or excluded resource unless the participant acquired the resource while not participating in Reach Up.~~

~~The department shall disregard from the combined resource limitation any portion of a bank account, cash on hand, or other liquid asset, that an applicant or participant has set aside for currently incurred expenses, such as property taxes or fire insurance premiums, included in the family's Reach Up basic needs and housing allowance for which payment is not yet due. The department shall disregard from the combined resource limitation an amount equal to the applicant or participant family's monthly income if it is established that this income constitutes cash on hand or money in a checking account to be used to meet current monthly expenses.~~

~~Future or potential resources shall be identified and developed, when feasible, (see Potential Income and/or Resources). Assistance needed, based on currently available resources, shall, however, continue until such resources become, in fact, available.~~

Combined Resources Limitation

~~2281 Combined Resources Limitation (05/08/2018, 17-20)~~

~~The maximum allowable resources, including both liquid and non-liquid assets, of all members of the household shall not exceed \$9000 for the household.~~

~~The total equity value of all real and personal property, except excluded items, may not exceed the above amount.~~

~~2281.1 Transfer or Assignment Prohibited (07/01/1994, 94-12)~~

~~Any individual who, or whose spouse, has voluntarily assigned or transferred property or income for the purpose of qualifying him/her for such assistance or for a larger amount than that to which he would otherwise be entitled is disqualified. Property affected includes any or all real or personal property subject to consideration as total resources subject to limitation.~~

~~Property transfers which occurred more than two years before the date of application for assistance shall not affect eligibility; this time interval affords reasonable presumption that such transfer was not made contrary to regulation.~~

~~Property transfers which occurred less than two years before the date of application for assistance shall not disqualify the individual if:~~

- ~~A. Apparent or stated reason(s) for transfer, supported by adequate facts, establishes, that the transfer was not made solely to qualify for assistance (e.g., needed income, relief from excessive property costs and/or upkeep responsibilities, foreclosure imminent, etc.).~~
- ~~B. Applicant received fair market value and remaining proceeds are within resource limitations.~~
- ~~C. Applicant's equity in property at the time of transfer to a legally liable relative has been exhausted on applicant's/recipient's behalf, as demonstrated by expenditures by the relative to equal such equity for any one or more of the following:~~
 - ~~1. Medical care (physician, hospital, nursing home, medications, health insurance, etc.).~~
 - ~~2. Funeral expenses of deceased spouse (including cemetery lot, perpetual care, marker and/or monument).~~
 - ~~3. Property taxes, mortgage payments, property insurance.~~
 - ~~4. Cost of maintaining applicant's home (shelter, including normal repairs but not extensive improvements, and cost of basic requirements of food, clothing, incidentals, fuel, utilities, etc., according to department standards).~~
 - ~~5. Cost of maintaining applicant in the relative's home (shared household expense, room and board or custodial care, according to department standard).~~

~~If the applicant cannot establish eligibility by facts supporting use of his/her equity, he/she may qualify by having the property reconveyed to him/her for consideration as an available resource.~~

~~2281.2 Property Sales (10/01/1990, 90-35)~~

- ~~A. Lump sum settlement from sale of real or personal property owned by a Reach Up assistance group member during a period of receipt of Reach Up benefits generally has the effect of converting an excluded asset to a liquid asset subject to the Lump Sum~~

Combined Resources Limitation

Income policy. Note that per that policy, if the real or personal property was acquired when the individual was not in receipt of Reach Up benefits, it is not considered a windfall payment but instead treated as a resource (see Excess Resources). An exception is a recipient who sells real property, used and occupied as the permanent home, shall be permitted to retain the net proceeds from that sale for a period not to exceed 90 days providing that:

1. ~~Net proceeds are held in trust; and~~
2. ~~The plan is to use these proceeds for purchase or construction of another home; and~~
3. ~~The recipient certifies that the money will be held in trust only for the purpose of obtaining another home.~~
4. ~~If at the end of the 90 day period there is no agreement to purchase another permanent home (which shall be occupied within 60 days from date of agreement) or to construct a home (which shall be completed and occupied within twelve months from date of agreement), the trust is subject to the Lump Sum Income policy.~~

~~B. A time payment contract on any real or personal property is treated as income and the balance of equity remaining from the mortgage is not considered a resource.~~

~~NOTE: The client retains the option of selling the mortgage, or accepting a lump sum settlement (see A. above) which is subject to the Lump Sum Income policy.~~

~~2281.3 Excess Resources (07/01/2001, 01-06F)~~

~~Any resources in excess of the allowable maximum and not treated as lump sum income (rule 2270.1) shall be considered available to the assistance group for use.~~

~~An assistance group shall become ineligible until such excess is exhausted. If the excess, however, is equal to or exceeds the grant amount that the assistance group would receive, the assistance group is ineligible for a period of 30 days or until resources fall below the maximum, whichever is longer.~~

Real Property

2282 Real Property (03/01/2017, 17-02)

~~Real property is defined for purposes of public assistance eligibility as land or property (i.e. buildings) affixed thereto. All mobile homes shall be considered "real" property.~~

~~Real property owned, used and occupied as a home by the applicant or recipient or spouse or minor child(ren), regardless of value shall be excluded from combined resources subject to limitation.~~

~~The value of the applicant's or recipient's equity in real property which is owned, but is not being occupied as a home by the applicant or recipient or spouse or minor child(ren), may be excluded from the total combined resources for a period of up to 6 months provided the family is making a good faith effort to sell the property. Assistance paid during this period shall be considered an overpayment, since Reach Up would not have been granted had the owner had the proceeds of the sale in hand. The recipient must agree that the proceeds of the sale shall be used to repay the Reach Up paid. The balance shall be counted as a resource.~~

~~If at the end of six months the property has not sold, and the recipient continues to demonstrate a good faith effort to sell, the equity may be excluded from resources for a further period of 3 months with the approval of the District Director. At the end of that time the equity in the property, if still unsold, must be considered as a resource.~~

~~When an applicant or recipient and eligible child(ren) are temporarily living at a location other than property owned, and that property was previously used and occupied as their home, expenses necessary to maintain their former home for their return shall be allowed in accord with "temporary absence". (rule 2264) When absence continues beyond six months, exemption of the property as "a home" must be re-evaluated in light of the circumstances precluding their return to the home and the expected duration of their absence from the home.~~

~~For treatment of any real property which is transferred, see "Transfer or Assignment Prohibited" (rule 2281.1).~~

Personal Property

2283 Personal Property (01/01/1984, 83-61F)

~~Personal property includes all liquid or non-liquid assets, other than real property.~~

~~In cases where payments are being received on notes and mortgages according to a time payment contract and are being considered as income, it is not necessary for the client to agree to convert to liquid assets, although that option is available.~~

~~If payments are not being made on a time contract and steps are not being initiated to foreclose, the entire equity remaining in a mortgage shall be considered as a resource. If such resource exceeds the maximum allowable, the case will be closed.~~

2283.1 Liquid Assets (11/01/1984, 84-54F)

~~Liquid assets are defined as cash or assets which can readily be converted to cash. Examples include: bank accounts (savings or checking); postal savings; credit union or building and loan shares; contents of safe deposit boxes; savings bonds; stocks and other securities; notes or mortgages payable to the applicant/recipient; etc.~~

~~Interest on savings accounts shall be considered only at time of initial application and at each regularly scheduled review. In those cases where resources are close to the maximum allowed, up-to-date verification of accrued interest shall be required. If, at time of review, recipient has excess resources, the recipient will be determined ineligible until excess resources have been used to meet need.~~

~~Stocks, bonds (including savings bonds) and other securities shall be evaluated at the current market or redemption value.~~

~~The principal due on outstanding notes and/or mortgages payable to an applicant/recipient and/or spouse shall be considered.~~

~~Loans and grants (such as scholarships) obtained and used, regardless of source, for a specific purpose which precludes their use for current living costs shall be excluded.~~

Trust funds - Trust Accounts (11/01/1984, 84-54F)

~~Evaluation of trust funds or trust accounts shall take into account the terms of the trust. The value of principal which can be made immediately available to the applicant/recipient and/or spouse shall be considered. The value of principal which cannot be made available shall be excluded; however, any special provisions for use of principal (such as payment of medical expenses, upkeep of property, etc.) shall be evaluated as a future or potential resource, including but not limited to recovery potential. It is also necessary to take into consideration the value and possible use of interest accruing from trust funds. Unless prohibited by terms of the trust, accrued interest shall be considered as income in the month received and a resource thereafter.~~

Burial Plots - Funeral Agreements (11/01/1984, 84-54F)

~~One burial plot for each individual in the Reach Up unit may be excluded as a resource. One funeral agreement per member may also be excluded provided the equity value of the agreement does not exceed \$1500.~~

Personal Property

~~2283.4 Annuities (05/08/2018, 17-20)~~

~~Annuities must be included as a family resource unless the applicant or participant can demonstrate that these funds are not and cannot be made available to the family. In counting resources of households with annuities, the total cash value must be counted minus the amount of penalty, if any, for early withdrawal.~~

~~2283.5 Vehicles (07/01/2001, 01-06F)~~

~~A vehicle is defined as a passenger car, truck or jeep, motorcycle, camper, van, snowmobile or boat that is stored on blocks or is operable (i.e., includes all major operating parts, such as engine, transmission, wheels, steering mechanism, etc.).~~

~~A nonoperable vehicle minus operating parts is considered junk and thus does not come within the definition of a vehicle; however, the salvage value of a junked vehicle may represent a substantial resource requiring individual evaluation.~~

~~The equity value of one operable motor vehicle per assistance group with one adult (rule 2301) and of two operable motor vehicles per assistance group with more than one adult is excluded as a resource. In situations where the assistance group owns additional vehicles, the applicant or participant shall identify each vehicle to be excluded. The equity value of all remaining vehicles owned by members of the assistance group, unless otherwise excluded, must be counted towards the resource limitation. Equity value equals fair market value minus debt owed.~~

~~If a vehicle excluded under this provision is sold and then replaced within 30 days of the date of the sale with another vehicle, the proceeds from the sale will be disregarded as a resource during this 30-day period.~~

~~To determine the fair market value of all countable vehicles, see Procedures, P-2211.~~

~~In situations where the applicant or participant disagrees with the determined value of the vehicle being considered, a written appraisal of the value submitted by a licensed dealer will be accepted.~~

~~2283.6 Income Producing Property (07/01/2001, 01-06F)~~

~~Personal property used as a means of livelihood (i.e., to produce income) is excluded from total value of combined resources (rule 2284).~~

~~Income-producing property may include vehicles, tools, livestock, equipment, machinery and similar goods owned, usually in quantities beyond the customary needs of normal living, and in fact, used by members of an assistance group to produce income for support of the group. This may include income-producing property owned by a participant who is currently unemployed, but can reasonably be expected to return to work. If, however, there is no expectation that the participant will return to work, at least in that particular field, then the personal property shall be considered as a resource (rules 2281.2 and 2282).~~

Excluded Resources

2284 Excluded Resources (05/08/2018, 17-20)

The following items are excluded from consideration to determine total resources:

- A. ~~Real property owned, used and occupied as a home by applicant or recipient or the spouse of an applicant or recipient.~~
- B. ~~Equity value in real property owned but not occupied as a home by an applicant or recipient for a certain period of time when a good faith effort is being made to sell (rule 2282).~~
- C. ~~Basic items essential to day to day living such as clothes, furniture and other similarly essential items of limited value.~~
- D. ~~Personal property used to produce income (rule 2283.6).~~
- E. ~~The value of the coupon allotment under the Food Stamp Act of 1964.~~
- F. ~~The value of the U. S. Department of Agriculture donated foods (surplus commodities).~~
- G. ~~Any resources held by a recipient of SSI/AABD.~~
- H. ~~Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.~~
- I. ~~Grants or loans to any undergraduate student for educational purposes which are made or insured under any program administered by the Commissioner of Education, or any grant or loan which is made for educational purposes and the sponsor of such grant or loan precludes the use of such funds for maintenance purposes. All resources remaining from student grants, loans, or work/study if:
 - 1. ~~Such loans or grants are made under a program administered or insured by the U. S. Commissioner of Education, or~~
 - 2. ~~The sponsor of the grant or loan precludes its use for maintenance purposes, or~~
 - 3. ~~The work/study program is administered by the college or university in which the undergraduate student is enrolled.~~~~

~~Examples of excludable resources include: Basic Educational Opportunity Grants, Vermont Student Assistance Corporation grants or loans, National Direct Student Loans, Senatorial Scholarships, Supplemental Educational Opportunity Grants, and College Work Study Program income.~~

- J. ~~One burial plot for each individual on the grant and one funeral agreement per individual (rule 2283.3).~~
- K. ~~Any amount of renters' or property tax rebate excluded from income under rule 2270.1 and set aside for the purpose of using it to pay rent or property taxes due within 12 months of the assistance group's receipt of such rebate.~~
- L. ~~Payments to persons of Japanese or Aleut ancestry as restitution for injustices suffered during the Second World War.~~
- M. ~~Vermont and Federal earned income tax credits (EITC), whether received with each pay check or as a refund following the end of the tax year, are excluded as a resource in the month in which they are received and in the following month. They continue to be excluded in subsequent months, subject to the criteria for assets accumulated from subsidized or unsubsidized earnings in (O) below.~~

~~Excluded Resources~~

- ~~N. Payments made from the Agent Orange Settlement Fund or any other fund established because of the Agent Orange product liability litigation, retroactive to January 1, 1989.~~
- ~~O. The value of assets accumulated from the subsidized or unsubsidized earnings of adults and children in participating families is excluded for the purposes of determining continued eligibility. Interest earned on excluded assets is also excluded. Nonliquid assets, purchased with savings from earnings or with a combination of savings from earnings and other excluded income or resources, such as SSI/AABD retroactive benefits or federal earned income tax credit lump sum income, are excluded.~~
- ~~Liquid assets excluded under this policy must be kept in a separate bank account from other liquid assets, unless to do so would create a hardship. A hardship exists when there is no bank within a reasonable distance from the earner's residence or place of work that allows a bank account without charging fees.~~
- ~~If a family reapplies for assistance after Reach Up terminates, assets accumulated during the time the family was not participating in Reach Up are excluded, provided that all other criteria specified for exclusion are met.~~
- ~~P. Payments made pursuant to the Radiation Exposure Compensation Act (Public Law 101-426).~~
- ~~Q. Payments made under Indian Trust Funds Acts (Public Laws 97-458 and 98-64) and initial purchases made with such funds by the original recipient of the funds.~~
- ~~R. Interest held in a trust or in restricted lands pursuant to section 8 of Public Law 93-134 and up to \$2,000 annual income received from the lease or other uses of the individually owned trust or restricted lands.~~
- ~~S. Distributions made under Public Law 100-241 which amended the Alaska Native Claims Settlement Act as follows:~~
- ~~1. cash, including cash dividends on stock received from a Native Corporation, to the extent that it does not, in the aggregate, exceed \$2000 per individual per calendar year; or~~
 - ~~2. stock, including stock issued or distributed by a Native Corporation as a dividend or distribution on stock; or~~
 - ~~3. a partnership interest; or~~
 - ~~4. land or an interest in land, including land or an interest in land received from a Native Corporation as a dividend or distribution on stock; or~~
 - ~~5. an interest in a settlement trust.~~
- ~~T. Payments made pursuant to the Maine Indian Claims Settlement Act of 1980 to a member of the Passamaquoddy Indian Tribe, the Penobscot Nation, or the Houlton Band of Maliseet Indians.~~
- ~~U. Payments made to a member of the Aroostook Band of Micmaes pursuant to the Aroostook Band of Micmaes Settlement Act.~~
- ~~V. Student financial assistance provided under the Carl D. Perkins Vocational and Applied Technology Education Act is disregarded as income or resources when the assistance is made available to meet attendance costs. Attendance costs include:~~
- ~~1. tuition and fees normally assessed a student carrying the same academic workload as the applicant/recipient as determined by the institution, and including costs for rental or purchase of any equipment, materials, or supplies required of all students in the same course of study as the applicant/recipient; and~~

~~Excluded Resources~~

- ~~2. an allowance for books, supplies, transportation, dependent care and miscellaneous personal expenses for a student attending the institution on at least a half-time basis, as determined by the institution.~~

~~W. Student financial assistance provided under Title IV of the Higher Education Act or under Bureau of Indian Affairs student assistance programs.~~

~~Examples of student financial assistance authorized by Title IV of the Higher Education Act are:~~

- ~~• Pell Grants;~~
- ~~• Supplemental Educational Opportunity Grants (SEOG);~~
- ~~• State Student Incentive Grants (SSIG);~~
- ~~• College Work Study (CWSP);~~
- ~~• Guaranteed Student Loans (or GSLP including PLUS loans and Supplemental Loans for Students); and~~
- ~~• Perkins Loans (formerly National Direct Student Loans). These are different from loans under the Carl D. Perkins Vocational and Applied Technology Education Act, (see #22 above).~~

~~X. Financial assistance, paid through the Disaster Relief Act of 1974 as amended by Public Law 100-707 in 1988, provided as major disaster and emergency assistance is excluded both as income and a resource in determining eligibility or benefit levels. This disaster coverage is intended to provide relief to people living or working in an area severely struck by natural or manmade disaster. The disaster must have been so severe as to cause the President to designate a Federal Disaster Zone. Additional relief provided under these circumstances by States, local governments and disaster assistance organizations is also excluded.~~

~~Y. German reparations to concentration camp survivors, slave laborers, partisans, and other victims of the Holocaust.~~

~~Settlement payments to victims of Nazi persecution or their legal heirs resulting from the confiscation of assets during World War II.~~

~~Z. Loan value and cash value of whole life insurance.~~

~~AA. Savings from earned income, matching dollar contributions, and accumulated interest deposited in Individual Development Accounts (IDAs) or a matched savings account sponsored by a community organization.~~

~~BB. Funds in a retirement account, such as an individual retirement arrangement (IRA), a defined contribution plan qualified under 26 U.S.C. § 401(k), or any similar account as defined in 26 U.S.C. § 408.~~

~~CC. Funds in a qualified child education savings account, such as the Vermont Higher Education Investment Plan, established in 16 V.S.A. § 2877, or any similar plan qualified under 26 U.S.C. § 529.~~

Potential Income and Resources

~~2290~~ Potential Income and Resources (08/01/1997, 97-14)

~~Potential sources of income or resources to meet current or future needs of applicants or recipients shall be explored.~~

~~Practical and feasible steps in identifying and developing potential income or resources include:~~

- ~~A. Filing application for unemployment compensation to which the individual may be entitled. If a person potentially eligible for unemployment compensation fails or refuses to apply for unemployment compensation, he or she shall be ineligible for Reach Up.~~
- ~~B. Cooperating with the department in contacting relatives who may be legally liable for child support. (rule 2235.1)~~
- ~~C. Cooperating with the department in pursuing legal action to enforce support obligations or liability claims, establish parentage or take other steps to secure potential sources of income or resources.~~

Pension and Benefit Programs

2291 Pension and Benefit Programs (08/01/1997, 97-14)

~~Entitlement to social security, Supplemental Security Income, railroad retirement, veterans' benefits or similar benefit programs will be explored with the applicant/recipient. Current age, physical or mental conditions, and survivor/dependent status of applicants/recipients, together with employment and military service history of such individuals and their legally liable relatives, may indicate potential or future entitlement of such benefits.~~

~~If any member of a Reach Up family is an elderly or disabled adult or the child of a deceased or disabled parent and has not already applied for social security or Supplemental Security Income benefits, the family shall be referred to the nearest social security office to apply for these benefits.~~

~~Insurance and Liability Claims~~

2292 ~~Insurance and Liability Claims~~ (11/01/1972, 72-148)

~~Insurance, in general, provides protection against specific future or unanticipated expense or loss of income. Provisions of the following types of insurance owned by applicant(s)/recipient(s) shall be evaluated for immediate or future potential income or resources:~~

- ~~A. Life insurance, as a resource for burial and/or other final expenses of the insured, and as a source of income and/or resources for surviving beneficiary applicant(s)/recipient(s).~~
- ~~B. Health insurance, as a resource for expenses of illness or accident.~~
- ~~C. Disability income protection (sometimes combined with either life or health insurance), as a resource to meet current needs of the insured and/or legal dependents.~~

~~Potential liability of a third party shall be identified and appropriate claim action initiated in cases involving personal injury and/or property damage. When appropriate, such claims shall be referred to the Quality Control Division for recovery action.~~

~~Support from Relatives~~

2293 Support from Relatives (10/01/1993, 93-47)

~~The Department stresses both the moral and legal support obligation of spouses for each other and parent(s) for child(ren).~~

~~Potential sources of support from the following legally liable relatives shall be identified during the application/review process:~~

- ~~A. Parent of dependent child(ren) who is absent from the home for any reason other than death;~~
- ~~B. Spouse who is absent from the home for any reason other than death.~~

~~Applicants/recipients shall be encouraged to take the initiative in securing support from other interested relatives and/or friends when appropriate.~~

~~All available information about the alleged father of a child born out of wedlock, including but not limited to his name, shall be obtained from the mother or other caretaker of such child and referred to the Office of Child Support for confidential evaluation of and recommendation to the Commissioner of practical and feasible action to establish paternity or secure support. If the district worker feels it is not in the best interest of the child to have paternity established, or support pursued, a notation to this effect must be included with the referral specifying the reason for the recommendation and a waiver request completed.~~

~~In all other cases, essential information concerning support potential and location shall be obtained from the applicant/recipient. Information obtained shall be referred to the Office of Child Support for initiation of action to secure support.~~

~~However, if the non-custodial parent is a stepparent to the child(ren) in the assistance group and is divorced, legally separated, or living apart from the applicant/recipient spouse, support from the stepparent is not pursued because absence results in the termination of his or her financial obligation to the children.~~

Notice to Law Enforcement

(10/01/1993, 93-47)

~~33 VSA § 1104 requires prompt notice to the appropriate law enforcement officials when assistance is granted due to desertion or abandonment of a child by a parent. Responsibility for legal action in accord with 15 VSA § 201-210 rests with the dependents of the deserting parent and the state's attorney, the official charged with enforcing laws relating to the abandonment or desertion of children or minors.~~

~~Notification is required in all cases of desertion by a natural, step or adoptive parent. This includes any married parent even though "allegedly" not the father of a child or children, since by law children born in wedlock are presumed legitimate until proven otherwise.~~

~~The Office of Child Support enlists the aid and cooperation of law enforcement officials in pursuit of support; locates the deserting parent, if possible, and contacts him to encourage voluntary assumption of his legal responsibility for his family; provides information necessary for legal action in accord with efficient administration of the program to law enforcement officers.~~

~~Support from Relatives~~

~~The applicant/recipient must be informed of the department's legal obligation under 33 VSA 1104 to report the receipt of assistance to the appropriate law enforcement official. If the applicant is unwilling to have the report made, he has the choice of withdrawing his/her request for assistance. Clear interpretation of this legal requirement, including the possibility that testimony may be required, is needed to enable applicant to make an informed choice.~~

Contact with Relatives

(10/01/1993, 93-47)

~~An Office of Child Support staff member shall contact by the most practical means, the non-custodial parent, from whom regulations require pursuit of support, when assistance is granted initially and until regular payments are being received by the Department, as long as assistance continues. An Office of Child Support staff member shall contact the alleged father of an out-of-wedlock child where action to establish paternity is contemplated.~~

~~Child Support contact with parents shall cover the following points:~~

- ~~A. Responsibility to support;~~
- ~~B. Parent's ability to contribute;~~
- ~~C. Explanation of recipient's financial needs;~~
- ~~D. Establishment of payment;~~
- ~~E. Recording support arrangement with court or obtaining appropriate court order.~~

~~Contact with legally liable parents shall be made by the most practical means available (personal interview, letter or telephone). If the parent is located outside Vermont, an interview by a representative of an out-of-state public social agency may be requested or by the commanding officer of an individual in military service.~~

~~A written summary of recipient information and/or action and all Child Support contacts with legally liable parents shall be maintained in the Office of Child Support.~~

2293.3 Location of Relatives (10/01/1993, 93-47)

~~A concerted effort to locate and contact non-custodial parent(s) whose whereabouts are unknown to the recipient, shall be required. A similar effort to locate the alleged father of a child born out-of-wedlock shall be required except in those cases where action to establish paternity has been determined not to be in the best interests of the child.~~

~~The Commissioner has legal authority (33 VSA § 113) to request information to assist in locating parents involved in desertion and non-support cases through a record search by other state agencies. Assistance may be requested through the Federal Parent Location Service (FPLS) in the manner and form prescribed by the Secretary of Health and Human Services. The Office of Child Support will maintain a parent locator service and process all requests to the FPLS for both recipients and for persons not otherwise eligible for Reach Up.~~

Support from Relatives

Referral to Office of Child Support

(04/01/2008, 08-02)

~~The Office of Child Support is responsible for pursuit of support from legally liable parents. Referral by completing specified forms shall be required when Reach Up has been granted or continues to a family in which a parent is absent from the home for any reason other than death.~~

~~Participating parents who receive assistance through a Solely State Funded Program (2180-2183.1) shall assign all child support rights to the DCF. The participating parent shall apply for services from the OCS, if not already receiving such services, and cooperate fully with the OCS in their efforts to collect the assigned support. The department shall deny or terminate assistance to participating parents who fail or refuse to apply for services from OCS.~~

~~The OCS reviews information concerning alleged parentage as furnished by the custodial parent of an out-of-wedlock child, evaluates the legal and social factors involved, and pursues support as appropriate based on the facts of the case. A representative of the OCS contacts the alleged noncustodial parent when OCS concludes that action to establish parentage is in the best interests of the child.~~

Cooperation with Courts

(10/01/1993, 93-47)

~~The Office of Child Support coordinates activity with appropriate courts when the following legal procedures are deemed practical and feasible:~~

- ~~A. Criminal non-support action brought by a State's Attorney in District Court for desertion and non-support of dependent children (15 VSA § 201 et. seq.);~~
- ~~B. Petition for a support decree to enforce support obligation of a husband who has deserted or failed to support without just cause (15 VSA § 291, 293);~~
- ~~C. Petition to modify or amend a support decree in cases of divorce or legal separation (15 VSA § 660 and 668);~~
- ~~D. Contempt action to enforce provisions of a support decree currently in arrears (15 VSA § 603);~~
- ~~E. Action under the Uniform Reciprocal Enforcement of Support Act (15 VSA § 385-428) to secure support from a relative living in another state;~~
- ~~F. Action to establish the paternity of recipient children and provide for their support (15 VSA § 301 et. seq.);~~
- ~~G. Action to establish child support (15 VSA § 658);~~
- ~~H. Action to enforce a child support obligation through garnishment or attachment in Superior Court or before the Family Court (33 VSA § 3902).~~

~~The Office of Child Support as the State Information Agency under URESA carries out the following duties: (15 VSA § 405):~~

- ~~A. Compiles a list of courts and their addresses having jurisdiction and transmits same to the State Information Agency of every other state which has adopted the same or similar legislation;~~
- ~~B. Maintains a register of lists received from other states and transmits copies thereof as soon as possible to every court in Vermont having jurisdiction.~~

Support from Relatives

Collections for Non-Reach Up Families

(07/01/2001, 01-06F)

Families with children not receiving Reach Up financial assistance may request child support collection and parentage establishment services from OCS.

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2200 Purpose

a. The purpose of the Reach Up program is to:

1. Assist families, recognizing individual and unique characteristics, to obtain the opportunities and skills necessary for self-sufficiency;
2. Encourage economic independence by removing barriers and disincentives to work and providing positive incentives to work;
3. Support parental nurturing;
4. Support parental responsibility and positive parental role models, both custodial and noncustodial;
5. Measure the success of the system by what is best for children;
6. Improve the well-being of children by providing for their immediate basic needs, including food, housing and clothing;
7. Respect the dignity of individuals and families receiving assistance by providing employment, education, and other services through social service delivery systems available to all Vermont citizens and by encouraging the private sector to integrate families receiving assistance into the mainstream employment market;
8. Recognize the challenges facing many families receiving assistance by minimizing structural financial disincentives to increased earnings and the abrupt termination of assistance before parents are fully integrated into the employment market;
9. Conserve state public financial resources by operating the system of aid in a manner that is efficient and avoids federal fiscal sanctions; and
10. Conform to federal TANF law.

2201 Definitions

a. The following definitions apply to the terms used in the rules for the Reach Up program:

1. “Active management” means that the participant is responsible for making significant management decisions, such as approving new tenants, deciding on rental terms, or approving expenditures.
2. “Adult” means:
 - i. An individual age 18 or older, who is not a dependent child; or
 - ii. An individual under age 18, who is either pregnant or the parent of a dependent child.
3. “Bona fide loans” means:

- i. A loan from an establishment or individual that is in the business of making loans and is evidenced by a written agreement to repay the money within a specified period; or
 - ii. A loan obtained from an establishment or individual not normally engaged in the business of making loans, evidence that the loan is bona fide would be provided by a written agreement between the parties to the loan that specifies a timetable or plan for repayment.
 - iii. A loan is considered bona fide even if it is repaid without interest or was obtained without being secured with collateral.
4. “Countable” means the months of benefits that a Reach Up participant receives that count toward the 60-month time limit.
5. “Department” means the Vermont Department for Children and Families.
6. “Domestic violence” means any of the following acts:
 - i. Physical acts that resulted in, or threatened to result in, physical injury to the individual;
 - ii. Sexual abuse;
 - iii. Sexual activity involving an eligible child;
 - iv. Being forced as the parent or caretaker of an eligible child to engage in nonconsensual sexual acts or activities;
 - v. Threats of, or attempts at, physical or sexual abuse;
 - vi. Mental or emotional abuse; or
 - vii. Neglect or deprivation of medical care.
7. “Electronic benefit transfer transaction” means the use of a credit or debit card service, automated teller machine, point-of-sale terminal, or access to an online system for the withdrawal of funds or the processing of a payment for merchandise or a service.
8. “Eligibility” means the state laws and federal laws that apply to receipt of Reach Up benefits.
9. “Family development plan” (FDP) means the written plan that charts the Reach Up household’s participation in the Reach Up services component.
10. “Homeless” means lacking a fixed and regular overnight residence or living in one of the following as a primary overnight residence:
 - i. A supervised shelter designed to provide temporary accommodations;
 - ii. A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;
 - iii. A temporary accommodation, for not more than 90 days, in the residence of another

individual; or

iv. A place not designed for, or ordinarily used as, a regular sleeping accommodation.

11. “Household” means either:

i. One or more eligible children living with:

A. One or both parents;

B. A relative; or

C. A caretaker;

ii. A pregnant individual.

12. “Parent” means:

i. The same as in 15C V.S.A. § 102(16);

ii. Stepparent; or

iii. Pregnant individual.

“Participant” means an adult who is a member of a Reach Up household.

13. “Payment” means the form, frequency, and method used to pay Reach Up benefits to eligible individuals through:

i. Money payments; and/or

ii. Vendor payments.

14. “Reach Up household” shall have the same meaning as “eligible family” in 33 V.S.A. § 1101(11) and means a household that is determined to be financially eligible for the Reach Up program.

15. “Support services” means the services and referrals needed for the accomplishment of the participant’s goals and the implementation of their family development plan.

16. “Temporary Assistance to Needy Families” (TANF) means the block grant provided to Vermont and established in accordance with Part A of Title IV of the federal Social Security Act, as amended, and the regulations issued under the Act by the United States Secretary of Health and Human Services.

2202 Eligibility and Payment Process

a. The eligibility and payment process for Reach Up consists of steps an applicant takes to request benefits and procedures the Department follows to determine eligibility and payments.

- b. Steps within the eligibility and payment process include:
1. An initial application for benefits, including a subsequent application to add an additional adult to an existing Reach Up household;
 2. An interview to clarify information the applicant provides on the application and provide the applicant with:
 - i. An overview of programs administered by the Department;
 - ii. Services and referrals available;
 - iii. Program requirements; and
 - iv. Participant responsibilities;
 3. The documentation and verification of necessary information related to pertinent eligibility conditions, including an initial family development plan (FDP) (rule 2313);
 4. A determination of initial eligibility and amount of benefits;
 5. Written notice is provided to applicants of eligibility decisions; and
 6. Authorization and payment of benefits by the Department for eligible applicants.

2203 Case Records

- a. Permanent records on each individual case shall be maintained and shall include applications for assistance, factual data, verification of information, budgetary computations, eligibility decisions, payment authorizations, and copies of all correspondence.
- b. Case information may contribute in statistical or other general terms to material needed for planning, research, and overall administration of Department programs.
- c. Individual case data shall, however, be held in confidence under Department regulations limiting disclosure of such information identifying a specific applicant or participant.
- d. Retention of records shall be subject to Federal and State requirements for audit and/or review.

2204 Authorized Representative

- a. An authorized representative may, under specific conditions, act on behalf of a Reach Up household to carry out specific activities related to establishing eligibility for, obtaining, and using benefits made available through Department programs.
- b. A judicially appointed legal guardian or legal representative automatically meets the criteria for an authorized representative.
- c. A relative, friend, or other knowledgeable interested individual may act on behalf of a Reach Up household when the adult Reach Up household members are unable to act for themselves.

- d. An applicant for Reach Up may, in an emergency precluding the presence of the applicant at a required interview, designate a representative to act on their behalf by addressing a letter, naming the individual designated and bearing the applicant's signature, and providing this letter to the Department.
- e. An authorized representative must be:
 - 1. An adult;
 - 2. Not a member of the Reach Up household; and
 - 3. Aware of the Reach Up household's situation.

2205 Quality Assurance Review

- a. Continuing validation of the accuracy of information and resulting decisions on eligibility and amount of benefits is carried out through a Quality Assurance review of a sample of each month's Reach Up caseload.
- b. The primary purpose of the validation review is assurance that Department policies are clear and consistently applied and that applicants can understand and furnish accurate information.
- c. Whenever a validation review indicates possible fraud, further investigation and appropriate action shall be initiated.

2206 Domestic Violence

- a. The Department recognizes that families experiencing the effects of domestic violence may face a threat to the health, safety, and well-being of one or more family members as well as an obstacle to upward economic mobility.
- b. To encourage and help such families to address the effects of domestic violence, the Department shall explain to applicants and participants that they:
 - 1. May ask for a deferment or modification to the work requirement (rule 2360);
 - 2. May ask for a waiver of the requirement to cooperate in the pursuit of child support (rule 2235.4);
 - 3. Have a right to confidentiality unless the law requires a report of abuse; and
 - 4. May limit voluntary waivers of confidentiality based on criteria they choose, such as time periods or named collateral contacts.
- c. The Department shall provide this explanation at the time of application and eligibility review and at any time the Department receives information indicating that the applicant or participant, or a dependent child, may be or may have been a victim of domestic violence.
- d. Domestic violence is defined at rule 2201.

2207 **Application**

- a. Application for Reach Up is the specific action of completing, signing, and submitting an application form furnished by the Department to begin the program eligibility determination process.
- b. An application for Reach Up may be considered as an application for Reach First when required or allowed by the Reach First rules.

2207.1 **Application Process**

- a. Application forms shall be signed by:
 - 1. The individual applying for benefits;
 - 2. An authorized representative of an individual applying for benefits; or
 - 3. Where the applicant is incompetent or incapacitated, someone acting responsibly for them.
- b. The date of application, which governs the time limit for rendering and implementing a decision on the application, is the date that a signed application form is first received in any Economic Services Division (ESD) office, regardless of whether such application is sufficiently complete for an immediate decision on eligibility.
- c. All contacts shall be considered inquiries up to the point of ESD's receipt of a signed application form.
- d. Department response to application inquiries shall include:
 - 1. Furnishing application form(s);
 - 2. Appropriate explanation of program(s) inquired about, including eligibility standards and criteria;
or
 - 3. Explanation of applicant rights and responsibilities, including penalties for fraudulent acquisition and use of benefits.
- e. A signed application for Reach Up, on a form furnished by the Department, is required to begin action on a request for benefits.
 - 1. Such application may be obtained online, by calling, writing, or visiting any of the Department's offices.
- f. Any individual previously found ineligible for benefits, who believes their circumstances have changed or who desires to have eligibility reconsidered, may reapply by submitting an up-to-date signed application form to the Department.
- g. The formal application gives individuals the means to furnish information necessary for a decision, protects them from being ruled ineligible without formal application, informs them of their rights

and responsibilities, and provides a basis for appeal if they are dissatisfied with any action or inaction by the Department.

- h. A relative, friend, or other interested party may assist an applicant in completing necessary forms.
 - 1. The applicant, spouse, authorized representative, or legal guardian must sign the form and thereby assume responsibility for all information entered.
- i. If an applicant has difficulty in completing an application and no other person is available to assist, a Department employee may record information furnished by the applicant on the application.
 - 1. The Department must review the application information entered to ensure accuracy before the applicant signs and assumes responsibility for the information.
- j. The individual in whose name an application is filed is designated the applicant, or the head of the Reach Up household.
 - 1. When a group of individuals apply together for benefits from more than one Department program, it is preferable, although not mandatory, that the same member be designated head of the household for all programs.

2207.2 Choice of Program

- a. An applicant who is eligible for both Reach Up benefits and Supplemental Security Income (SSI), with or without the state AABD supplement, shall have free choice to select either program.
- b. No individual may, however, receive Reach Up benefits at the same time as receiving federal SSI or state AABD.
 - 1. Recipients of SSI can act as a payee of a Reach Up benefit on behalf of other eligible individuals.
- c. Applicants or participants who apply for SSI or are awaiting a decision on an SSI application may be required to sign an agreement authorizing the Department's recovery of Reach Up from SSI back payments.

2207.3 Deadline for Application Processing

- a. Action on applications shall be completed as soon as possible, but no later than 30 days from the date of application for Reach Up.
- b. Within this deadline, a decision must be made concerning the application, and a written notice of that decision must be sent to the applicant.
- c. When the deadline is not met because of applicant-caused delays or circumstances beyond ESD's control, the reason must be documented in the case record.

- d. Not meeting the established deadline shall not constitute the sole reason for denial of benefits unless the applicant's non-cooperation can be established and documented in the case record.

2208 Sources of Application Information

- a. The applicant is the primary source of information about their need and eligibility for benefits.
- b. Verification of information provided on the signed application and through interviews is only required when specified at rule 2208.3.
- c. Reliance on the applicant as the primary source of information to establish eligibility recognizes the right to privacy, but also places responsibility on the applicant to provide necessary information completely and accurately or, when needed, to give consent to obtain such information elsewhere.
- d. The signature of an applicant, authorized representative, or legally appointed representative on an application must certify under penalty of perjury that information on the application pertaining to all members of the Reach Up household is correct and complete.
1. Only one adult applicant signature is required (rule 2207.1).
- e. An applicant has a right to refuse to give information, or to submit required verification.
1. Refusal to provide information or take the action necessary to establish eligibility will result in denial or closure of benefits.
2. Willful misrepresentation of an applicant's circumstances may also result in legal action under fraud statutes.
3. The Department shall make every effort to ensure the applicant fully understands the consequences of:
- i. Refusal to take necessary action to establish eligibility; and
- ii. Misrepresentation of individual circumstances.
- f. The Department is responsible for providing an explanation and interpretation of program eligibility criteria to an applicant in assessing their circumstances against such eligibility criteria.
- g. An individual may apply for benefits through another person.
1. The individual acting for the applicant is, in such situations, considered the primary source of information, subject to the same rights, responsibilities, and consequences for the applicant as an applicant acting directly for themselves.

2208.1 Application Form

- a. The applicant's signed application form is the primary source document for information about the applicant's circumstances.
- b. A signed application form with the applicant's name, address, and signature shall be sufficient to

apply for Reach Up benefits.

2208.2 Interviews

- a. An interview is required for all Reach Up applications.
- b. The Department shall conduct interviews via the phone.
 1. A face-to-face interview may be provided at the applicant's request.
- c. The Department may waive the interview requirement for applicants who are not mandatory members of the Reach Up household when they apply for benefits only on behalf of the children in the household if the following criteria are met:
 1. All questions on the application have been answered completely;
 2. The application does not contain any questionable or inconsistent information; and
 3. The Department has received all required verification.

2208.3 Verification

- a. Verification is a written entry in the case record of third-party confirmation or documentation of facts stated by an applicant or participant.
- b. Verification shall be required when:
 1. The Department is processing an initial application or eligibility recertification for Reach Up benefits;
 2. The participant reports a change in circumstances relating to the verified item; or
 3. The Department receives information from some other source that indicates the most recent information reported by the applicant or participant may be incorrect.
- c. Verification shall be required for the following items:
 1. All non-excluded income (amount and source);
 2. All non-excluded resources, within \$200 of the resource limit;
 3. Actual dependent care costs for a non-household member claimed as a work expense and used as a deduction from earned income;
 4. High risk pregnancy for a person with no dependent children;
 5. Collateral information affecting eligibility;

6. Application for a social security number, if the individual does not have one; and
 7. Months of TANF assistance received in another state.
- d. Verification may be required for the following, if questionable:
1. Identity and residency;
 2. Age, citizenship, or immigrant status for any member of the Reach Up household;
 3. Parentage of a child included in the Reach Up household; and
 4. Any other information that affects eligibility or amount of benefits.
- e. Written verification statements shall include sufficient detail to enable independent reviewer evaluation of the reasonableness of the resulting eligibility decision, including:
1. A description of method used;
 2. Dates;
 3. Sources;
 4. Summary of information obtained; or
 5. Any computations required.
- f. If the household cannot furnish complete pay stubs or similar verification, a verbal or written statement of earnings must be obtained from the employer.
- g. The Department shall verify and document earnings received in the prior 30 days for applicants and participants.
1. If the earnings received in this 30-day period are not representative of current or future circumstances, then a best estimate must be made based on information and documentation obtained during the eligibility determination or redetermination.
 - i. In such cases, this alternative figure will be used to estimate monthly earnings.
- h. For continuing eligibility, earnings must be verified at least once every six months.
1. When earnings have just begun or changed, available pay stubs, a statement from the employer on earnings and predicted hours of employment, or similar verification shall be used to make a best estimate of future earnings.
- i. Verification of income and expenses from self-employment requires careful evaluation by the Department considering the following:
1. If the applicant or participant has been self-employed for a period of time and has reported this income to IRS, the latest income tax return can be used as one source, providing it reflects the current situation.
 2. An applicant or participant, who has recently become self-employed, shall provide a written

- statement of potential monthly income or all available business records.
3. Self-employment income shall be projected for 12 months based on these records.
 4. For continuing eligibility, self-employment income must be verified at least once every six months.
- j. Not cooperating with the verification requirements may result in a denial or closure unless a good cause reason exists.
1. Denial or closure shall result if an applicant or participant:
 - i. Fails without good cause to submit documentation necessary for verification;
 - ii. Fails without good cause to consent to verification of any eligibility factor; or
 - iii. Fails without good cause to cooperate in any investigation necessary to support an affirmative decision of eligibility.
 2. Good cause reasons include:
 - i. Natural disasters, such as fires or floods, having a direct impact on the applicant or participant or an immediate family member;
 - ii. Illness of such severity on the part of the applicant or participant or an immediate family member that the applicant or participant is unable to direct their personal affairs;
 - iii. Refusal of an employer to provide earned income verification, or the unavailability of an employer to provide verification before the deadline;
 - iv. Lost or stolen mail which is confirmed by the Postal Service;
 - v. Refusal of a landlord to verify housing expense;
 - vi. Death of the applicant or participant or an immediate family member; or
 - vii. Inability of a third party to provide the necessary documentation within the designated time period.
 3. Other reasons may be found to constitute good cause with the approval of the Department.
- k. If verification is received after the Department has denied the application, but 31 to 60 days from the original application date, the Department may use the original application to determine eligibility.
1. If eligible, benefits will be issued from the date the missing verification requirements were provided.

2208.4 Collateral Sources Used for Verification

- a. The Department may contact sources, other than the applicant, to verify an applicant's eligibility for benefits.
- b. The Department may only contact collateral sources with the consent of the applicant as authorized by a signed application or authorization to release information.

1. These contacts are limited to interviews, telephone calls, or correspondence necessary to obtain information required to make an eligibility decision.
- c. Information requested from collateral sources is limited to the specific eligibility factors in question.

2209 Continuing Eligibility

- a. Reach Up benefits continue, as authorized, until changed or terminated for the following reasons:
 1. Change in circumstances;
 2. Participant did not provide a completed interim report;
 3. Expiration of a certification period;
 4. Participant did not provide information to complete recertification;
 5. Sanctioned participant did not engage in Reach Up services requirements; or
 6. Participant received 60 countable months and did not engage in Reach Up services requirements.

2210 Recertification

- a. Recertification is a review of the Reach Up household's eligibility factors to determine their continued eligibility for Reach Up benefits.
- b. Recertification shall be conducted periodically, as specified in rule 2210.1, for all Reach Up households.
- c. Recertification uses the same sources of information as the application process (rule 2208), which includes the following:
 1. Participants shall submit a new signed application at every recertification and provide current information about individual, family, and household circumstances in relation to program eligibility factors;
 2. Interviews shall be required on the same basis as for initial eligibility; and
 3. Verification, including use of collateral sources as needed, shall be required on the same basis as for initial eligibility.
 4. Recertification shall be final when written notice of the Department's decision has been made available to the participant and:
 - i. An increase of benefits has been made available to the participant; or
 - ii. Authorization to terminate or reduce benefits has been processed.

2210.1 Recertification Periods

- a. All Reach Up households shall complete a recertification every 12 months.

- b. The recertification period for Reach Up households may be scheduled at intervals shorter than 12 months to coincide with known anticipated changes or recertification periods for other benefit programs administered by the Department.
- c. A scheduled recertification period may not, however, exceed the 12-month limit.

2210.2 Interim Reports

- a. All Reach Up households shall complete an interim report every six months.
- b. The interim report must include verification of any earned income.

2211 Change Processing

- a. The Department must notify the Reach Up household of the requirement to report any changes in circumstances within ten calendar days of the date the change becomes known.
- b. The Reach Up household shall notify the Department of any change in individual, family, or Reach Up household circumstances that may affect continuing eligibility.
 - 1. Such changes include: residence location, Reach Up household composition, employment, income, and resources.
- c. When a change is the addition of an adult to a Reach Up household, all eligibility conditions apply (rule 2202) and are reconsidered for the new Reach Up household formed by the change.
- d. When a change is the addition of any individual to an existing Reach Up household, benefits based on the new member's needs and income will be effective for the date on which the individual joined the Reach Up household, provided that a timely report of the change was made.
 - 1. A report of change is considered timely if it is reported within ten calendar days of the date the change became known to the Reach Up household.
 - 2. If the change was not timely reported, benefits based on the participant's needs and income shall be effective from the date on which the change was reported.
- e. A change reported for one program shall be considered to have been reported for all programs in which the Reach Up household is participating.
- f. The Department shall, upon receipt of a report of changed circumstances, consider such changes in relation to all eligibility factors for all programs through which benefits are currently authorized.
 - 1. If a reported change results in a Reach Up household becoming ineligible, benefits shall end on the earliest date for which the adverse action deadline has not passed.
- g. A description of payment cycles is given at rule 2216.

- h. Reductions and closures resulting from changes reported fewer than ten calendar days before the adverse action approval deadline may take effect for the following benefit period.
 - 1. This ensures that participants have a ten-day period in which to provide required verification and the Department has a ten-day administrative period in which to process the change.
- i. A Reach Up household that includes a pregnant person cannot have their Reach Up benefits increased solely based on the pregnancy.

2211.1 Change of Address

- a. A Reach Up household shall immediately notify the Department of any change in their domicile and inform the Department of the new location and mailing address.
- b. Failure to immediately notify the Department of any change in domicile may result in a delay in receipt of benefits, incorrect payments, or render the Department unable to determine continued eligibility.
- c. Changes of domicile for reasons other than visiting purposes shall require a review of circumstances and recomputation of budgeted need.
 - 1. Visits away from the domicile of less than 30 days are not considered a change of domicile.
- d. A Reach Up household that moves outside Vermont with the intent to domicile outside the state shall become ineligible upon leaving their Vermont residence (rule 2229).

2211.2 Deceased Reach Up Household Member

- a. Eligibility of a Reach Up household member terminates upon death.
- b. Notice of death, processed through the applicable payment system, shall automatically cancel continuing benefits to, or on behalf of, the deceased individual.
- c. Vendor payments for services incurred by eligible individuals before death shall, however, be authorized and paid, when billed within fiscal time limits.
- d. Surviving members of a Reach Up household may continue to be eligible for benefits following the death of a Reach Up household member.
- e. Continuing eligibility and resulting payment adjustments shall be established through appropriate eligibility review action.

2212 Decisions

- a. By law, the Commissioner is empowered to decide upon applications for benefits and to prescribe the amount of benefits to be given.

- b. Authority to make case decisions is assigned to the Department.

2212.1 Application Decisions

- a. Decisions on applications or reapplications for benefits are classified as:
1. Approval – when need exists, according to Department standards, and all other eligibility conditions of the program are met; or
 2. Denial – when need does not exist, according to Department standards; when one or more other eligibility conditions of the program are not met; when the applicant cannot be located; or when the application is withdrawn by the applicant.

2212.2 Continuing Eligibility Decisions

- a. Department decisions on continuing eligibility for benefits are defined as follows:
1. Continuing – when need exists, in the same amount or scope, and all other eligibility conditions of the program continue to be met;
 2. Reductions – when lesser need exists and all other eligibility conditions of the program continue to be met;
 3. Increases – when greater need exists and all other eligibility conditions of the program continue to be met; or
 4. Closures – when need no longer exists, or when one or more other eligibility conditions of the program are no longer met.
- b. Decisions shall be effective on the date the household would have received its next benefit payment, subject to any applicable advance notice requirements.

2213 Notice of Decision

- a. A written notice of decision shall be provided to Reach Up applicants/participants prior to implementation of any decision affecting their receipt of benefits, which includes the following information:
1. The type of action to be taken;
 2. An explanation of the action that includes reference to dates, amounts, reasons, and the governing rules; and
 3. A clear explanation of individual rights to request a fair hearing (rule 2262) and to request continuation of benefits pending a fair hearing decision if requested within specified time limits.
- b. Unless specifically exempt, a decision resulting in termination or reduction in the amount or scope of benefits or changing a benefit to a protective payment system requires advance written

notice of the proposed action.

- c. Advance notice must be mailed no less than ten days prior to the effective date of the proposed action.

2213.1 Exemptions from Minimum Advance Notice

- a. The requirement for minimum advance notice of termination, reduction, or change in method of payment shall not apply to decisions resulting from the following:
1. A new or amended regulation promulgated under the provisions of the Administrative Procedures Act (3 V.S.A. § 801 et seq.) that will have general and universal effect upon the benefits of a significant number of individuals and a general advance notice of such regulation change has been sent to all participants in the particular program affected;
 2. The death of the only participant in a one-person Reach Up household;
 3. The participant's voluntary request for such action, as attested to by:
 - i Participant's signature, or the signature of an authorized representative, on a formal waiver of notice; or
 - ii Written or verbal submission of information requiring such termination or reduction that contains the participant's clear admission of awareness that the required action will be taken.
 4. A change of payee to continue benefits for the use of eligible children during or following family separation.

2213.2 Benefit Amount Notice

- a. Written notice of benefit amounts shall include the following specific information:
1. Benefit amount;
 2. Effective date of first payment;
 3. Conditions, if any, affecting continuing benefits; and
 4. Method of payment.
- b. Written notice of benefits denied shall include the specific reason for denial.
- c. Written notice of continuing benefits shall state that benefits continue or include the following specific information regarding a change:
1. Current benefit amount and changed benefit amount;
 2. Effective date of change;
 3. Reason for change; and
 4. Method of payment.

d. Written notice of benefits closed shall include the following specific information:

1. Current benefit amount, if any;
2. Effective date of closure; and
3. Reason for closure.

2214 Benefit Amounts

- a. A benefit amount is a direct payment of assistance to, or on behalf of, an eligible Reach Up household to meet need, as established under Department regulations.
- b. Reach Up benefit amounts shall be made payable to the parent or caretaker responsible for care and supervision of an eligible child, except when an alternate payee has been designated by court action or under Department regulations (rule 2215).
- c. A non-recipient parent or caretaker may be designated payee to meet the needs of an eligible child in their care in the following situations:
 1. A parent or caretaker has their own needs met through a separate SSI/AABD grant for which they are payee in their own right; or
 2. A caretaker is not financially eligible for Reach Up but provides care for an eligible child in either the caretaker's or child's home.
- d. A household receiving a benefit amount shall not knowingly use any benefit amounts in a:
 1. Retail establishment which sells exclusively or primarily any alcoholic beverages defined in 7 V.S.A § 2;
 2. Casino, gambling casino, or gaming establishment; or
 3. Retail establishment that provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.
- e. A household that uses or accesses benefit amounts in any of the places prohibited in subsection (d) shall reimburse the Department for the amount of benefits used or accessed in the prohibited establishment.
- f. State law prohibits assignment, transfer, attachment, trustee process, or execution of benefits. (33 V.S.A. § 124)
- g. When funds available for payment of SSI/AABD and Reach Up benefits are insufficient to provide assistance to all eligible individuals, benefit amounts shall be reduced until sufficient funds become available. (33 V.S.A. § 114)

2215 **Alternate Payee**

- a. Benefits shall be payable to the following individuals on behalf of a participant under the following situations:
 - 1. The court-appointed legal guardian or legal representative of a Reach Up participant unable to manage their own affairs;
 - 2. A designated protective payee, who acts on behalf of a Reach Up participant who has demonstrated serious problems in management of funds;
 - 3. Vendors of specific goods or services, when the vendor payment is used in lieu of designating a participant's third-party payee; or
 - 4. An adult acting on behalf of a Reach Up participant in an emergency situation expected to last 30 days or less.
- b. Payment of benefits to a legal guardian or legal representative shall be authorized when a copy of the appointment is received, or the appointment has been verified at the court.
- c. Payment of benefits to a protective payee, or vendor payment in lieu of payment to a protective payee, shall be authorized by the Department upon receipt of a signed protective payment agreement.

2216 **Method of Payment**

- a. Regular monthly payments in the amount of the approved benefit will be made as follows:
 - 1. These Reach Up households shall receive their benefit amount in a single 100 percent monthly payment cycle to cover the entire month:
 - i. Households where OCS collects child support on behalf of the child may receive 100% of their benefit on the 1st of the month, or, if sanctioned, after meeting with their case manager; or
 - ii. Households under sanction for noncooperation with Reach Up services may receive their shelter expense paid up to their full Reach Up benefit and 60 percent of any remaining Reach Up benefit after meeting with their case manager, with 40 percent of any remaining Reach Up benefit paid on the 16th of the month (rule 2220.6(e)(2)).
 - 2. All other Reach Up households shall receive their benefit amount in two payments:
 - i. 60 percent at the beginning of the month to cover the first 15 days of the month; and
 - ii. 40 percent on or about the 16th to cover the remainder of the month.
- b. One-time payments for the benefit amount will be made in the following situations:
 - 1. Initial benefits approved after the regular monthly payments (60 percent or 100 percent) are made for that month or the following month;

2. Increases approved for the current month or the following month when there is not enough time to implement the change through the regular monthly payment system; or
3. Other authorized situations, such as controlled vendor payments or benefits issued to correct an underpayment.

2217 Benefit Payments for Deceased Household Members

- a. A deceased Reach Up household member shall not be entitled to Reach Up benefits for any month following the month of death.
- b. Funds remaining from a benefit paid before death of the Reach Up household member remain available for use on their behalf and/or on behalf of eligible survivors of the Reach Up household.
- c. The needs of a deceased Reach Up household member shall be removed from their household's benefits with appropriate notice and benefits shall continue in an adjusted amount required to meet the surviving Reach Up household's needs.
- d. A payment for a period before the death of a Reach Up head of household will, upon notification, be reissued to one of the following individuals:
 1. The administrator or executor of the head of household's estate, if one has been appointed;
 2. A surviving parent of an eligible child, who was living with or dependent upon the deceased head of household; or
 3. The new payee of the Reach Up household's benefits.
- e. If a benefit is paid for a period after the death of the Reach Up head of household, a replacement payment shall not occur until the original payment is credited to the Department.

2218 Underpayments

- a. Department errors that result in underpayment of benefits shall be retroactively corrected when the information to enable authorization of the correct amount was available to the Department at the time the error occurred.
- b. Retroactive corrected payment shall be authorized only for the 12 months preceding the month in which the underpayment is discovered, regardless of current Reach Up eligibility.
- c. The retroactive corrective payment shall not be considered income in the month paid or a resource in the following month (rules 2253 and 2254).
- d. Corrective payments shall be retroactive to the effective date of the incorrect action, not subject to the above limitations, when:
 1. Ordered as a result of a fair hearing or court decision; or
 2. Authorized by the Department as the result of a Department decision rendered on a formal appeal prior to hearing.

- e. Retroactive corrective payments will be applied first to any outstanding unrecovered overpayment.
 - 1. The amount of corrective payment remaining, if any, shall be paid to the Reach Up household.

2219 Overpayments

- a. Overpayments of benefits shall be subject to recoupment if they result from the following:
 - 1. Administrative error;
 - 2. Participant error; or
 - 3. Payments made pending a fair hearing that is subsequently determined in favor of the Department.
- b. Recovery of an overpayment can be made through repayment by the recipient of the overpayment or by reducing the amount of payment being received by the member of the Reach Up household.
- c. Recoupment of overpayments less than \$35.00 do not apply to ineligible individuals, except for a case involving fraud.
- d. Any overpayments of \$35.00 or more should be recovered from ineligible individuals.
 - 1. However, if after an attempt has been made to recover the amount and continued attempts at recovery would cost as much or more than the amount of the overpayment, further attempt at collection may be waived.
- e. Overpayments of benefits that are subject to recoupment shall only be recouped from the program in which the overpayment occurred.
 - 1. When participants who have been overpaid in one Reach Up program transfer to, or subsequently apply for and are found eligible in, another Reach Up program, the overpayment and recoupment shall not transfer to that other program.
 - 2. Any outstanding overpayment amounts may be recovered in other ways authorized under these rules and shall be recouped if the participant returns to the Reach Up program where the overpayment occurred.
- f. No recoupment shall be attempted for overpayments occurring more than 12 months prior to the date of discovery unless the overpayment was caused by the participant's willful withholding or misrepresentation of information that affected the amount of payment.
 - 1. Recoupment of overpayments that took place within a three-year period prior to the date of discovery can be attempted when a participant's willful withholding or misrepresentation of information caused the overpayment.
- g. Recoupment shall be made each month from any combined earned and unearned income, liquid

resources, and the amount of the household's Reach Up benefit before recoupment.

1. The household's combined income will include:
 - i. Business expense for self-employment;
 - ii. Child support, except for the \$50 family bonus payment (rule 2250.1); and
 - iii. No other earned income deduction or disregards.
- h. For participant errors, the Reach Up household must retain from its combined income, 90 percent of the amount payable to a household of the same composition and housing expense with no income, plus up to \$90 for the standard earned income deduction and any allowable dependent care deduction.
 1. For Reach Up households with no other income, the amount of the recoupment will equal 10 percent of their Reach Up benefit amount.
- i. For Department errors, the Reach Up household must retain from its combined income, 95 percent of the amount payable to a household of the same composition and housing expense with no income, plus up to \$90 for the standard earned income deduction and any allowable dependent care deduction.
 1. For Reach Up households with no other income, the amount of the recoupment will equal 5 percent of the Reach Up benefit amount.
- j. If the Reach Up household member responsible for the overpayment is no longer eligible or moves to another Reach Up household, the Department may recover from any or all of the following:
 1. The member responsible for the Overpayment;
 2. The original Reach Up household;
 3. The new Reach Up household.
- k. If through the Department's administrative oversight certain requirements in the Child Support Program are not met, such as support payments not deducted from the Reach Up benefit, the Department may recoup from the individual or the Reach Up household.
- l. If a fraud referral is made, recoupment must be delayed pending the outcome of the fraud investigation.

2220 Protective Payments

- a. Protective payments are management of benefits by a third party outside of the Reach Up household to meet the needs of a dependent child and the parent or caretaker with whom the child is living.

- b. Protective payments are used as follows:
1. Protective payments are used as a temporary measure when difficulty in money management jeopardizes the welfare of the child and when the parent or caretaker living with the child has the capacity to learn through budget assistance to manage the Reach Up household's funds in a way to assure proper care of the child.
 - i. The parent's or caretaker's management capacity can be presumed unless there is evidence to the contrary.
 - ii. The benefit is paid to a protective payee who is interested in, or concerned with, the welfare of the Reach Up household.
 - A. If an acceptable protective payee cannot be found, a substitute form of protective payment known as controlled vendor payments (CVP) is used (rule 2220.6).
 - iii. Households with difficulty in money management, as determined by the Department, should be referred to money management counseling, if available in the community.
 - iv. When cognitive, mental health, or physical limitations preclude capacity to improve management of funds, legal alternatives shall be pursued.
 - A. There must be documentation of inadequate physical capability or of mental incapacity that precludes self-care and raises concern for the Reach Up household's well-being.
 - B. Petition for appointment of a legal guardian or legal representative for a parent or caretaker living with the child may be initiated by the Department.
 2. Protective payments for housing are made in cases where a parent or caretaker living with the child fails to meet Reach Up services requirements, according to criteria in rules 2333.4 and 2333.5.
 3. Protective payments for housing are made in cases where a parent or caretaker is temporarily absent from the home according to the criteria in rule 2228.1.
 4. Management of benefits through controlled vendor payments is optional when the household requests direct payment for housing, utilities, or other basic needs, and meets the requirements of rule 2220.6.
- c. If a protective payment system is used, the participant may appeal to the Human Services Board for a fair hearing (rule 2262.4).

2220.1 Budget Assistance Determination

- a. The Department will evaluate evidence of difficulty in money management, determine whether the parent or caretaker demonstrates the capacity to overcome these obstacles, and decide whether, based on these factors, budget assistance through a protective payment plan is warranted.
- b. Difficulty in money management shall result in budget assistance through a protective payment plan

if either of the following criteria are met:

1. The health or safety of the child is at risk because, in the previous 12 months, a Reach Up household is two or more months behind on their incurred rent payment.
 - i. Rent will be considered overdue to the current landlord for any month when it remains unpaid ten days past the due date.
 - ii. The Reach Up household's current landlord is the property owner or manager of the dwelling unit now occupied by the Reach Up household and its possessions.
 - iii. This property owner or manager remains the current landlord until the Reach Up household has vacated this dwelling unit and removed its possessions from the unit.
2. The health and safety of the child is at risk by the inability of the parent or caretaker to regularly meet basic financial obligations, including:
 - i. Rent, tax, or mortgage payments;
 - ii. Utility payments; and
 - iii. The provision of adequate food and clothing.
- c. When a Reach Up household is about to be converted to, or has already been converted to, protective payments due to difficulty with money management, the Department should take no action that would cancel the Reach Up household's conversion to protective payments or terminate its existing rent vendor payment status.
- d. If failure to pay bills is threatening the loss of shelter or necessary services, including a pattern of nonpayment of rent, these conditions are sufficient to justify budget assistance through a protective payment plan.
- e. Budget assistance through a protective payment plan may be warranted even when the Reach Up benefit does not cover the household's full rent.

2220.2 Rebuttal of Budget Assistance Determination

- f. The parent or caretaker will have at least ten days to rebut the Department's decision to implement budget assistance through a protective payment plan before the Department may take action.
- g. The decision to start protective payments may be rebutted when a parent or caretaker can demonstrate one of the following:
 1. Payment was not made because the Reach Up household experienced an emergency event that required the use of funds;
 2. Payment was withheld because of a legitimate landlord-tenant dispute (see subsections (c) through (h) below); or
 3. Payment was not made, however the Reach Up household is making a good faith effort to pay for essential expenses, which currently exceed their benefits and available gross income.

- i. Benefits and gross income would include all those benefits available to the Reach Up household to meet needs including, all earned and unearned income.
- ii. Essential expenses include:
 - A. Rent;
 - B. Mortgage and mortgage insurance;
 - C. Taxes;
 - D. Fuel;
 - E. Electricity;
 - F. Water;
 - G. Sewer;
 - H. Basic telephone service;
 - I. Non-reimbursed medical expenses;
 - J. Non-reimbursed work-related childcare expenses;
 - K. Food in an amount equal to the 3SquaresVT Thrifty Food Plan; and
 - L. Actual and reasonable school expenses, including the cost of a uniform not provided by the school and required for a specific school activity in which a Reach Up household member participates.
- h. A legitimate landlord-tenant dispute is established when the parent or caretaker has arranged to pay rent in one of the following methods:
 - 1. Into an escrow account with their attorney;
 - 2. Into an escrow account with a bank, if the landlord agrees;
 - 3. Into a separate bank account, if the landlord does not agree; or
 - 4. To the court, if so ordered, until such time as the dispute is resolved.
- i. A landlord-tenant dispute is considered legitimate when:
 - 1. The landlord fails to comply with their obligations of habitability;
 - 2. The tenant gave the landlord actual notice of the noncompliance;
 - 3. The landlord fails to make repairs within a reasonable time, and the noncompliance materially affects health and safety;
 - 4. The noncompliance is not caused by the negligence or deliberate action or omission of the tenant or of a person on the premises with the tenant's consent; or
 - 5. The payment of rent was diverted to pay for documented repairs, fuel, or utilities that are the landlord's responsibility and affect the health and safety of the child.

- j. If a Reach Up household is already on controlled vendor payments (CVP) when a legitimate landlord-tenant dispute arises, the parent or caretaker must set up and pay rent pending the resolution of the dispute in one of the following ways:
 - 1. Into an escrow account with an attorney;
 - 2. With a bank if the landlord agrees; or
 - 3. To the court, if so ordered.
- k. If a parent or caretaker on CVP does not arrange to hold the rent pending the resolution of the dispute, the Department shall hold the money.
- l. Rent payments set aside to pay rent pending resolution of a legitimate landlord-tenant dispute are excluded as a resource (rule 2257), but once the dispute has been resolved, withheld rent payments not paid for shelter are counted as a resource.
- m. The landlord-tenant dispute is resolved when the landlord's noncompliance is corrected.

2220.3 Protective Payee

- a. A protective payee shall be appointed or terminated by the Department.
- b. All protective payee appointments shall include:
 - 1. A protective payment agreement defining the responsibilities and objectives of the plan;
 - 2. The authority of the payee;
 - 3. Reporting responsibilities;
 - 4. Recognition of the rights of the participant; and
 - 5. Terms outlining the confidentiality of the relationship.
- c. The protective payee appointment shall be terminated when:
 - 1. The participant is considered able to manage funds in the best interests of the child;
 - 2. A legal guardian or legal representative is appointed to serve the best interests of the participant;
or
 - 3. In the judgement of the Department, the protective payee is not performing their responsibilities in the best interests of the participant.
- d. The protective payee has the authority to make decisions about the expenditures of the Reach Up benefits.
 - 1. The payee may make the actual expenditures independently, after joint discussion with the participant, or supervise the participant's spending.

2. Actual current shelter costs should be met first, then other basic needs such as food, heat, water, electricity, and clothing.
 3. Any balance may be applied toward other needs.
- e. Assumption of payments on behalf of the participant by a protective payee shall not constitute a contractual arrangement between the Department or the protective payee and any providers of service to the participant.

2220.4 Payee Selection Criteria

- a. Selection of the protective payee shall be with the participant's input and consent, to the extent possible, and based on the following considerations:
1. Interest or concern in the welfare of the Reach Up household;
 2. Ability to help the Reach Up household make proper use of the Reach Up benefit;
 3. Availability to work with the Reach Up household;
 4. Ability to establish and maintain a positive relationship with the Reach Up household; and
 5. Dependability of the person to handle highly confidential information.

2220.5 Payee Conflict of Interest Limitation

- a. To avoid a conflict of interest, the following individuals are prohibited from serving as a payee:
1. Department staff, except as allowed in subsection (b);
 2. Landlords, grocers, and other vendors of goods and services who deal directly with the participant; and
 3. The eligibility worker determining financial eligibility for the individual, special investigative or resource staff, or staff handling fiscal processes related to the recipient.
- b. Qualified employees of the Department may serve as protective payees only when no other suitable individual is available.
1. When a Department employee is selected, efforts to find another payee outside the Department should continue.
 2. The case record must show continuing effort to secure a payee outside the Department and the reason such efforts have not been successful.

2220.6 Controlled Vendor Payments (CVP)

- a. The Department manages the Reach Up benefits through the controlled vendor payment system (CVP) by authorizing payments or vendor authorizations to pay bills and obtain basic needs.
- b. The Department places Reach Up households on CVP when:

1. Difficulty in money management (rule 2220.1) precludes payment of benefits directly to the Reach Up household, a budget assistance determination has been made, and no protective payee has been appointed;
2. A participant is sanctioned for noncooperation with Reach Up services requirements (rule 2312), and housing costs must be vendored;
3. A parent or caretaker is temporarily absent from the home (rule 2228.1), and housing costs must be vendored; or
4. A parent or caretaker requests direct payment, and the following circumstances exist:
 - i. The Reach Up benefit is sufficient to make the requested payments in full;
 - ii. The provider of housing or other services agrees to accept payment on the same schedule as Reach Up payments are made; and
 - iii. The provider agrees to the condition that direct payment may cease without notice from the Department to the provider.
- c. The Department cannot spend more than the authorized Reach Up benefit amount, but the Department may spend less and carry the unspent balance forward to a future month as necessary to budget for one-time expenses such as property taxes, mortgage insurance, and one-time resolution of a landlord-tenant dispute.
- d. In making payments on behalf of the Reach Up household, the Department shall first pay actual current shelter expenses before other disbursements are made.
- e. For households placed on CVP, 60 percent of the Reach Up benefit is available on the 1st of the month, and 40 percent on the 16th of the month, except for the following households:
 1. Households where OCS collects child support on behalf of the child may receive 100% of their benefit on the 1st of the month, or, if sanctioned, after meeting with their case manager; or
 2. Households under sanction for noncooperation with Reach Up services may receive their shelter expense paid up to their full Reach Up benefit and 60 percent of any remaining Reach Up benefit after meeting with their case manager, with 40 percent of any remaining Reach Up benefit paid on the 16th of the month.
- f. At the discretion of the Department, taking into consideration the portion of benefits available at a given time of the month, a schedule of rent payments may be established to ensure that rent payments are kept current.
- g. If a protective payee is appointed, any balance remaining in the account is paid to the payee.
- h. Assumption of payments on behalf of the Reach Up household by the Department shall not constitute a contractual arrangement between the Department and any providers of service to the Reach Up household.

2220.7 Reconsideration of Protective Payments

- a. Reconsideration by the Department of the need for protective payments and the way in which a protective payee's responsibilities are carried out shall be at the request of the Reach Up household or at the household's recertification.
- b. Once difficulty in money management results in budget assistance through a protective payment plan, protective payments will continue until the Reach Up household's essential expenses are current (rules 2220.1 and 2220.2).
- c. When a Reach Up household informs the Department of the household's intent to move, the Department should explain the following:
 1. Moving does not automatically mean that the protective payments will end; and
 2. If the Reach Up household follows through with their intent to move, the Department will end protective payments only after the Department verifies with the landlord that the Reach Up household and their possessions have in fact moved from their current dwelling unit.
- d. Vendor payments shall terminate when a court has issued an eviction order.
- e. The Department shall discuss judicial appointment of a legal representative with the Reach Up household if it appears that the appointment of a legal representative would be more beneficial to the household than protective payments.

2221 Eligible Child

- a. An eligible child is defined as an individual who meets all Reach Up criteria of need, age, and residence.
- b. An individual qualifies under the age criterion as an eligible child if they are under 18.
 1. In addition, 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.
 2. An eligible child under subsection (b)(1) above remains eligible for Reach Up benefits for the full calendar month they graduate high school or complete their educational program.
 3. Children who are not full-time secondary school students on the day before their 18th birthday remain eligible for Reach Up benefits for the full calendar month during which their 18th birthday occurs.
- c. An otherwise eligible 18-year-old child with a documented disability continues to be eligible for Reach Up benefits as follows:
 1. 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.
 2. An eligible child under subsection (c)(1) above remains eligible for Reach Up benefits for the

full calendar month during which their 19th birthday occurs.

- d. Disability is defined according to the Americans with Disabilities Act as follows:
 - 1. A physical or mental impairment that substantially limits one or more major life activities of such individual;
 - 2. A record of such an impairment; or
 - 3. Being regarded as having such an impairment.
- e. The following children are considered to have a disability under the ADA definition:
 - 1. A child with a learning disability; or
 - 2. Any child who receives or has received special education.
- f. To determine if the child receives or has received special education services, it is necessary to verify that the child has or had an Individualized Education Program (IEP) or 504 Plan through their school district.
 - 1. The parent must provide a copy or documentation of the current or prior IEP or 504 Plan from the school.
 - 2. If a parent contends that a disability resulted in the child's inability to graduate before the child's 19th birthday, but no IEP or 504 Plan was put in place, to determine eligibility the Department requires that the parent provide documentation from the child's doctor and the school that supports the parent's contention.
- g. Minor parents receiving their own benefits do not meet the definition of an eligible child because they are not considered in need as defined by rule 2237.
- h. An eligible child must live with a parent or caretaker.
- i. A parent or caretaker may apply for Reach Up benefits on behalf of a child, who is not yet in the home or is temporarily absent from the home.
- j. Eligibility for Reach Up benefits may continue, in certain circumstances, during the temporary absence of either the child or parent or caretaker from the home.
- k. Physical aspects of the home and care of the child that appear to be below minimum standards of health and safety shall not limit eligibility as long as the child lives with the parent or caretaker.
 - 1. Improvement of detrimental conditions shall be attempted through casework and related services.
 - 2. Protective action shall be initiated if hazardous conditions continue, under applicable laws and regulations.
- l. Children receiving SSI/AABD are not eligible for Reach Up benefits.

2222 Eligible Parent

- a. An eligible parent is defined as an individual who:

1. Is a parent (rule 2201), who lives in the same household with one or more eligible child (rule 2221);
 2. Is not receiving SSI/AABD program benefits; and
 3. Has met all other eligibility requirements set forth by these regulations.
- b. The parent of a disabled child receiving SSI/AABD program benefits is also an eligible parent.
- c. A pregnant person having no children in their household would be an eligible parent if they meet the exception requirements in rule 2235.
1. The other parent living with a pregnant person in a household with no other children is not considered an eligible parent until the expected child is born.
- d. A parent whose parental rights to all eligible children in the household have been terminated does not qualify as an eligible parent.
- e. When the needs of a minor parent are met through their own Reach Up benefit, the parent of the minor parent does not qualify as an eligible parent in relation to the minor parent.

2223 Eligible Caretaker

- a. An eligible caretaker is a relative or unrelated adult acting in the role of a parent and must meet the following conditions:
1. An eligible caretaker must be a person who is fulfilling a parental role that is in the best interest of the child and is providing physical care, guidance, and decision-making related to the child's health, school, medical care, and discipline.
 - i. If a parent of the child can be reached, the decision to name a caretaker will be made after consultation with that parent.
 - ii. The best interest of the child will be presumed when:
 - A. The child's life is able to continue as normally as possible in the absence of one or both parents;
 - B. There is no substantiated evidence of child abuse or neglect, and there is no evidence of violence or criminal behavior by the caretaker; and
 - C. There is a pre-existing relationship with the child and the child's parent(s).
 2. An eligible caretaker must be a person who is fulfilling a parental role because:
 - i. The parent is not in the home due to death;
 - ii. The parent is unable to provide guidance due to incarceration or extreme illness;
 - iii. The child has been abandoned, and there is no available relative able to care for the child;

- iv. Placement of the child with a relative would be considered unsuitable; or
- v. The caretaker is a more appropriate choice than an available relative due to the child's existing relationship to the caretaker and/or the caretaker's ability to provide quality care and guidance to the child.

2224 Shared Custody

- a. In most cases, the eligible parent will be determined according to the Parental Rights and Responsibilities (PR&R) Agreement, regardless of where the parents claim the child is actually living.
- b. When two parents share custody of a child, and both parents have applied for Reach Up benefits and have claimed the same child as a member of their Reach Up household, the eligible parent shall be determined according to the following list:
 - 1. When one parent has sole legal and physical responsibility pursuant to a PR&R Agreement, then that parent is the eligible parent.
 - 2. When one parent has physical responsibility for the child more than half of the time pursuant to a PR&R agreement, then that parent is the eligible parent.
 - 3. When the parents equally share physical responsibility for the child pursuant to a PR&R agreement, then the parent who applies first is the eligible parent.
 - 4. When the parents equally share physical responsibility for the child in the absence of a PR&R agreement, then the parent who applies first is the eligible parent.
 - 5. Custody situation and eligible parent table:

<u>Custody Situation</u>	<u>Eligible Parent</u>
<u>One parent has sole legal and physical responsibility pursuant to a Parental Rights and Responsibilities (PR&R) Agreement</u>	<u>The parent with sole legal and physical responsibility is the eligible parent.</u>
<u>One parent has physical responsibility for the child more than half of the time pursuant to a PR&R agreement.</u>	<u>The parent with physical responsibility for more than half of the time is the eligible parent.</u>
<u>The parents equally share physical responsibility for the child pursuant to a PR&R agreement.</u>	<u>The parent who applies first is the eligible parent.</u>
<u>The parents equally share physical responsibility for the child in the absence of a PR&R agreement.</u>	<u>The parent who applies first is the eligible parent.</u>

- c. When a parent, who does not have physical responsibility for a child more than half of the time, but

the child is spending at least 15 nights per month or the equivalent, in that parent's household, is the only parent to apply for Reach Up benefits, that parent will remain the eligible parent until the other parent applies for benefits and claims the child as a member of the household.

- d. When there is a dispute between the parents as to the division of physical responsibility, in the absence of a PR&R agreement, the first parent to apply for Reach Up benefits will remain the eligible parent unless the other parent provides sufficient evidence to verify that the child primarily lives in their household.
 1. Adequate verification evidence includes, but is not limited to:
 - i. Current childcare records;
 - ii. Current school records;
 - iii. Current medical records; or
 - iv. Collateral statements from neighbors.
- e. When adequate verification has been submitted by the second parent that is sufficient to prove that the child primarily lives in the second parent's household, the first parent shall be given ten days to provide verification proving that the child primarily resides in the first parent's household.
 1. If the first parent's household does not provide verification proving that the child primarily resides in that household, the parent in the second household shall be the eligible parent.

2225 Minor Parent Households

- a. A minor parent shall be allowed to have their eligibility determined separately from their parent or caretaker, regardless of whether the minor parent is living in their parent's or caretaker's household and regardless of whether the parent or caretaker is eligible for Reach Up benefits.
- b. The minor parent may choose to be the payee of the Reach Up benefit, otherwise one of their parents or caretakers shall be designated as the alternate payee.
- c. Minor parents may choose to be included in their parent's or caretaker's Reach Up household and shall be subject to the requirements in rule 2319 and not considered out-of-school youth under rule 2320.
- d. If, during an eligibility determination process or review of eligibility, the minor parent states that living in the parental home is unacceptable, the minor parent shall not be asked to explain the reasons behind this assessment.
- e. Minor parents not living in an approved living arrangement at the time of application, who do not have good cause in rule 2319.3 for living independently, may be granted Reach Up benefits for 30 days if all other eligibility factors are met.

- f. If the minor parent is not living in an approved living arrangement at the end of the 60-day period, including the 30-day grace period, is not exempt, and is not cooperating with the case manager, the Reach Up household's benefits shall be subject to fiscal sanctions (rule 2333).

2226 **Eligible Reach Up Essential Caregiver**

- a. An individual, other than the parent of an eligible child or spouse, is considered an essential caregiver and shall be included in the Reach Up household if they fulfill all of the following criteria:

1. Live in the same household with the applicant or participant;
2. Are not eligible for SSI/AABD or Reach Up benefits, but are in need, according to Reach Up eligibility standards; and
3. Furnish essential care and/or services that:
 - i. The applicant or participant cannot perform on their own;
 - ii. Are deemed essential; and
 - iii. Would need to be provided if the essential caregiver were not in the same household.

- b. Types of essential care and/or services include:

1. The provision of childcare that enables the applicant or participant to work on a full-time paid basis outside the home;
2. Care for a disabled or seriously ill member of the Reach Up household in the home;
3. The provision of childcare that enables the applicant or participant to attend training or postsecondary education full time;
4. The provision of childcare that enables the applicant or participant to attend high school or equivalent educational classes full-time; or
5. The provision of childcare, not to exceed a period of two months, that enables the applicant or participant to participate in a job search or other Reach Up activities.

- c. To determine the need of an eligible Reach Up essential caregiver see rule 2237.

2227 **Home**

- a. A home is defined as the Reach Up household setting maintained, or in the process of being established, in which the parent or caretaker assumes responsibility for care and supervision of the child.
- b. Lack of a physical home, as in the case of a homeless family, is not by itself a basis for disqualification from eligibility for Reach Up benefits.
- c. The child and parent or caretaker normally share the same physical home.

- d. A home shall also be considered to exist, in certain circumstances, during the temporary absence of either the child or parent/caretaker from the physical home (rule 2228).

2228 Temporary Absence from the Home

- a. In all cases where a child or parent/caretaker is or will be absent from the home for a period of 30 days or more, the parent or caretaker must notify the Department of the following:
1. The reason for the absence;
 2. The designation of the protective payee, if applicable; and
 3. The parent's or caretaker's intent to maintain a home for the child during the absence.
- b. All temporary absences of a child or parent/caretaker exceeding 30 days shall be subject to verification and approval by the Department.
- c. The expectation of temporary absences of a child or parent/caretaker must not exceed 180 consecutive days.
1. Counting the 180 consecutive days begins on:
 - i. The date the child or parent/caretaker leaves the home; or
 - ii. The first day Reach Up benefits were approved when the child or parent/caretaker has previously been absent from the home prior to receiving Reach Up benefits.

2228.1 Temporary Absence of a Parent or Caretaker

- a. A temporary absence of a parent or caretaker from the home for a period of greater than 30 days, but not expected to exceed 180 consecutive days, is limited to the following:
1. The parent or caretaker is receiving inpatient or outpatient care from a hospital;
 2. The parent/ or caretaker is receiving inpatient or outpatient care from a substance abuse treatment facility; or
 3. The parent or caretaker is receiving inpatient or outpatient care from another medical institution.
- b. The parent or caretaker, who is temporarily absent from the home for any of the above reasons, may receive Reach Up benefits if the following criteria are met:
1. The parent or caretaker continues to maintain a home, including lack of a physical home, and be responsible for the child;
 2. The parent or caretaker has arranged for a responsible adult to care for the child and to be designated as the protective payee of the Reach Up benefits during the absence;
 3. The parent or caretaker plans to return to the home at the end of the absence; and

4. The Reach Up household continues to meet all other eligibility requirements for Reach Up benefits.
- c. If the Reach Up household is homeless, and the parent/ or caretaker is temporarily absent for any of the above reasons, the parent or caretaker may receive Reach Up benefits if they continue to be responsible for the child and meet criteria (b) 1 through 4 above.
- d. A parent or caretaker, who is temporarily absent from the home for reasons other than to receive medical care as specified above, may receive Reach Up benefits for a period not to exceed 30 days.
- e. For absences beyond 30 days, the Department shall provide housing expenses by vendor payment if a housing allowance is included in the Reach Up benefits.
 1. Housing expenses include rent, mortgage, property taxes, insurance, allowable maintenance and repair, and room and board.
 2. If there is any balance remaining after the housing expenses are deducted, the remaining amount shall be paid to the designated protective payee in two payments.
 3. Sixty percent of any remainder shall be paid within the first half of the calendar month and forty percent within the second half of the month.
- f. During the temporary absence of a parent/ or caretaker, basic needs shall be included in the Reach Up budget, according to applicable standards, as follows:
 1. Allowance for continuing needs of eligible children cared for in their own home or in a temporary placement by a responsible adult;
 2. Allowances for continuing needs of the parent or caretaker; and
 3. Allowances for maintenance of the Reach Up household's home.
- g. Reach Up benefits will terminate when the parent or caretaker has been absent from the home for more than 180 consecutive days.

2228.2 Temporary Absence of a Child

- a. A temporary absence of a child from the home not expected to exceed 180 consecutive days is limited to the following:
 1. The child is placed in the custody of the Department pursuant to a court order and reunification with the parent or caretaker is the goal;
 2. The child is voluntarily placed outside of the home; or

3. The child is incarcerated.
- b. A temporary absence of a child from the home exceeding 180 consecutive days is limited to:
 1. A child attending school pursuant to rule 2244.2; or
 2. A child receiving care in a hospital, substance abuse treatment facility, or other medical institution.
- c. When a child is temporarily absent from the home for any of the above reasons, the parent or caretaker may receive Reach Up benefits on behalf of the absent child as long as the following criteria are met:
 1. The parent or caretaker, with whom the child is living, continues to maintain a home for the child;
 2. The parent or caretaker plans for the child to return to the home at the end of the absence; and
 3. The Reach Up household continues to meet all other eligibility requirements for Reach Up benefits.
- d. Reach Up benefits on behalf of a child, who is temporarily absent from the home for reasons other than those specified above, including out-of-home visits, will terminate after 30 days.
- e. Basic needs shall be included in the Reach Up budget as though the child were living in the home of the parent or caretaker.
- f. Except as provided in subsection (b), Reach Up benefits on behalf of the child will terminate when the child has been absent from the home for more than 180 consecutive days.
 1. For children placed in the custody of the Department, Reach Up benefits will terminate when reunification is no longer the goal or the parental rights have been terminated by the court.
 2. Reach Up benefits on behalf of a child who is away from home for more than 180 consecutive days for the reasons in subsection (b) above may continue solely through the state-funded program.

2228.3 Separation of Child and Parent/Caretaker from the Home at Time of Application

- a. Reach Up benefits may be approved for an applicant if the child and parent/caretaker will be living together in the home within 30 days after approval of the first Reach Up benefit.
- b. The Department may exercise its discretion to extend this time period up to 180 days so unique situations may be addressed on an individual basis, but has no obligation to do so.

2229 Residence

- a. To be eligible for Reach Up benefits, an individual shall be a resident of Vermont at the time of

- application.
- b. A resident of Vermont is defined as an individual who is domiciled voluntarily within Vermont regardless of the duration of such domicile.
 - c. To be domiciled is to be physically present in Vermont with the intent to make Vermont one's home.
 - d. A new resident of Vermont that applies and is eligible for Reach Up, but is receiving TANF benefits from another State, may be found eligible and benefits should be computed for the overlapping periods, if the benefits from the other state are scheduled to end.
 1. If the payment level in the other State equals or exceeds the Reach Up benefit amount, the Reach Up application must be denied for the overlapping period, and Reach Up benefits can be reconsidered for when the other state benefits are scheduled to end.
 2. If the Reach Up benefit amount exceeds that of the other state, the balance must be given in a benefit for the overlapping period.
 - e. Vermont residency is retained until abandoned, which is defined as a move outside Vermont with the intent to domicile outside Vermont.
 - f. Vermont has no citizenship requirements to be a resident.
 - g. To be eligible for Reach Up benefits, a Vermont resident must also be a citizen or national of the United States or a qualified immigrant under rule 2230 and federal law.
 - h. A member of the Reach Up household shall retain Vermont residency despite temporary absence from Vermont for any of the following reasons:
 1. Visiting;
 2. Obtaining necessary medical care;
 3. Obtaining education or
 4. Training sponsored under a program of vocational rehabilitation, work incentive or higher education.
 - i. In all cases where a member of the Reach Up household is to be temporarily absent from Vermont for a period of 30 days or more, they must notify the Department, advising of their new location, mailing address, and residency intent.
 1. Failure to notify the Department of a temporary absence from Vermont may cause delay in receipt of Reach Up benefits or the inability to determine continued eligibility.

2229.1 Residence of Child in Custody

- a. Vermont is the residence of a child placed in the custody of the Department, pursuant to a court order, regardless of where the child is actually living.
- b. A Reach Up household may receive Reach Up benefits under rule 2228.2 for a child committed to the care and custody of another state, if the plan is to reunify the household in Vermont.

2230 Citizenship and Immigration Status

- a. To be eligible for Reach Up benefits, an individual shall be:
 1. A citizen or national of the United States; or
 2. A qualified immigrant.
 - i. Qualified immigrant shall have the same meaning as a “qualified alien” under 8 U.S.C. § 1641.
- b. Reach Up applicants must declare citizenship and immigrant status on the Reach Up application.
 1. Non-citizens must provide documentation of immigration status.
 2. The Department must verify the immigration status of every non-citizen in a household using SAVE (Systematic Alien Verification for Entitlements) or another immigration status verification system established by the federal government.
 - i. Once identity and immigration status are verified, the applicant will not be required to provide additional proof of immigration status or identity.
- c. For purposes of these rules, a “non-citizen” is a person who is not citizen or national of the United States.
- d. A “citizen or national of the United States” is:
 1. An individual born in the 50 states, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, American Samoa, or Swains Island, except for individuals born to foreign diplomats;
 2. A naturalized citizen;
 3. An individual who otherwise qualifies as a citizen of the United States under § 301 of the Immigration and Nationality Act (INA), 8 U.S.C. 1401; or
 4. An individual who otherwise qualifies as a national of the United States under § 308 of the INA, 8 U.S.C. § 1408.

- e. A “qualified immigrant” is:
1. A non-citizen granted Permanent Resident Alien Status under the INA;
 2. A non-citizen granted asylum under § 208 of the INA;
 3. A refugee admitted to the United States under § 207 of the INA;
 4. A non-citizen paroled into the United States under § 212(d)(5) of the INA for a period of at least one year;
 5. An immigrant whose deportation has been withheld under:
 - i. Section 243(h) of the INA, as in effect prior to April 1, 1997; or
 - ii. Section 241(b)(3) of the INA, as amended by § 305(a) of division C of Public Law 104-208;
 6. An immigrant granted conditional entry under § 203(a)(7) of the INA, as in effect prior to April 1, 1980;
 7. A Cuban or Haitian entrant, as defined in § 501(e)(2) of the Refugee Education Assistance Act of 1980;
 8. A non-citizen who (or whose child or parent) has been battered or subjected to extreme cruelty in the United States and otherwise satisfies the requirements of 8 U.S.C. § 1641(c);
 9. A victim of a severe form of human trafficking who has been certified or received an eligibility letter by the U.S. Office of Refugee Resettlement;
 10. An Amerasian immigrant admitted to the United States under § 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, as amended; or
 11. Any other non-citizen whom Congress permits to receive temporary assistance for needy families under part A of title IV of the Social Security Act.
- f. Except as provided in subsection (g), qualified immigrants are not eligible for Reach Up benefits for five years from the date they entered the United States or the date they became a qualified immigrant if they were not qualified immigrants upon entrance.
- g. The following qualified immigrants do not have to wait five years before they may be eligible for Reach Up benefits:
1. A refugee admitted to the United States under § 207 of the INA;
 2. A non-citizen granted asylum under § 208 of the INA;
 3. An immigrant whose deportation has been withheld under:

- i. Section 243(h) of the INA, as in effect prior to April 1, 1997; or
- ii. Section 241(b)(3) of the INA, as amended by § 305(a) of division C of Public Law 104-208;
4. A Cuban or Haitian entrant, as defined in § 501(e)(2) of the Refugee Education Assistance Act of 1980;
5. An Amerasian immigrant admitted to the United States under § 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, as amended; or
6. A qualified immigrant who is:
 - i. An honorably discharged veteran who fulfills the minimum active-duty service requirements of 38 U.S.C. § 5303A(d);
 - ii. An active duty member of the Armed Forces of the United States, other than active duty for training; or
 - iii. The spouse, un-remarried surviving spouse, or unmarried dependent child of a veteran or member, as described above.
 - A. An un-remarried surviving spouse does not have to wait five years for benefits only if the spouse was married to a veteran or member, as described above:
 1. Before the expiration of 15 years after the termination of the period of service in which the injury or disease causing the death of the veteran was incurred or aggravated;
 2. For one year or more; or
 3. For any period of time if a child was born of the marriage or was born to them before the marriage.
- h. No immigrant or non-citizen is eligible for Reach Up benefits unless that person is a qualified immigrant.
 1. An immigrant illegally residing in the United States does not qualify for Reach Up benefits.
- i. Rule 2230 shall be construed in accordance with federal law, and in the event of a conflict, federal law controls.

2231 Social Security Numbers

- a. For a Reach Up household to be eligible for Reach Up benefits, all members of the Reach Up household must provide, verify, or apply for a social security number.
- b. The Department will notify applicants/participants that it uses social security numbers in the administration of Reach Up benefits.

- c. The Department will advise applicants/participants how to apply for social security numbers and will not delay, deny, or discontinue Reach Up benefits while the issuance and verification of such numbers is pending.

2232 Child and Spousal Support

- a. Physical absence of a parent from the home, for any reason, does not relieve the parent or spouse of legal responsibility for support of a dependent child.
- b. A debt is created to the Department by the noncustodial parent or former spouse when they are responsible, and not paying, for a child support or spousal support obligation and their dependent child or former spouse is receiving Reach Up benefits in another household.
1. The amount of debt owed shall equal the amount of Reach Up benefits paid, unless the following conditions exist:
- i. The Family Court rules otherwise;
- ii. The Office of Child Support (OCS) enters into a voluntary agreement with the responsible parent to limit the debt; or
- iii. The noncustodial parent or spouse presents a court order that limits said debt.

2232.1 Assignment of Support Rights

- a. Assignment of support rights is the legal procedure by which a person receiving Reach Up benefits agrees to turn over to the Department any right to support, including arrearages, paid by the noncustodial parent or former spouse in exchange for receipt of Reach Up benefits.
1. The Department will use a portion of such support to cover or recoup the Reach Up benefits.
- b. Assignment of support rights is a condition of eligibility for Reach Up benefits.
1. This requirement applies to parents/caretakers and may not be waived.
2. This requirement applies to support from all noncustodial parents or former spouses of all members of the Reach Up household.
- c. In a Reach Up household with two eligible parents, where one or more of the children has a noncustodial parent, the parent recognized under 15C V.S.A. § 102(16) will sign the assignment of child support rights form, regardless of which parent is the Reach Up head of household.

2232.2 Cooperation with the Office of Child Support

- a. A parent/caretaker shall be required to cooperate with the Office of Child Support (OCS) in establishing parentage and pursuing child support from any noncustodial parent, unless a request for a waiver from the requirement to cooperate is made.

- b. Failure to cooperate, as determined by OCS, shall result in a 25 percent reduction of the Reach Up household's benefit.
- c. Areas in which the parent's/caretaker's cooperation is required include, but are not limited to:
 - 1. Identifying and locating the noncustodial parent of the child in the custody of the parent/caretaker;
 - 2. Establishing the parentage of any child in the custody of the parent/caretaker;
 - 3. Obtaining child support payments for the child in the custody of the parent/caretaker;
 - 4. Obtaining any other payments or property owed to the parent/caretaker or the child;
 - 5. Appearing at times and places as requested to provide information or be a witness at a judicial hearing; and
 - 6. Paying to OCS any child support payments received after an assignment of support has been made.
- d. The Department shall notify OCS of all noncustodial parents of the parent's/caretaker's children in their custody unless a request for a waiver from the requirement to cooperate is pending.
 - 1. The Department must notify the parent/caretaker of the right to request a waiver based on good cause (rule 2232.3) as an exception to the cooperation requirement.
- e. Information provided to OCS is subject to verification with the parent/caretaker.

2232.3 Good Cause for Refusal to Cooperate

- a. The Department shall excuse a parent/caretaker from cooperating with OCS when there is good cause for noncooperation.
- b. Good cause exists when the Department determines that cooperation is not in the best interest of the child because it may result in any one of the following:
 - 1. Physical or emotional harm to the child;
 - 2. Physical or emotional harm to the parent/caretaker; o r
 - 3. At least one of the following circumstances exists:
 - i. The child was conceived as a result of incest or rape;
 - ii. Legal proceedings for the adoption of the child are pending; or

- iii. The parent/caretaker is determining an adoption plan.

2232.4 Request for a Child Support Waiver

- a. A parent/caretaker requesting a child support waiver must provide sufficient information to allow the Department to determine if good cause exists.
- b. A Reach Up household that is fully cooperating shall not have their Reach Up benefits denied, reduced, or delayed pending the Department's child support waiver decision.
1. This decision will be made within 30 days from the date the child support waiver is requested, except when the required information cannot be obtained within that time frame.
- c. Upon request, the Department will provide reasonable assistance in obtaining information to support the child support waiver.
- d. The Department may verify the information received or seek additional information necessary to evaluate a child support waiver.
- e. In processing requests for the child support waiver, the Department will:
1. Only contact noncustodial parents if such contact is necessary to establish the child support waiver; and
2. Notify the parent/caretaker of the child, prior to making such necessary contact, to enable the parent/caretaker to:
- i. Present additional information so that contact with the noncustodial parent becomes unnecessary;
- ii. Agree to the contact;
- iii. Withdraw the household's application for Reach Up benefits; or
- iv. Refuse to allow the contact after being advised that this refusal will result in denial of the child support waiver.
- f. The Department will base a child support waiver determination on documentation, such as:
1. Law enforcement records;
2. Court documents;
3. Criminal records;
4. Birth certificates;
5. Medical records;
6. Social service or child protective services records; or

7. Supporting statements from individuals, other than the parent/caretaker, with knowledge of the circumstances.
- g. If additional information is needed, the Department must promptly notify parent/caretaker of the type of documentation required.
- h. The Department will investigate claims of anticipated serious emotional or physical harm to the child or parent/caretaker, even when no information is submitted to support the child support waiver.
- i. OCS is prohibited from attempting to establish parentage or collect child support in cases where the parent/caretaker requests a child support waiver until a decision has been made regarding the waiver request.

2232.5 Review of Child Support Waivers

- a. The Department shall review child support waivers at each recertification unless a waiver has been granted for the lifetime of the parent/caretaker.
- b. The parent/caretaker must submit current information if a significant change of circumstances relative to the child support waiver has occurred.

2232.6 Termination of Benefits Due to Child Support

- a. If a Reach Up household's benefit was terminated because of countable child support in excess of the Reach Up benefit, either alone or in combination with another reason affecting income eligibility, the household will enter a 12-month administrative period.
 1. The administrative period begins with the first full calendar month following the effective date of the Reach Up termination and lasts 12 consecutive months.
- b. During this 12-month administrative period, the Department shall reinstate the Reach Up household's benefit effective the first day of the month when all the following conditions are met:
 1. The Reach Up household becomes eligible for Reach Up benefits during that month solely because of a loss or reduction of child support;
 2. The Reach Up household has been ineligible for Reach Up benefits since the termination;
 3. The Reach Up household requests reinstatement by the 20th day of the month following the month in which the loss or reduction of child support first occurred; and
 4. The Reach Up household returns the forms required for reinstatement by the end of the month in which they request reinstatement.
- c. During the 12-month administrative period, OCS shall distribute current child support payments collected on behalf of the former Reach Up household to them within two days of receipt.

2233 Special Cases of Ineligibility

- a. Regardless of whether they meet all other eligibility requirements for Reach Up benefits, special cases exist where individuals and households are ineligible for Reach Up benefits.

2233.1 Strike Participants

- a. The term "strike" includes any strike or other concerted stoppage of work by employees, including a stoppage due to:
1. The expiration of a collective bargaining agreement; or
 2. Any concerted slowdown or other interruption of operations by employees.
- b. Participating in a strike means the act of stopping, slowing, or otherwise interrupting work with others to obtain demands from the member's employer.
- c. The Department will deny or terminate benefits to a Reach Up household in which an adult household member is on strike.
1. If another member of the Reach Up household is on strike, the needs of that member will be removed from the Reach Up benefits payable to the household.
 2. The Department will consider such member's income and resources available to the Reach Up household if the member is legally liable for a child in the Reach Up household.
- d. Closure or reduction of the Reach Up benefits will apply to the period in which the member is participating in a strike as soon as administratively possible.

2233.2 Convicted of Fraudulent Residence

- a. The Department will deny or terminate Reach Up benefits to individuals convicted in federal or state court of having made a fraudulent statement or representation with respect to their place of residence to receive benefits simultaneously from two or more states.
- b. Such individuals shall be ineligible for a 10-year period beginning with the date of conviction.
- c. The Department will consider such individuals' income and resources available to the Reach Up household.
- d. Reach Up benefits will not be denied for any month beginning after the President of the United States grants a pardon with respect to the conduct that was the subject of the conviction.

2233.3 Fugitive Felons and Probation or Parole Violators

- a. The Department will deny or terminate Reach Up benefits to individuals, who flee from justice to avoid detection, prosecution, or punishment after a felony conviction or who violate a condition of probation or parole imposed under federal or state law.

- b. The Department will consider such individual's income and resources available to the Reach Up household.
- c. Reach Up benefits will not be denied for any month beginning after the President of the United States grants a pardon with respect to the conduct that was the subject of the conviction.

2234 **Time Limits**

- a. Reach Up time limits are the maximum number of months a participant may receive Reach Up benefits.
- b. A Reach Up household shall reach their time limits when a participant has received 60 or more countable, cumulative months of Reach Up benefits, or other cash benefits funded by a TANF block grant in another state.
- c. Once a Reach Up household reaches their time limits, they are ineligible for Reach Up benefits, unless each participant in the Reach Up household is fully engaging in Reach Up services requirements and is:
 - 1. Deferred from their work requirement for one of the reasons listed in rules 2328, 2328.1, or 2328.2;
 - 2. Engaged in any of the countable work activities listed in rules 2323.1- 2323.11, or 2324; or
 - 3. Engaged in any other work activity recognized in accordance with Title IV-A of the Social Security Act for the number of hours equal to the participant's work requirement.
- d. The monthly time limit count for Reach Up benefits begins on July 1, 2001.
 - 1. Each full or partial month for which a participant receives Reach Up benefits counts toward the 60-month time limit.
 - i. An overpayment of a full month of Reach Up benefits, which has been fully repaid, does not count towards the 60-month limit.
 - 2. A month in which only support services are received by an employed participant does not count toward the 60-month time limit.
 - 3. In a two-parent Reach Up household in which the parents have not received Reach Up benefits for the same number of months, the time limit is based on the participant, who has received benefits for the greater number of countable months.
 - 4. Benefits received under the Postsecondary Education (PSE), Reach First, and Reach Ahead programs do not count toward the 60-month limit.
- e. A month in which Reach Up benefits are received does not count toward the 60-month time limit if the participant is deferred from their work requirement for a full calendar month for one

or more of the following reasons:

1. The participant is unable to work pursuant to rule 2328.2;
 2. The participant is caring for a child during the first 12 months of a possible 24- month deferment granted pursuant to rule 2328;
 - i. No more than 12 cumulative, deferred months shall be exempt from counting toward the 60-month time limit in a participant's lifetime.
 3. The participant is affected by domestic violence pursuant to rule 2328.1; or
 4. The participant is needed in the home on a full-time basis to care for an ill or disabled parent, spouse, or child pursuant to rule 2328.
- f. The time limit shall not apply in the following cases:
1. Single or two-parent Reach Up households with at least one parent under the age of 18;
 2. A dependent child living with a non-parent caretaker, who is not in the Reach Up household; or
 3. A dependent child living with a single parent who receives SSI/AABD benefits, or with two parents who both receive SSI/AABD benefits.

2234.1 Termination after 60 Months

- a. Reach Up households, who have received 60 or more countable cumulative months of Reach Up benefits, will have their benefits terminated when, without good cause, they are:
 1. Not engaged with Reach Up services requirements (rule 2312); or
 2. Not fulfilling their work requirement (rule 2321).
- b. Good cause shall be determined according to rules 2330 and 2331.

2234.2 Reapplication after 60 Months

- a. A Reach Up household whose benefits were terminated after having received 60 or more countable, cumulative months of benefits may be eligible for benefits at any time following termination.
- b. Reach Up benefits shall be paid upon meeting eligibility criteria.

2235 Formation of the Reach Up Household

- a. A Reach Up household is defined as one or more individuals whose requirements, income, and resources are considered as a unit to determine need for Reach Up benefits.

- b. A Reach Up household must include one or more eligible dependent children.
1. In addition, the Reach Up household must include all siblings, including half-siblings, living with the dependent child or children, and qualifying under the age criteria, as defined in rule 2221.
 2. A parent must be included in the Reach Up household if the parent lives in the home with a child included in the household unless the child's legal guardian is receiving Reach Up benefits on behalf of the child, in which case the legal guardian may choose to not have the parent included in the child's Reach Up household.
 - i. Both parents, if living in the same household with an eligible child, must be included in the Reach Up household, unless specified below.
 - ii. A parent whose residence in the home is interrupted by active duty in the United States uniformed services or by education, training, or employment away from home must be included in the Reach Up household.
 3. Another relative or caretaker living in the same household with the parents and children, who has assumed responsibility for the care and supervision of the children, can only be added to the household if the parents are incapable of providing care and supervision.
- c. The three exceptions to the requirement that a Reach Up household must include at least one eligible child are:
1. The only dependent child is a disabled child receiving SSI/AABD benefits;
 2. A pregnant person having no other children in their home when:
 - i. Their due date is within the next 30 days of application;
 - ii. This due date has been self-declared or medically verified; and
 - iii. It has been determined that the child, when born, would be eligible for Reach Up; or
 3. A pregnant person having no other children in their household when the expected delivery date falls within the three-month period following the month of application and the person meets one of the following conditions:
 - i. The pregnant person qualifies for Medicaid based on a disability;
 - ii. The pregnant person is a minor and has a self-declared high-risk pregnancy; or
 - A. If their 18th birthday falls before the 30th day immediately preceding the expected delivery date, eligibility for Reach Up continues through the end of the pregnancy.
 - iii. The pregnant person is not a minor, has a medically verified high risk pregnancy, and requests consideration for early Reach Up eligibility based on their belief that they are unable to work due to a high-risk pregnancy and is found eligible on this basis.

- d. Independent medical professionals, who perform examinations required to enable the Department to determine a pregnant person's ability to work due to a high-risk pregnancy, will be provided reasonable reimbursement.
- e. In the case of a pregnant person seeking Reach Up benefits based on the pregnancy, the Department shall determine eligibility no later than 10 calendar days following receipt of all information necessary to make the eligibility decision.
- f. The Reach Up household shall not include the other parent recognized under 15C V.S.A. §102(16) of an expected child until that child is born, unless there are other legal obligations to the Reach Up household such as marriage to the pregnant person, or parentage of another child in the household.
- g. The Reach Up household may also include the following individuals when they are living in the same household:
 - 1. An eligible caretaker; or
 - 2. An eligible Reach Up essential caregiver.
- h. An individual participating in the Job Corps program, who normally returns home on weekends is entitled to be a member of the Reach Up household.
- i. The Reach Up household shall not include an individual receiving benefits under the SSI/AABD program.
 - 1. A SSI/AABD recipient receiving benefits under the SSI/AABD program include disabled individuals, who received SSI/AABD, became gainfully employed, and were subsequently granted 1619(b) status by the Social Security Administration.
 - 2. These individuals shall continue to be considered SSI/AABD recipients during any months in which their 1619(b) status remains in effect, whether they receive SSI/AABD payments during those months.
- j. The Reach Up household shall not include a sibling or a parent subject to the five-year bar for qualified immigrants.

2236 Caretaker Reach Up Household

- a. There can be only one person designated as the eligible caretaker for the Reach Up household at any given time.
- b. An eligible caretaker (rule 2223) may qualify for inclusion in the Reach Up household.
- c. Caretakers receiving benefits under the SSI/AABD program are not eligible for inclusion in a Reach Up household (rule 2235).
- d. Eligible caretakers included in a Reach Up household with their own children cannot be included in a caretaker Reach Up household.

- e. If a parent living in the home is incapable of exercising parental obligations, both the parent and an eligible caretaker living with the child and responsible for the child's care and supervision may be included in the Reach Up household.
- f. A caretaker may apply, and be eligible for, two or more Reach Up households, when the households include children, who are not siblings or half-siblings (rule 2223).
- g. The Department shall take the following steps to determine the eligibility for a caretaker Reach Up household:
 - 1. First, the Department shall determine the eligibility of the child's Reach Up household without the caretaker;
 - 2. Second, the Department shall determine whether the caretaker is applying for their own needs to be included in the Reach Up household if the child's Reach Up household is eligible; and
 - 3. Third, the Department shall determine the difference between the child's Reach Up benefit amounts, with and without the caretaker, and allow the caretaker to decide if their needs should be included in the Reach Up household.
- h. The child's Reach Up household is formed according to rule 2235 and must meet all requirements for Reach Up eligibility.
 - 1. A housing allowance may be included in the Reach Up household's needs, up to the housing allowance maximum, which includes the special needs housing allowance, if applicable, if the caretaker charges the child for housing.
 - 2. If the child's Reach Up household is not eligible for Reach Up, the caretaker is not eligible either.
- i. If the caretaker is applying for their own needs to be included in a child's eligible Reach Up household, the Department shall determine whether the caretaker and the eligible child are financially eligible for Reach Up benefits.
 - 1. The Department considers the caretaker's household to include the following persons, if any, living with the caretaker:
 - i. The caretaker's spouse;
 - ii. Minor children other than the Reach Up eligible child; or
 - iii. Other tax dependents.
 - 2. The combined countable resources of the caretaker's household must not exceed the Reach Up resources maximum (rule 2255).
 - 3. The combined countable income of the caretaker's household is determined according to the rules for Reach Up eligibility (rules 2248, 2249, 2250, and 2251), as if the caretaker's household were the Reach Up household.
 - i. Payments may be deducted from the caretaker's household's earned income, if they

are made to an individual who is a tax dependent, outside of the home.

- ii. The combined countable income of the caretaker's household must not exceed their ratably reduced needs determined according to Reach Up rules 2238, 2239 and 2240.
4. The Department shall determine Reach Up eligibility by including the needs of both the caretaker and the eligible child.
 - i. Only the caretaker's shelter expenses, up to the maximum housing allowance, including the special needs housing allowance, if applicable, are included in the Reach Up household's needs.
 - j. A caretaker's resources are not available to the child when the caretaker does not have the legal responsibility of a parent to support the child.
 - k. The caretaker's income is also not available to the child unless the caretaker has indicated a commitment to make ongoing monetary contributions toward the support of the child, considered unearned income to the child.

2237 Need Determination

- a. Need is defined as the lack of income or other resources necessary for long-term mental and physical well-being.
- b. A need determination is a basic eligibility requirement and shall be completed at initial application, reapplication and at each subsequent review of eligibility, including recertification, interim report and changes in circumstances.

2238 Method for Determination of Need

- a. The Department computes financial need using the following methods:
 1. Budgetary comparison of the Reach Up household's available net monthly income to the Reach Up payment standard (total needs standard (rule 2244) multiplied by the rateable reduction (rule 2239)); and
 2. Comparison of the Reach Up household's available resources to the combined resources limitation (rule 2254.1).
- b. Standards for basic requirements (rules 2243-2246) common to all individuals and households, have been established to simplify the Department's determination of need and to ensure equitable consideration for all individuals in similar circumstances.
- c. Financial need, and the amount thereof, shall be established when budgetary computation shows a deficit and resources are within the maximum allowed.
 1. If either condition is not met the applicant/participant shall be ineligible, due to lack of financial need.

2239 Payment Standard

- a. The payment standard is the maximum amount of Reach Up benefit that a Reach Up household can receive.
- b. The payment standard is based on a calculation that limits it to the rateable reduction, which is 49.6 percent of the household's needs standard, because funding is insufficient to meet 100 percent of the need standard.

2240 Eligibility Computation

- a. Financial eligibility is computed for an initial application, a reapplication, and at each subsequent review of eligibility, including recertification, interim report and changes of circumstances.
- b. Eligibility based on income is determined as follows:
 1. Determine the amount of the Reach Up household's gross non-excluded earned and unearned income, including any support predicted or collected by the Office of Child Support, except for the \$50 family bonus (rule 2250.1);
 2. Apply appropriate deductions and disregards to determine net income (rules 2248, 2251, and 2252);
 3. Determine the payment standard for the Reach Up household (rule 2238);
 4. Subtract 2 from 3; and
 - i. If net income equals or exceeds the payment standard, the Reach Up household is ineligible due to lack of financial need; or
 - ii. If net income is less than the payment standard, the difference is the payment amount (rule 2242).
 5. Round the result in step 4 down to the nearest whole dollar for the payment amount (rule 2239).
- c. When sanctions apply, the Reach Up household's benefit is calculated in the following order:
 1. First, deduct any sanctions imposed due to noncooperation with the pursuit of child support;
 2. Second, deduct any sanctions imposed due to non-engagement in Reach Up services requirements; and
 3. Third, deduct any recoupment of previous Reach Up overpayments.
- d. For households reapplying for Reach Up solely because of loss of child support refer to rule 2232.6 for eligibility computation.

2241 **Prospective Eligibility and Budgeting**

- a. All factors of eligibility and the basic need standard, including shelter costs, shall be determined prospectively for all Reach Up households for all payment months.
 1. "Prospective eligibility" means that eligibility for any given month is determined by estimating as accurately as possible whether all eligibility factors will be met during that month.
 2. "Prospective budgeting" means that the amount of payment for any given month will be based on the best estimate of income and circumstances that will exist in that month.
 - i. In prospective budgeting the budget month and payment month are the same.
- b. Payment shall be determined prospectively for all Reach Up households, including those sanctioned for not engaging in the Reach Up services requirements, based on the Department's best estimate of the Reach Up household's circumstances.
 1. This estimate is derived from information collected and documented at initial application, reapplication and at each subsequent review of eligibility, including recertification, interim report and changes of circumstances.
- c. Information about circumstances during the most recent calendar month shall be the basis of the estimate of the Reach Up household's circumstances during the remainder of the recertification period until, and unless, a change in circumstances is reported or otherwise identified.

2242 **Amount of Benefit Paid**

- a. The Reach Up benefit payment shall be the result of the eligibility computation (rule 2240) rounded down to the nearest whole dollar amount.
- b. Except for Reach Up households receiving parent share payments (rule 2250.2), no payment shall be made to a Reach Up household in any month in which the amount of benefits is determined to be less than \$10.00 for that month, prior to any recoupment applied to the benefit.
 1. A Reach Up household not receiving payment solely because the payment would be less than \$10 shall be considered eligible for Reach Up for all other purposes.
 - i. This will also apply in cases where a Reach Up household payment of 99 cents or less has been rounded down to zero.

2243 **Needs**

- a. Certain requirements, basic to all Reach Up households, shall be accounted for in budgetary computation, including:
 1. Food;
 2. Fuel;

3. Utilities, including water, sewer, electricity, air conditioning;
 4. Clothing;
 5. Personal needs and incidentals;
 6. Shelter;
 7. Household-related chores, including: snow removal, lawn maintenance, and household cleaning supplies; and
 8. Special needs, including: telephone, life insurance premiums, household appliances, municipal assessment costs, fire insurance premiums and those specified in rule 2244.3.
- b. Each of these basic requirements shall be accounted for in one of the following ways:
1. Using the standard allowance for the required item;
 2. Indicating that the required item is available in-kind (rule 2248.2) without monetary cost; or
 - i. An item available in-kind and earned shall be budgeted at appropriate standards.
 - ii. An item available through in-kind and unearned shall not be included in the budget.
 3. Indicating that the required item is included in the cost of another item, such as room and board (rule 2246.3).
- c. No budgetary allowance is made for purchase, maintenance or related expenses of operating a vehicle, except for allowable self-employment business expenses.

2244 Needs Standards

- a. The needs standards are the total monthly requirements of each Reach Up household.
- b. The total monthly requirement of each Reach Up household shall be calculated using the following:
 1. Basic needs standards table for Reach Up (rule 2244.1);
 2. Housing allowance (rule 2246), including, where applicable, the special housing allowance (rule 2244.3) and maintenance of housing during temporary absence (rule 2228); and
 3. Shared households (rule 2246.2), where applicable.
- c. When non-recipient members of a Reach Up household fail to contribute to household expenses, their needs shall not be budgeted as a need of the Reach Up household.
 1. The Department shall encourage and assist the applicant/participant to obtain contributions from such non-recipient members at least equal to their share of household expense, as

calculated above.

2244.1 Basic Needs Standards

- a. The basic needs standards table is used to determine Reach Up eligibility.
- b. The basic needs standards include food, fuel, utilities, clothing, personal needs and incidentals, household-related chores, and special needs required by Reach Up household members regardless of the total number of individuals residing in the household.
- c. Basic Needs Standards Table:

<u>Number in Assistance Group</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9 or more</u>
<u>Basic Needs</u>	<u>\$644</u>	<u>\$942</u>	<u>\$1236</u>	<u>\$1478</u>	<u>\$1733</u>	<u>\$1907</u>	<u>\$2203</u>	<u>\$2458</u>	<u>add \$236 for each additional person</u>

2244.2 Children in Schools

- a. Basic needs allowances for an eligible child, who is away from home to attend school, shall be included in full when the parent/caretaker is responsible for the care and supervision of the child.
- b. If the parent/caretaker is no longer responsible for the care and supervision of the child, then that child may only be included in the Reach Up household if the criteria in rule 2228.2 are met.

2244.3 Special Housing Needs

- a. A monthly special housing needs allowance shall be paid to Reach Up households, who have actually incurred housing expenses in excess of the maximum monthly housing allowance, as determined by rule 2246.
- b. For eligible Reach Up households, the amount of the special housing needs allowance shall be calculated as housing expenses in excess of the maximum monthly housing allowance, or \$90, whichever is less.
- c. The special housing needs allowance is subject to the payment standard (rule 2239).

2245 Budgeting for Living Arrangements

- a. Budgeting the monthly Reach Up benefits shall include allowances for all maintenance items required in the living arrangement of the Reach Up household.
 - 1. Allowances for maintenance of a prior living arrangement during temporary absence (rule 2228) shall be continued, under specified conditions.

b. Standard allowances are classified according to the following living arrangements:

1. Household or housing unit;
2. Room and board;
3. Room with separate meals; or
4. Institution.

2246 Housing Allowance

a. Housing expense is defined as the total of all costs incurred for any of the following:

1. Rental;
2. Real estate or equivalent personal property taxes;
3. Maintenance and repairs for real estate owned and listed in the name of the applicant/participant;
4. Mortgage payments;
5. Homeowners insurance; and
6. Condo and association fees.

b. Housing allowances shall be budgeted as incurred to cover recurring shelter expenses necessary to maintain a home, not to exceed the current maximum monthly housing allowance stated below.

c. The housing allowance portion of a Reach Up benefit is limited to expenses incurred for the current month.

1. Overdue expenses for prior months cannot be included in the Reach Up benefit for the current month.
2. Expenses incurred less frequently than monthly shall be prorated into monthly amounts for the period covered (rule 2244.3).

d. Maximum Monthly Housing Allowance Table:

<u>Outside Chittenden County</u>	<u>Chittenden County</u>
<u>\$400</u>	<u>\$450</u>

e. The expense for shelter, when shared, may be included based upon the participant's incurred housing cost, not to exceed the maximums.

f. When housing is provided at no cost and is considered unearned in-kind income (rule 2248.2) no housing allowance and no unearned income are budgeted.

g. When housing is provided at reduced cost and is considered unearned in-kind income (rule 2248.2),

only the Reach Up household's incurred cash obligation for housing is budgeted as the housing allowance, not to exceed the applicable housing maximum, and no unearned income is budgeted.

h. In the case of housing received as earned in-kind income (rule 2248.2), the housing allowance budgeted should be the lesser of:

1. The maximum monthly housing allowance for which the Reach Up household is eligible; or

2. The sum of the following:

i. The household's incurred monthly cash obligation, if any, for allowable housing costs; and

ii. The amount of earned in-kind income received in the form of housing.

i. A standard amount, which in most cases represents a portion of the fuel and/or utility subsidy used by Housing and Urban Development (HUD) in the calculation of subsidized housing rent for Reach Up households, will be considered unearned income for Reach Up eligibility, according to rule 2249.

1. The standard amount for those households, who must pay for fuel, or fuel and utilities, is \$70.

2. The standard amount for those households, who must pay for utilities only, is \$30.

3. A Reach Up household that documents an actual subsidy amount less than the standard amount may have the actual amount counted as unearned income in Reach Up benefit and eligibility calculations.

j. Nonpayment of all, or a portion of, the shelter expense, will be evaluated against the criteria for need of protective payments and subject to the limitations outlined in rule 2220.

2246.1 Subsidized Housing

a. The most common types of subsidized housing include:

1. Section 8;

2. Section 23;

3. F.H.A (Farmer's Home Administration) rental assistance units;

4. Section 236; and

5. Housing owned and operated by the local public housing authority.

b. The Reach Up budget for subsidized housing will always be the maximum housing allowance permitted for a rental located in the county in which the Reach Up household resides.

1. The Reach Up budget is the same as above for a participant living in unsubsidized or private housing with a Section 8 certificate.

2246.2 Shared Households

a. The Department shall determine the housing allowance for households shared between two or more separate households as follows:

1. Budget each separate household considering eligible members of each Reach Up household.
 2. Include housing cost as incurred by each household, each household's share not to exceed the housing allowance maximum and the sum of the shares not to exceed the total cost of housing.
 3. If a Reach Up household member is the only person on the lease or mortgage, but a separate household living in the home regularly pays a share of the rent or mortgage payment, the housing allowance for each household cannot exceed the actual housing costs.
 4. Any monetary contribution to the Reach Up household responsible for the household expenses from a separate household in the home will not be counted as income if:
 - i. The payment is made by the separate household for their share of common household expenses to the Reach Up household responsible for household expenses; or
 - ii. A payment is made directly to a non-resident landlord or mortgage holder.
- b. This shared household rule does not apply to room and board because the housing cost portion of the room and board cannot be identified separately.

2246.3 Room and Board

- a. Room and board as a living arrangement for the Reach Up household shall be budgeted in the amounts established by the Room and Board Allowances Table below.
1. The Room and Board Allowances Table includes additional amounts for other basic needs, which include clothing, personal needs and incidentals, household-related chores, and special needs.

b. Room and Board Allowances Table:

<u>Number of Reach Up Household Members</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9 or more</u>
<u>Room and Board</u>	<u>\$379</u>	<u>\$547</u>	<u>\$725</u>	<u>\$853</u>	<u>\$1008</u>	<u>\$1098</u>	<u>\$1265</u>	<u>\$1403</u>	<u>Add \$138 for each additional person</u>
<u>Other Basic Needs</u>	<u>\$96</u>	<u>\$133</u>	<u>\$166</u>	<u>\$211</u>	<u>\$239</u>	<u>\$274</u>	<u>\$324</u>	<u>\$366</u>	<u>Add \$32 for each additional person</u>

- c. The total budgeted amount is subject to the ratable reduction.

2246.4 Institution

- a. An institution is a facility or establishment where people live and receive care.
- b. Household members residing in institutions are ineligible for Reach Up benefits.

2246.5 Foster Home

- a. Foster parents who receive payments for the care of a child in the custody of the Department are not eligible for Reach Up benefits on behalf of that child.

2246.6 General Assistance and Emergency Assistance Temporary Housing

- a. The housing allowance for participants of General Assistance or Emergency Assistance (GA/EA) temporary housing assistance is the maximum housing allowance permitted for a rental located in the county where the Reach Up household resides, in addition to the special needs housing allowance, if applicable.
- b. The housing allowance will always be the maximum housing allowance, in addition to the special needs housing allowance, if applicable, regardless of whether the participant is required under the GA/EA program to contribute a percentage of their income toward the cost of temporary housing.

2246.7 Shelters and Transitional Housing

- a. The housing allowance for residents of a shelter or transitional housing is the maximum housing allowance for a rental located in the county in which the shelter or transitional housing is located, in addition to the special needs housing allowance, if applicable.
- b. The housing allowance will always be the maximum housing allowance, in addition to the special needs housing allowance, if applicable, regardless of the Reach Up household's incurred housing expenses.

2247 Temporarily Uninhabitable Home

- a. When the home owned by a parent/caretaker is temporarily uninhabitable, the shelter expenses for the home may continue to be budgeted for up to six months.
- b. A home may be temporarily uninhabitable because of a variety of situations, including:
1. A fire;
 2. The heating system is inoperable;
 3. The water pipes are frozen; or

4. It is in a remote area where roads are not routinely snow plowed.
- c. The home and shelter expenses of the temporary living arrangement may be budgeted but may not exceed the shelter maximum.

2248 **Income**

- a. Income is defined as any cash payment, or equivalent in-kind payment, that is available to the Reach Up household.
- b. Sources of income include, but are not limited to:
 1. Earnings from employment or self-employment; and
 2. Unearned income.
- c. All income except that specifically excluded shall be evaluated to establish net income available to meet the Reach Up household's need.
- d. When parents are maintaining a common living arrangement, their joint incomes shall be evaluated and considered for availability to meet their joint needs, even though only one applies for or receives benefits under any Department program.
 1. This includes the spouse or civil union partner of a pregnant person with no children.
- e. Verification of all income, except that specifically excluded, shall be required in the Reach Up Program.
- f. The income of an ineligible household member on strike is counted (rule 2233.1).
- g. The income of an ineligible household member convicted of having made a fraudulent statement or representation with respect to their place of residence to receive assistance simultaneously from two or more states is counted (rule 2233.2).
- h. The income of an ineligible fugitive felon or probation or parole violator is counted (rule 2233.3).
- i. The income of a parent, who is ineligible for Reach Up benefits due to immigration status (rule 2230) counts as income available to the Reach Up household.
- j. The income of a sibling, who is ineligible for Reach Up benefits due to immigration status (rule 2230) shall not be counted as income to the Reach Up household.
- k. Transfer of income for the purpose of qualifying for additional Reach Up benefits that the Reach Up household would receive, is prohibited.
 1. Voluntary transfer of income within two years before date of application, or while in receipt of Reach Up benefits, shall result in ineligibility unless the income is reconveyed to

the household.

- i. When feasible, future and potential sources of income shall be identified and developed (rule 2259).
 1. Reach Up benefits in the amount needed based on currently available income shall continue until such potential income becomes available, at which time appropriate budgetary adjustment shall be completed.

2248.1 Household Receipt of Lump Sum

- a. Lump sum payments are large amounts of money received while the Reach Up household is receiving Reach Up benefits.
- b. The Reach Up household is responsible for notifying the Department within 10 days of receipt of any lump sum payment of earned or unearned income.
 1. The Department shall establish an overpayment for lump sum payments of child support for the month in which the payment was received, regardless of whether the household notified the Department with 10 days of receipt.
- c. Lump sum payments shall be counted as income except for the following:
 1. Insurance payments or similar third-party payments shall be excluded, if received for payment of medical bills or funeral costs, and used for those purposes;
 2. Homeowner's insurance payment shall be excluded if it is used to rebuild or repair the house or purchase a new one;
 3. Money resulting from the conversion of an existing asset to a liquid asset shall be treated as a resource if the asset was acquired prior to the receipt of Reach Up benefits;
 4. Money resulting from the sale of a vehicle shall be treated as a resource if acquired during receipt of Reach Up benefits;
 5. Money that has been set aside in a trust fund, retirement account, qualified child education savings account shall be treated as a resource and excluded (rules 2257); or
 6. An income tax refund shall be treated as a resource, except for any portion that is a federal or Vermont Earned Income Tax Credit (EITC) refund.
 - i. EITC payments are disregarded both as income and as a resource (rules 2253 and 2257).
- d. Lump sum payments received by the Reach Up household that are not excluded should be added together with all other monthly non-Reach Up income with applicable disregards subtracted.
 1. When this total exceeds the household's need they will be disqualified for Reach Up benefits for the number of full months derived by dividing this total income by the need standard applicable

to the Reach Up household.

2. If the Reach Up household reapplies for Reach Up benefits in the month following their disqualification period, any remaining income will be applied to the first month of eligibility.
- e. The disqualification period due to a lump sum payment may be recalculated if:
1. Any change of circumstances occurs during the disqualification period which, had the household been receiving Reach Up benefits, would have changed the benefit amount;
 2. The Reach Up household deposits the lump sum payment, or a portion thereof, into a savings account excluded (rule 2257).
 3. The Reach Up household incurs and pays for medical expenses that offset the lump sum payment; or
 4. The income received has become unavailable to the Reach Up household under the following circumstances:
 - i. Death or incapacity of the principal wage earner;
 - ii. Loss of shelter due to fire or flood;
 - iii. Repairs to owner-occupied homes that are essential to the health and safety of the Reach Up household;
 - iv. Repair or replacement of essential, major household appliances;
 - v. Repair or purchase of one or more motor vehicles per Reach Up household, essential for employment, education, training or other day-to-day living necessities;
 - A. Expenses may include the following:
 1. Purchase and use tax;
 2. Inspection fee;
 3. Insurance; and
 4. Registration fees.
 - B. Expenses may not include day-to-day operating expenses.
 - vi. Payments attributable to current monthly housing expenses (rule 2246) that are in excess of the maximum monthly Reach Up housing allowance;
 - vii. Advance payments, which are payments for expenses that will be incurred after the date the lump sum income was received, up to 12 months, of any of the payment of expenses listed below.
 - viii. Payment of expenses that meet the following criteria:
 - A. The expenses were overdue as of the date the lump sum income was received;

- B. The expenses were the legal liability of the member of the Reach Up household; and
- C. The Reach Up household provides documentation that the lump sum income was used to pay the expenses.
- ix. Circumstances that the Department determines are substantially similar.
- f. Eligible payment of expenses outlined above are restricted to those of the primary residence and would include any late charges and the following:
 - 1. Rent, including lot rent;
 - 2. Mortgage payments, including principal and interest;
 - 3. Property taxes;
 - 4. Homeowner's insurance;
 - 5. Heating bills;
 - 6. Utility bills;
 - 7. Telephone bills;
 - 8. Child care expenses necessary for a member of the Reach Up household to maintain employment, with the following limitation:
 - i. If the overdue expenses were incurred when the participant was receiving Reach Up, only the unsubsidized amounts are considered eligible expenses.
 - 9. Expenses for one or more motor vehicles per Reach Up household, essential for employment, education, training or other day-to-day living necessities, include the following, but not day-to-day operating expenses:
 - i. Overdue bills for repairs;
 - ii. Purchase and use tax;
 - iii. Loan or lease payments;
 - iv. Inspection fee;
 - v. Insurance; and
 - vi. Registration fees.

2248.2 In-Kind Income

- a. In-kind income is defined as any basic requirement that is furnished regularly at no cost to the Reach

Up household.

- b. In computing the requirements, if any basic need item is furnished in part or in full and is considered unearned in-kind income, the item may not be claimed as an expense in the budget and no unearned in-kind income is budgeted.
- c. In computing the requirements, if any basic need item is furnished in part or in full and considered as earned in-kind income, the item may be claimed as an expense in the budget and it shall be given a monetary value by the employer and treated as earned income in the budget computation.
 - 1. However, in no case shall the monetary value assigned to a need item received as earned in-kind income exceed the ratably reduced amount specified for that item in the Basic Need Standards Table (rule 2244.1) for a Reach Up household of equal size.
- d. The monetary value to be budgeted as earned in-kind income shall be that portion of the housing allowance attributable to earned in-kind income, ratably reduced.
 - 1. This ensures that earnings received in the form of housing do not reduce the amount of Reach Up benefits provided to meet the Reach Up household's other basic needs.
- e. In no case shall the provision of fuel and/or utilities as part of an Reach Up household's housing be considered either unearned or earned in-kind income, regardless of whether or not they incur a cost for housing.
 - 1. Nor in these instances shall these items be claimed as an expense in the budget.

2249 **Unearned Income**

- a. Unearned income includes the following:
 - 1. Income from pension and benefit programs, such as social security, railroad retirement, veteran's pension or compensation, unemployment compensation, employer or individual private pension plans and annuities;
 - i. The Medicare Part B premium of a new Social Security or Railroad Retirement recipient that continues to be withheld from their benefits pending completion of their transfer to the Department of Vermont Health Access' (DVHA) Medicare Savings Program shall be disregarded until the benefit increase is available to the recipient.
 - ii. The amount of veteran's benefits retained by a guardian as reimbursement for guardian services is disregarded as income.
 - 2. Income from capital investments in which the Reach Up household is not engaged in active management (rule 2201);
 - 3. Payments on mortgages or notes resulting from a sale of real or personal property when the Reach Up household is not engaged in the business of selling such property;

4. Voluntary contributions from others;
 5. Child support in excess of \$50 per month paid on behalf of a child included in the Reach Up household (rule 2250);
 6. The applicable standard fuel and utility subsidy (rule 2246);
 7. Reach First benefits attributed to the months that the Reach Up household applied for Reach Up benefits;
 8. The income of any person, and their spouse, who executed an affidavit of support (USCIS Form I-864 or I-864A) on behalf of the applicant or recipient pursuant to section 213A of the INA.
- b. The full amount of available unearned income shall be applied to the payment standard, except for disregards specified under certain federal programs (rule 2253).
 - c. Any non-excluded income from student loans or grants (rule 2253) shall be converted to a monthly amount by averaging the total amount of the loan or grant over the period it is intended to cover.

2249.1 Contributions

- a. Regular and predictable contributions, in the form of cash or in-kind, shall be considered unearned income.
- b. Occasional small gifts and/or irregular contributions shall be disregarded in budgetary computations, provided the amounts do not exceed \$30 per participant every three months.
- c. Contributions to a third party on behalf of a Reach Up household do not count as unearned income if the payment is not otherwise owed to the household.

2250 Distribution of Child Support

- a. Office of Child Support (OCS) distributes current child support payments to the Department, which has been collected on behalf of Reach Up households.
- b. The Department then distributes the child support payments, to the Reach Up household for whom child support has been collected, at the beginning of the second month following the month in which the child support payment was received by OCS.

2250.1 Family Bonus Payment

- a. The family bonus payment is the first \$50 from child support collected by OCS in any calendar month and distributed to the Department on behalf of a Reach Up household.
- b. The Department pays the family bonus to the custodial parent without affecting Reach Up

eligibility or decreasing the amount of the benefit.

- c. \$50 is the maximum family bonus payment paid to a Reach Up household in a single calendar month, even when more than one noncustodial parent pays child support on behalf of that Reach Up household.
- d. In no case shall the family bonus amount exceed the amount of child support paid on behalf of the members of the Reach Up household.

2250.2 Parent Share Payment

- a. The parent share payment is the amount in excess of \$50 from child support collected by OCS in any calendar month and distributed to the Department on behalf of a Reach Up household.
- b. The parent share payment shall be:
 - 1. Deducted from the Reach Up benefit prior to any recoupment for the second month following the month in which OCS received the child support and distributed it to the Department; and
 - 2. Paid to the Reach Up household according to the Reach Up benefit payment schedule (rule 2214.1).

2250.3 Child Support Arrearage Collected

- a. Child support arrearage is past due child support owed by a noncustodial parent.
- b. Arrearage collected by OCS from the noncustodial parent shall be distributed according to federal rules governing the distribution of child support.
- c. Arrearage collected on behalf of a Reach Up household is applied to unpaid child support obligations that accumulated while the household was receiving Reach Up benefits.
- d. When the arrearage collected from the noncustodial parent represents an accumulation of the child support obligation during a period when Reach Up benefits were received, the Department may retain an amount up to the Reach Up benefit for that period.

2250.4 Advance Child Support Payments

- a. Child support payments will be treated as advance payments only if current and past child support obligations are paid in full.

2251 Earned Income

- a. Earned income is defined as income prior to any voluntary or involuntary deductions including any applicable taxes, FICA, or insurance.
 - 1. In determining earned income for self-employed individuals, allowable business expenses shall

be deducted first (rule 2251.2).

- b. Earned income shall include all wages, cash or in-kind salary, commissions, or profit from activities in which the applicant/participant is engaged as an employee or a self-employed individual, including, but not limited to, active management (rule 2201) of capital investments.
- c. Self-employment income will be determined by the Reach Up household's most recent tax return unless the tax return is not reflective of the current situation, a tax return has not been filed, or the household has earned income not subject to taxation.
 1. In these circumstances, the Department will use the household's records and other available sources to determine self-employment income.
 2. For determining monthly self-employment income, see rule 2208.3.
- d. Income earned during a period, when payment is made at one given time, is also included as earned income.
- e. Payments from the following programs shall be treated as earned income:
 1. Income from Community Services Block Grant programs, whether as partial or temporary beneficiaries, or as employees;
 2. Income from employment under a Title I project funded by the Elementary and Secondary Education Act; or
 3. Income from employment through the Workforce Innovation & Opportunity Act (WIOA) programs.

2251.1 Earned Income Computation Methods

- a. Gross earned income must be verified pursuant to rule 2208.3.
- b. To determine Reach Up eligibility, all income figures are converted to monthly figures, using a multiplier of 4.3 weeks for income received weekly and a multiplier of 2.15 weeks for income received biweekly.
- c. Computation of net earned income for each member of the Reach Up household, whose total earned income is not otherwise excluded, takes into consideration applicable deductions in the sequences listed below:
 1. The unsubsidized earned income deduction sequence is:
 - i. Business expenses that are deducted from total self-employment business receipts to establish adjusted gross earned income;
 - ii. Earned income disregard (rule 2252.3); and
 - iii. Dependent care expenses allowed as a deduction from earned income (rule 2252.2).

2. The subsidized earned income deduction sequence is:
 - i. Employment expenses (rule 2252.1); and
 - ii. Dependent care expenses allowed as a deduction from earned income.
3. The subsidized plus unsubsidized earned income deduction sequence is:
 - i. If a household member has earnings from both subsidized and unsubsidized employment, the computation follows the sequence in subsection (1) above;
 - ii. Only the earned income disregard is allowed; and
 - iii. If less than \$90 is deducted from unsubsidized earnings, however, the remainder of the \$90 will be deducted from any subsidized earnings.
- d. Whenever the sum of these deductions exceeds the gross earned income of the household member, the maximum allowable deduction is the amount of the gross earned income.
- e. Child care provided as a support service to Reach Up households does not constitute dependent care expenses and is not an allowable deduction.

2251.2 Business Expenses

- a. Business expenses that are deducted from gross self-employment income to determine adjusted gross earned income, are limited to operating costs necessary to produce earned income and include:
 1. Office or shop rental;
 2. Taxes on farm or business property;
 3. Employee salaries;
 4. Interest on business loans; or
 5. Cost of materials, stock, inventory, or livestock for resale required to produce this income.
- b. Business expenses do not include the following: depreciation, personal business and entertainment expenses, personal transportation costs, purchase of capital equipment, and payment on the principal of loans for capital assets or durable goods.
- c. Tax returns and business records are considered appropriate sources of accurate documentation for farm and business income and expenses.
- d. The income of a Reach Up household owning or operating a commercial boarding house shall be treated as any other business income.
 1. A commercial boarding house is defined as an establishment licensed as a commercial

enterprise offering meals and lodging for compensation.

2. In areas without licensing requirements, a commercial boarding house shall be defined as a commercial establishment offering meals and lodging with the intention of making a profit.
- e. A difficulty-of-care payment, which is compensation to a foster care provider for the additional care required because the qualified foster individual has a physical, mental, or emotional disability, and which is distinct from payment made for room-and-board, is earned self-employment income.
 1. Payment made by a foster care provider for respite care services is an allowable business expense.
- f. The expense of furnishing room-and-board for a non-commercial boarding house, alone or as part of custodial care, is an allowable business expense.
 1. These expenses shall not exceed the income the Reach Up household receives from the roomer/boarder for room-and-board.
 2. If the Reach Up household can document that actual expenses for providing room and board are greater than the standard business expenses allowed, the actual expenses may be allowed as a business expense.

2251.3 Income from Providing Child Care

- a. A standard business expense deduction is provided for the expenses associated with providing meals to children receiving child care in the Reach Up household's home.
- b. To receive the standard business expense deduction for the provision of meals the Reach Up household must report:
 1. The number of children receiving meals;
 2. The number of days on which meals were provided; and
 3. The type of meals provided.
- c. The standard business expense deduction for child care meals shall be used unless the Reach Up household requests a higher business expense deduction and fully documents expenses that substantiate costs exceeding the standard deduction.
- d. Reach Up households that include providers of child care are also entitled to a business expense deduction for non-meal related expenses incurred in the course of providing child care as a form of self-employment.
 1. All non-meal related expenses must be determined on a case-by-case basis and must be fully documented by the Reach Up household.
 2. These non-meal related expenses may include:

- i. A portion of rent;
 - ii. A portion of the interest on mortgage payments;
 - iii. Non-cooking related utility expenses;
 - iv. Cost of toys; and
 - v. Purchase of non-meal related supplies.
- e. Reach Up households may only receive the standard business expense deduction for one of the following expenses:
1. Meals and an individually determined deduction for non-meal related business expenses;
 2. Individually determined business expense deductions for both meal related expenses and non-meal related expenses;
 3. Only a deduction for meals; or
 4. Only a deduction for non-meal related expenses.

2252 Earned Income Deductions and Disregards

- a. The Department shall allow certain deductions from a participant's earned income to cover employment expenses (rules 2252.1 – 2252.2) or provide an incentive disregard for employed participants (rule 2252.3).
- b. Total deductions and disregards shall not exceed the amount of a participant's earned income.

2252.1 Employment Expenses

- a. The standard employment expense deduction of \$90 is used in place of the amount of actual expenses for:
 1. Taxes;
 2. Insurance;
 3. Retirement;
 4. Union dues and fees; and
 5. Other reasonable employment expenses.
- b. Only one standard employment expense deduction is allowed per participant with earned income.
- c. This deduction shall be applied to the following:

1. Subsidized earned income in determining continuing eligibility; and
 2. Earned income of a participant whose needs are not included in the Reach Up household, but whose income and resources are counted.
- d. The Department shall not simultaneously apply both the standard employment expense deduction and the earned income disregard to the earned income of any participant.

2252.2 Dependent Care Expenses

- a. A deduction from the earned income of a Reach Up household member is allowed to cover the cost of care for a household member, who is a disabled or seriously ill adult, when all the following conditions are met:
1. The care is necessary to allow the Reach Up parent/caretaker to accept or retain employment, and the hours of care are reasonably related to the parent's/caretaker's employment;
 2. The care is not provided by a member of the same Reach Up household or by the disabled or seriously ill adult's spouse;
 3. The disabled or seriously ill adult's spouse is unavailable or unable to provide the necessary care;
 4. The provider of care is at least 16 years old; and
 5. The Reach Up household member claiming the deduction has provided a statement signed by the provider of care about the hours and cost of care.
- b. A deduction from the earned income of a Reach Up household member is allowed to cover dependent care payments for a child, who is not a member of the Reach Up household, but for whom a Reach Up parent/caretaker is legally liable and the following requirements are met:
1. The child and the child care facility must meet the requirements in rule 2309; and
 2. The provider of care must be at least 18 years of age, or at least 16 years of age if the provider has a high school diploma, GED, or attends secondary school full-time.
- c. Paid expenses converted to a monthly amount shall be deducted up to a maximum of \$175 per month.
1. If a participant's dependent care expenses are below this maximum, transportation to and from the dependent care facility may be deducted as part of the expense, up to the maximum of \$175 per month.
- d. Payments for dependent care provided by a Reach Up household member, another legally liable relative, or a legal guardian do not qualify as necessary dependent care expenses under this rule.

2252.3 Earned Income Disregard

- a. The Department shall disregard the first \$250.00 per month of the total unsubsidized earned income of each eligible Reach Up household member plus 25 percent of the balance remaining.

- b. The earned income disregard includes a standard allowance used in place of the amount of actual expenses for:
1. Taxes;
 2. Insurance;
 3. Retirement;
 4. Union dues and fees; and
 5. Other reasonable employment expenses.

2253 Excluded Income

- a. Excluded income is defined as income that is not included in the Reach Up household's earned or unearned income, which includes the following:
1. Retroactive corrective payments, that resulted from a Department underpayment, in the month received (rule 2218);
 2. Home produce used by the household for its own consumption;
 3. Any income received by a recipient of SSI/AABD, which includes disabled individuals with effective 1619 (b) status by the Social Security Administration received SSI/AABD and gainfully employment, who is living in the Reach Up household.
 4. All income to an undergraduate student, including both a parent and a child in the Reach Up household, from student grants, loans, or work/study if:
 - i. Such loans or grants are made under a program administered or insured by the U. S. Commissioner of Education, including Basic Educational Opportunity Grants;
 - ii. The sponsor of the grant or loan precludes its use for maintenance purposes, including Vermont Student Assistance Corporation, Senatorial Scholarships, or Supplemental Educational Opportunity Grants (SEOG);

The work/study program is administered by a college or university recognized by educational authorities in which the undergraduate student is enrolled half time or more than half time, as defined by the school, including College Work-Study Programs (CWSP); or
 5. Bona fide loans regardless of purpose shall not be considered income or a resource available to the household.
 - i. A loan shall be considered bona fide if it is from an establishment or individual that is in the business of making loans and is evidenced by a written agreement to repay the money within a specified period.
 - ii. If the loan is obtained from an establishment or individual not normally engaged in the

- business of making loans, evidence that the loan is bona fide would be provided by a written agreement between the parties to the loan that specifies a timetable or plan for repayment.
- iii. A loan is considered bona fide even if it is repaid without interest or was obtained without being secured with collateral.
6. That portion of any Veterans Administration Educational Assistance Program payment for the student that is used for the following types of payments including:
- A. Tuition;
 - B. Books;
 - C. Fees; or
 - D. Child care services necessary for enrollment;
7. Student financial assistance provided under Title IV of the Higher Education Act or Bureau of Indian Affairs Student Assistance programs, including the following.
- i. Pell Grants;
 - ii. Supplemental Educational Opportunity Grants (SEOG);
 - iii. State Student Incentive Grants (SSIG);
 - iv. College Work Study (CWSP);
 - v. Perkins Loans (formerly National Direct Student Loans), which do not include the Carl D. Perkins Vocational and Applied Technology Education Act outlined below; or
 - vi. Guaranteed Student Loans (GSLP), including PLUS loans and Supplemental Loans for students.
8. Student financial assistance provided under the Carl D. Perkins Vocational and Applied Technology Education Act is disregarded as income or resources when the assistance is made available to meet attendance costs, which include:
- i. Tuition and fees normally assessed a student carrying the same academic workload as the applicant/participant, as determined by the institution, including costs for rental or purchase of any equipment, materials, or supplies required of all students in the same course of study; and
 - ii. An allowance for books, supplies, transportation, dependent care, and miscellaneous personal expenses for a student attending the institution on at least a half-time basis, as determined by the institution.
9. Reimbursements for expenses associated with participation in unpaid voluntary activities, including:
- i. Child or dependent care;

- ii. Transportation;
 - iii. Purchase or maintenance of clothing;
 - iv. Meals; or
 - v. The value of meals.
10. Assistance from other sources to meet needs not covered by the Reach Up benefit, for example:
- i. Assistance granted for a specific purpose, such as vocational rehabilitation, including incentive allowances being paid by the Division of Vocational Rehabilitation to an active Reach Up participant;
 - ii. Assistance for items and/or services not included in the standard assistance plan or medical assistance, such as special training for a child through a private agency, eyeglasses, or dental care; or
 - iii. General Assistance benefits.
11. Payments made by a Reach Up household member toward the support of a person(s) outside the Reach Up household pursuant to a court order for:
- i. Support;
 - ii. An Administrative Order for support issued by the Human Services Board; or
 - iii. A contract between the Office of Child Support and a noncustodial parent that requires the payment of child support.
 - A. To determine the amount of excluded income deduct the payment amount from the Reach Up household's countable earned income with any remaining balance deducted from their unearned income.
12. Adoption assistance, when verified by the Family Services Division (FSD) or a comparable agency in another state;
13. The value of 3SquaresVT benefits;
14. The value of the U. S. Department of Agriculture donated foods, which include surplus commodities;
15. Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;
16. Earned income of an eligible child if the child is a full- or part-time student;
- i. A student is a person who is enrolled in a school, college, university, or a course of vocational or technical training designed for gainful employment.

- ii. The income exclusion shall continue to apply during temporary interruptions in school attendance due to semester or vacation breaks, provided the child's enrollment will resume following the break.
17. Court ordered cash contributions for medical support paid by a noncustodial parent;
18. Payments for support services and/or reimbursement for out-of-pocket expenses made to:
- i. Individual volunteers serving as foster grandparents, senior health aides, or senior companions; or
 - ii. Persons serving in the Service Corps of Retired Executives, Active Corps of Executives, and any other program under Titles II and III pursuant to Section 418 of P. L. 93-133.
19. Payments to individual volunteers under:
- i. Title I of P. L. 93-133 Section 404(g);
 - ii. University Year For Action of P. L. 93-113 and PL 96-143; or
 - iii. Section 9 (VISTA), unless determined by the Director of ACTION to be equivalent to or greater than the federal or state minimum wage;
20. Payments made under the Alaska Native Claims Settlement Act of 1971, as amended;
21. Payments distributed per capita to or held in trust for members of any Indian Tribe under P. L. 92-254, P. L. 93-134, or P. L. 94-540;
22. Payments received for the care of foster children in the custody of and placed by the Family Services Division;
23. The room-and-board portion of income received by developmental home providers furnishing qualified foster care to individuals placed by the Department of Developmental and Mental Health Services (DDMHS) or by a developmental or mental health services agency under contract with DDMHS. (rule 2252.2).
24. Reach Up support services, either as reimbursements or advance payments to the individual for child care, transportation, work-related expenses, work-related supportive services, education, or training-related supportive services;
- i. Payments or reimbursements for child care expenses provided under Child Care Assistance for non-participants in Reach Up are also excluded as income in determining eligibility for or the benefit amount in Reach Up.
25. Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended;

26. The value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended, and the Special Food Service Program for children under the National School Lunch Act, as amended (P. L. 92- 433 and P. L. 93- 150);
27. Income distributed to members of certain Indian tribes referred to in Section 5 of P. L. 94-114 effective October 17, 1975;
28. Any income received from an emergency fuel supplement or energy allowance to assist with the cost of heating;
29. The first \$50 of child support paid on behalf of a child who is a member of the Reach Up household within each calendar month.
 - i. When more than one noncustodial parent makes child support payments on behalf of a single Reach Up household in the same calendar month, the maximum amount of child support to be disregarded in determining the household's eligibility is \$50.
30. Any amount of child support paid on behalf of a child who is not a member of the Reach Up household.
31. Vermont and Federal Earned Income Tax Credits (EITC), whether received with each paycheck or as a refund, including lump sum;
32. Vermont and Federal Child Tax Credits;
33. Payments made pursuant to the Radiation Exposure Compensation Act (Public Law 101- 426);
34. Payments made under Indian Trust Funds Acts (Public Laws 97-458 and 98-64) and initial purchases made with such funds by the original recipient of the funds;
35. Up to \$2,000 annual income received from the lease or other uses of the individually-owned trust or restricted lands under the Indian Tribal Judgment Funds Use or Distribution Act, as amended;
36. Payments made pursuant to the Maine Indian Claims Settlement Act of 1980 to a member of the Passamaquoddy Indian Tribe, the Penobscot Nation, or the Houlton Band of Maliseet Indians;
37. Payments made to a member of the Aroostook Band of Micmacs pursuant to the Aroostook Band of Micmacs Settlement Act;
38. Financial assistance paid through the Disaster Mitigation Act of 2000, as amended, as major disaster and emergency assistance, including additional relief provided by States, local governments and disaster assistance organizations;
 - i. This disaster coverage is intended to provide relief to people living or working in an area severely struck by natural or man-made disaster.
 - ii. The disaster must have been so severe as to cause the President to designate a Federal Disaster Zone.
39. German reparations to concentration camp survivors, slave laborers, partisans, and other victims of the Holocaust, including settlement payments to victims of Nazi persecution or

their legal heirs resulting from the confiscation of assets during World War II.

2254 Resources

- a. Resources are defined as any assets, other than income, that a Reach Up household has available to meet the household's needs.
- b. Such assets generally take the form of real or personal property the household owns individually or jointly.
- c. The Department shall evaluate the total equity value of all resources, except items specifically excluded, to establish their combined value for comparison with the resource limitation outlined below.
- d. When a member of the Reach Up household and one or more persons, who are not members of the same household, own resources jointly, the Department shall consider at least a pro rata share of the resources available to the household unless they can demonstrate that such resources are inaccessible.
 1. When the Reach Up household can demonstrate that it has access to only a portion of the resource, the value of that portion shall count toward the household's resource limitation.
 2. The resource shall be considered totally inaccessible to the Reach Up household if the resource cannot practically be subdivided and the household's access to the value of the resource is dependent upon the agreement of the joint owner.
- e. While receiving Reach Up benefits (including periods with zero benefits), the Department shall treat any liquid asset received by a Reach Up household, not otherwise excluded, as lump sum income (rule 2248.1).
- f. The Department shall disregard from the combined resources limitation any portion of a liquid asset that the Reach Up household has set aside for currently incurred unpaid expenses included in their basic needs and housing allowance (rule 2244).
- g. The Department shall disregard from the combined resource limitation an amount equal to the Reach Up household's monthly income, if it is established that this income will be used to meet current monthly expenses.
- h. When feasible, future and potential sources of resources shall be identified and developed (rule 2258).
 1. Reach Up benefits, in the amount needed based on currently available resources, shall continue until such potential resources become available, at which time appropriate budgetary adjustment shall be completed.

2254.1 Combined Resources Limitation

- a. The maximum combined allowable resources, including both liquid and non-liquid assets, of all

members of the Reach Up household shall not exceed \$9000.

1. The resources of an ineligible household member on strike are counted as specified in rule 2233.1.
 2. The resources of an ineligible household member convicted of having made a fraudulent statement or representation with respect to their place of residence to receive assistance simultaneously from two or more states are counted as specified in rule 2233.2.
 3. The resources of an ineligible fugitive felon or probation or parole violator are counted as specified in rule 2233.3.
 4. The resources of a parent, who is ineligible for Reach Up benefits due to immigration status, count toward the Reach Up household's combined resources limitation.
 5. The resources of the spouse or civil union partner of a pregnant person with no children count toward the Reach Up household's combined resources limitation, if they live together.
- b. The total equity value of all real and personal property, except excluded items, may not exceed \$9000.

2254.2 Transfer of Property Prohibited

- a. Any Reach Up household member, who has voluntarily assigned or transferred non-excluded real or personal property for the purpose of qualifying for Reach Up benefits or for a larger amount than they would otherwise be entitled, is disqualified from receiving Reach Up benefits for a period of two years from the date of the assignment or transfer.
- b. Property transfers that occurred more than two years before the date of application for Reach Up benefits shall not affect eligibility.
- c. Property transfers that occurred less than two years before the date of application for Reach Up benefits shall not disqualify the Reach Up household if:
 1. The transfer was not made solely to qualify for Reach Up benefits;
 2. Fair market value was received, and remaining proceeds are within resource limitations; and
 3. The transfer was to a legally liable relative, who spent the equity on the household member's behalf, for any of the following:
 - i. Medical care;
 - ii. Funeral expenses of a deceased spouse;
 - iii. Mortgage payments;
 - iv. Property taxes or insurance;
 - v. Cost of maintaining the household member's home; or

- vi. Cost of the household member's living expenses in the relative's home.
- d. When a Reach Up household member could not initially establish eligibility due to a prohibited property transfer, they may avoid disqualification by having the property reconveyed to them for consideration as an available resource.

2254.3 Property Sales

- a. An excluded resource that is converted to a liquid asset is subject to the lump sum income rule 2248.1 when:
 - 1. There is a lump sum settlement from a real or personal property sale; and
 - 2. The property is owned by a Reach Up household member receiving Reach Up benefits.
 - i. Rule 2248.1 does not apply if the property was acquired before the Reach Up household member began receiving Reach Up benefits.
- b. The Reach Up household shall be permitted to retain the net proceeds from the sale of real property occupied as their permanent home for a period not to exceed 90 days, provided that:
 - 1. Net proceeds are held in a trust;
 - 2. The plan is to use these proceeds for purchase or construction of another home; and
 - i. The purchased home shall be occupied within 60 days from date of agreement to purchase; or
 - ii. The constructed home shall be completed and occupied within twelve months from date of agreement to construct.
- c. Payments to the Reach Up household under an installment contract on any real or personal property is treated as income and the balance of equity remaining from the mortgage is not considered a resource.
 - 1. The household retains the option of selling the mortgage or accepting a lump sum settlement (rule 2248.1).

2254.4 Excess Resources

- a. Any resources in excess of the combined resources limitation and not treated as a lump sum (rule 2248.1) shall be considered available to the Reach Up household.
- b. A Reach Up household shall become ineligible for benefits until such excess resources are exhausted.
- c. If the excess resources are equal to or exceed the Reach Up household's benefit amount, the household is ineligible for a period of 30 days or until resources fall below the combined resources limitation, whichever timeframe is longer.

2255 **Real Property**

- a. Real property is defined for purposes of Reach Up eligibility as fixed property, including land, buildings, and mobile homes.
- b. Real property owned, used, and occupied as a home by the Reach Up household shall be excluded from combined resources limitation.
- c. The value of the Reach Up household's equity in real property that is owned but is not being occupied as a home by the household, may be excluded from the combined resources limitation for a period of up to 6 months provided the household is making a good faith effort to sell the property.
 1. A good faith effort to sell means:
 - i. The property is listed with a reputable real estate agent or publicly advertised in a general newspaper, magazine, or online publication no less than weekly;
 - ii. The household is cooperating in marketing the property; and
 - iii. The household accepts reasonable purchase offers.
 2. Reach Up benefits paid during this home sale period shall be considered an overpayment.
 3. The household must agree that the proceeds of the sale shall be used to repay the Reach Up benefits received during this home sale period.
 - i. Any balance of the home sale proceeds shall be counted as a resource.
- d. If at the end of six months the property has not sold, and the Reach Up household continues to demonstrate a good faith effort to sell, the equity may be excluded from resources for a further period of 3 months with the approval of the Department.
 1. The equity must be considered a resource if the property is still unsold at the end of this additional three-month period.
- e. When a Reach Up household is temporarily living at a location other than property owned, and that property was previously used and occupied as their home, this temporarily uninhabitable property will be excluded from combined resources limitation. (rule 2247).
 1. When the home is uninhabitable for more than six months, exemption of the property as a home must be re-evaluated.

2256 **Personal Property**

- a. Personal property includes all liquid or non-liquid assets, other than real property.

- b. The Reach Up household may agree to convert payments being received as income on notes and mortgages under an installment contract to liquid assets.
- c. If payments are not being made on an installment contract and steps are not being initiated to foreclose, the entire equity remaining in a mortgage shall be considered a resource.
 - 1. If such resource exceeds the combined resources limitation, the Reach Up benefits will end.

2256.1 Liquid Assets

- a. Liquid assets are defined as cash, or assets that can readily be converted to cash and include:
 - 1. Interest on savings accounts only at time of initial Reach Up application and at each recertification;
 - 2. Stocks, bonds, and other securities shall be evaluated at the current market or redemption value; and
 - 3. The principal due on outstanding notes and/or mortgages payable to a Reach Up household member.
- b. Loans, grants and scholarships obtained and used, regardless of source, for a specific purpose that precludes their use for current living costs, shall be excluded as a liquid asset (rule 2257).
- c. In those cases where resources are close to the combined resources limitation, verification of accrued interest shall be required.

2256.2 Trust Funds /Trust Accounts

- a. Evaluation of trust funds/trust accounts as a countable resource shall consider the terms of the trust.
- b. The value of the trust fund/trust account principal that can be made immediately available to a Reach Up household member shall be considered a countable resource.
- c. Unless prohibited by terms of the trust fund/trust account, accrued interest shall be considered as income in the month received and a resource thereafter.
- d. The value of the trust fund/trust account principal that cannot be made immediately available shall be excluded as a countable resource.
- e. Any special provisions for use of the trust fund/trust account principal shall be evaluated as a future or potential resource, including but not limited to, the recoupment of an overpayment.

2256.3 Burial Plots - Funeral Agreements

- a. One burial plot for each Reach Up household member may be excluded as a resource.

- b. One funeral agreement per member may also be excluded, provided the equity value of the agreement does not exceed \$1500.

2256.4 Annuities

- a. Annuities must be included as a Reach Up household resource unless the household can demonstrate that these funds are not and cannot be made available to them.
- b. In counting resources of households with annuities, the total cash value must be counted minus the amount of penalty, if any, for early withdrawal.

2256.5 Vehicles

- a. A vehicle is defined as a passenger car, truck or jeep, motorcycle, camper, van, snowmobile or boat that is operable or stored on blocks and includes all major operating parts.
- b. A non-operable vehicle minus operating parts is considered junk and thus does not come within the definition of a vehicle.
 - 1. However, the salvage value of a junked vehicle may represent a substantial resource requiring individual evaluation.
 - 2. The vehicle's equity value equals the vehicle's fair market value minus the debt owed on the vehicle.
 - 3. In situations where the Reach Up household disagrees with the determined equity value of the vehicle being considered, a written appraisal of the value submitted by a licensed dealer will be accepted.
- c. The equity value of one operable motor vehicle for each adult and each child of driving age in the Reach Up household, who needs a vehicle to attend school or work, is excluded as a resource.
 - 1. In situations where the household owns additional vehicles, they shall identify each vehicle to be excluded.
 - 2. The equity value of all remaining vehicles owned by the household, unless otherwise excluded, must be counted towards the combined resources limitation.
- d. If a vehicle excluded under this provision is sold and then replaced within 30 days of the date of the sale with another vehicle, the proceeds from the sale will be disregarded as a resource during this 30-day period.

2256.6 Income-Producing Property

- a. Income-producing property is personal property used as a means of livelihood and is excluded from the combined resources limitation (rule 2254.1).

- b. Income-producing property usually exists in quantities beyond the customary needs of normal living and is used by members of a Reach Up household to produce income for support of the household, including:
 1. Vehicles;
 2. Tools;
 3. Livestock;
 4. Equipment;
 5. Machinery; and
 6. Similar goods owned.
- c. Income-producing property may be owned by an unemployed Reach Up household member, who can reasonably be expected to return to work.
 1. If there is no expectation that the unemployed Reach Up household member will return to work in that particular field, then the personal property shall be considered a resource.

2257 Excluded Resources

- a. The following items are excluded resources:
 1. Retroactive corrective payments that resulted from a Department underpayment in the month following receipt of the Reach Up benefit (rule 2218);
 2. Real property owned, used and occupied as a home by applicant/participant or the spouse of an applicant/participant;
 3. Equity value in real property owned, but not occupied as a home, by an applicant/participant for a certain period of time when a good faith effort is being made to sell (rule 2255);
 4. Basic items essential to daily living such as clothes, furniture and other similarly essential items of limited value;
 5. Personal property used to produce income (rule 2256.6);
 6. The value of 3SquaresVT benefits;
 7. The value of the U. S. Department of Agriculture donated foods or surplus commodities;
 8. Any resources held by a recipient of SSI/AABD;
 9. Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;
 10. Bona fide loans (rule 2201), excluding loans to undergraduate students for educational purposes, shall not be considered to be income or a resource available to the household;

11. Grants, loans or work/study to any undergraduate student for educational purposes that are:
 - i. Made or insured under any program administered by the Commissioner of Education;
 - ii. The sponsor of such grant or loan precludes the use of such funds for maintenance purposes; or
 - iii. The work/study program is administered by the college or university in which the undergraduate student is enrolled.
12. One burial plot for each Reach Up household member and one funeral agreement per member (rule 2256.3);
13. Any amount of renters' or property tax rebate excluded from income under rule 2248.1 and set aside for the purpose of using it to pay rent or property taxes due within 12 months of the Reach Up household's receipt of such rebate;
14. Payments to persons of Japanese or Aleut ancestry as restitution for injustices suffered during the Second World War;
15. Vermont and Federal earned income tax credits (EITC), whether received with each paycheck or as a refund following the end of the tax year, are excluded for a period of 12 months from receipt.
16. Vermont and Federal Child Tax Credits are excluded for a period of 12 months from receipt;
17. Payments made from the Agent Orange Settlement Fund or any other fund established because of the Agent Orange product liability litigation, retroactive to January 1, 1989;
18. The value of assets accumulated from the subsidized or unsubsidized earnings of adults and children in participating Reach Up households is excluded for the purposes of determining continued eligibility;
 - i. Interest earned on excluded assets is also excluded.
 - ii. Nonliquid assets, purchased with savings from earnings or with a combination of savings from earnings and other excluded income or resources, such as SSI/AABD retroactive benefits or federal earned income tax credit lump sum income, are excluded.
 - iii. Liquid assets excluded under this policy must be kept in a separate bank account from other liquid assets, unless to do so would create a hardship.
 - A. A hardship exists when there is no bank within a reasonable distance from the earner's residence or place of work that allows a bank account without charging fees.
 - iv. If a Reach Up household reapplies for benefits after benefits are terminated, assets accumulated during the time the household was not participating in Reach Up are excluded, provided that all other criteria specified for exclusion are met.
19. Payments made pursuant to the Radiation Exposure Compensation Act (Public Law 101-426);
20. Payments made under Indian Trust Funds Acts (Public Laws 97-458 and 98-64) and initial purchases made with such funds by the original recipient of the funds;

21. Interest held in a trust or in restricted lands under the Indian Tribal Judgment Funds Use or Distribution Act, as amended;
22. Distributions made under the Alaska Native Claims Settlement Act of 1971 (as amended) as follows:
 - i. Cash, including cash dividends on stock received from a Native Corporation to the extent that it does not, in the aggregate, exceed \$2000 per individual per calendar year;
 - ii. Stock, including stock issued or distributed by a Native Corporation as a dividend or distribution on stock;
 - iii. A partnership interest;
 - iv. Land or an interest in land, including those received from a Native Corporation as a dividend or distribution on stock; or
 - v. An interest in a settlement trust.
23. Payments made pursuant to the Maine Indian Claims Settlement Act of 1980 to a member of the Passamaquoddy Indian Tribe, the Penobscot Nation, or the Houlton Band of Maliseet Indians;
24. Payments made to a member of the Aroostook Band of Micmacs pursuant to the Aroostook Band of Micmacs Settlement Act;
25. Student financial assistance provided under the Carl D. Perkins Vocational and Applied Technology Education Act is disregarded as resources when the assistance is made available to meet attendance costs, which include:
 - i. Tuition and fees normally assessed a student carrying the same academic workload as the applicant/participant, as determined by the institution, including costs for rental or purchase of any equipment, materials, or supplies required of all students in the same course of study; and
 - ii. An allowance for books, supplies, transportation, dependent care and miscellaneous personal expenses for a student attending the institution on at least a half-time basis, as determined by the institution.
26. Student financial assistance provided under Title IV of the Higher Education Act or Bureau of Indian Affairs Student Assistance programs, including the following.
 - i. Pell Grants;
 - ii. Supplemental Educational Opportunity Grants (SEOG);
 - iii. State Student Incentive Grants (SSIG);
 - iv. College Work Study (CWSP);
 - v. Perkins Loans (formerly National Direct Student Loans), which do not include the Carl D. Perkins Vocational and Applied Technology Education Act outlined below; or
 - vi. Guaranteed Student Loans (GSLP), including PLUS loans and Supplemental Loans for students.

27. Financial assistance paid through the Disaster Mitigation Act of 2000, as amended, as major disaster and emergency assistance, including additional relief provided by States, local governments and disaster assistance organizations;
 - i. This disaster coverage is intended to provide relief to people living or working in an area severely struck by natural or man-made disaster.
 - ii. The disaster must have been so severe as to cause the President to designate a Federal Disaster Zone.
28. German reparations to concentration camp survivors, slave laborers, partisans, and other victims of the Holocaust;
29. Settlement payments to victims of Nazi persecution or their legal heirs resulting from the confiscation of assets during World War II;
30. Loan and cash value of whole life insurance;
31. Savings from earned income, matching dollar contributions, and accumulated interest deposited in Individual Development Accounts (IDAs) or a matched savings account sponsored by a community organization;
32. Funds in a retirement account, such as an individual retirement arrangement (IRA), a defined contribution plan qualified under 26 U.S.C. § 401(k), or any similar account as defined in 26 U.S.C. § 408; and
33. Funds in a qualified child education savings account, such as the Vermont Higher Education Investment Plan, established in 16 V.S.A. § 2877, or any similar plan qualified under 26 U.S.C. § 529.

2258 Potential Income and Resources

- a. Potential sources of income or resources shall be explored to meet current or future needs of the Reach Up household.
- b. Steps to identify and develop potential income or resources include:
 1. Filing an application for unemployment compensation for which the Reach Up household member may be entitled.
 2. If a household member potentially eligible for unemployment compensation fails or refuses to apply for unemployment compensation, they shall be ineligible for Reach Up.

2259 Potential Eligibility for Pension and Other Benefit Programs

- a. Entitlement to social security, Supplemental Security Income, railroad retirement, veterans' benefits, or similar benefit programs will be explored with the applicant/participant.
- b. Certain criteria may indicate potential or future entitlement of such benefits for these

applicants/participants and their legally liable relatives, including:

1. Current age;
 2. Physical or mental conditions;
 3. Survivor/dependent status of applicants/participants; and
 4. Employment and military service history.
- c. If any member of a Reach Up household is an elderly or disabled adult, or the child of a deceased or disabled parent, and has not already applied for social security or Supplemental Security Income benefits, the household shall be referred to the nearest social security office to apply for these benefits.

2260 Insurance and Liability Claims

- a. Insurance, in general, provides protection against specific future or unanticipated expense or loss of income.
- b. The following types of insurance owned by a Reach Up household member shall be evaluated for immediate or future potential income or resources:
 1. Life insurance, as a resource for burial and/or other final expenses of the insured, and as a source of income and/or resources for a surviving beneficiary of the Reach Up household;
 2. Health insurance, as a resource for illness or accident expenses of the Reach Up household;
 3. Disability income protection, potentially combined with either life or health insurance, as a resource to meet current needs of the insured and/or legal dependents; or
 4. Potential liability of a third-party shall be identified and appropriate claim initiated in cases involving personal injury and/or property damage.

2261 Potential Support from Relatives

- a. The Department emphasizes a support obligation of spouses, or civil union partners, for each other and of parents for their children.
- b. Potential sources of support shall be identified during the application/review process from the following legally liable relatives, who are absent from the home for any reason other than death:
 1. A parent of a dependent child; and
 2. A spouse.
- c. When appropriate, parents/caretakers shall be encouraged to take the initiative in securing support from other interested relatives and/or friends.

- d. Parents/caretakers shall cooperate with the Department to:
1. Contact relatives, who may be legally liable for child support (rule 2232.1); or
 2. Pursue legal action to enforce child support obligations or establish parentage, unless there is good cause for refusal (rule 2232.3).

2261.1 Reporting Child Abandonment to Law Enforcement

- a. 33 VSA §1104 requires immediate notice to the appropriate law enforcement officials when Reach Up benefits are granted due to abandonment of a child by a parent.
- b. The applicant/participant must be informed of the Department's legal obligation under 33 VSA §1104 to report the receipt of Reach Up benefits to the appropriate law enforcement official.
1. If the applicant/participant is unwilling to have the report made, they have the choice of withdrawing their request for benefits.
 2. Clear communication of this legal requirement, including the possibility that testimony may be required, is required to enable the applicant/participant to make an informed choice.
- c. Notification is required in all cases of abandonment by a biological, step or adoptive parent, including any married parent.

2262 Notice and Appeal of Reach Up Decisions

- a. Reach Up households have a right to notice (rule 2262.1) and appeal of actions the Department takes on their case or required actions the Department fails to take (rule 2262.2).
- b. The Department shall provide notice to all Reach Up households of their right to appeal to the Human Services Board for a fair hearing concerning the Department's actions or inactions and shall provide them with notice of their rights and the procedures applicable to such appeals.

2262.1 Notice of Appeal Rights

- a. The Department shall provide all Reach Up households with written notice of their appeal rights at the time of their application and each time they receive notice of any Department adverse action or decision.
1. Department adverse actions are decisions that may deny, modify, or terminate a Reach Up household's benefits.
- b. The written notice shall include:
1. The reasons for the adverse action or decision;
 2. How appeals may be initiated;

3. Where a person may obtain a copy of the Human Services Board rules; and
4. Where to obtain legal assistance, if needed.

2262.2 Grounds for Appeal of Reach Up Decision

- a. A Reach Up household that disagrees with the Department may appeal the following actions or inaction by the Department:
 1. Denial of their claim for Reach Up benefits or services;
 2. Failure to act with reasonable promptness;
 3. Actions that affect the household's receipt of benefits or services, including sanctions;
 4. Implementation of Department policy, or lack thereof, that affects the household's situation; and
 5. Required provisions included in the FDP.
- b. Appeals related to Reach Up Services decisions are covered in rule 2336.

2262.3 Appeal of Reach Up Decision

- a. A request for a fair hearing on a Reach Up household's appeal of a Department decision must be made within 90 days of the mailing date of the notice of decision.
- b. Except where indicated below, benefits continue without change if a household requests a fair hearing before the effective date of the decision and wishes to have benefits continue during the appeal process.
 1. A household may request that the adverse action be implemented pending the outcome of the fair hearing.
- c. If the effective date of the decision is on a weekend or a holiday, a household has until the end of the first working day immediately following the effective date of the decision to appeal the decision and receive continuing benefits.
- d. If benefits continue at the same level and the Human Services Board decision is favorable to the Department, then any overpayment received by a household pending the fair hearing will be subject to recoupment (rule 2219).
- e. If a household requests that benefits not be continued at the present level, and the Human Services Board decision is favorable to the household, the Department must retroactively pay any underpayments to the household.
- f. If a household withdraws from the fair hearing process prior to the fair hearing, the Department will seek recoupment of any overpayment received by the household because of the fair hearing request.

- g. Benefits do not continue without change in the following circumstances:
1. The sole issue is one of state or federal law or policy, or change in state or federal law;
 2. The household requests not to receive continued benefits pending the fair hearing;
 3. An unrelated change affecting the benefits occurs while the fair hearing decision is pending, the change is processed, and the household does not request a fair hearing after notice of that change; or
 4. The request for a fair hearing is made within the 90-day appeal period but not within the period that allows benefits to continue pending appeal.
- h. See rule 2262.4 related to continuation of benefits during a pending fair hearing related to protective payments.

2262.4 Appeal of Protective Payment Decision

- a. If a protective payment plan is used, the parent/caretaker may appeal to the Human Services Board for a fair hearing concerning the following protective payment decisions:
1. Determination that protective payment should be made or continued; or
 2. The selection of the protective payee.
- b. Protective payments shall continue pending the decision of the Human Service Board on the appeal request, even if a request for a fair hearing is made before the decision goes into effect, in the following cases:
1. Difficulty with money management results in budget assistance through a protective payment plan due to nonpayment of rent as determined under rule 2220.1(b)(1); or
 2. Where housing costs have been vendored due to the parent's/caretaker's temporary absence under rule 2220.
- c. Protective payments shall not continue pending the Human Service Board decision if a parent/caretaker requests an appeal before the decision goes into effect in the following cases:
1. Where the health and safety of the child is jeopardized by the inability of the parent/caretaker to meet basic financial obligations on a regular basis under rule 2220.1(b)(2); or
 2. Where housing costs have been vendored because of a sanction for failure to meet Reach Up services requirements under rule 2220.

2263 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

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 , 2006 VT 65, and , 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

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.)



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Deadline For Public Comment

Deadline: May 05, 2023

Please submit comments to the agency or primary contact person listed below, before the deadline.

Rule Details

Rule Number:	23P006
Title:	Reach Up Eligibility Rules.
Type:	Standard
Status:	Proposed
Agency:	Department of Corrections, Agency of Human Services
Legal Authority:	3 V.S.A. § 801(b)(11); 33 V.S.A. § 105(b)(2)
Summary:	<p>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 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"). Substantive changes to the content of the rule include:(1) allowing temporary absences to be approved when a child is voluntarily placed outside of the home (rule 2228.2); (2)removing the requirement that participants with over 60 months of assistance must complete a two-week period of compliance before benefits are approved and eliminating the two-month break in benefits for such participants (rule 2234.2); and (3) allowing pregnant individuals with substance use disorders to qualify for benefits under the high-risk pregnancy criteria (rule 2235).</p>
Persons Affected:	Families applying for or receiving Reach Up financial assistance; and Department for Children and Families.

The Department does not anticipate any costs associated with the changes to the rule. While the Department does not anticipate any quantifiable savings associated with the rule, the rules will increase administrative efficiency in providing eligibility determination and case management services to Reach Up participants. The Department anticipates a positive economic impact for families who would have been subjected to a two-month break in benefits under the current rule.

Economic Impact:

Posting date:

Mar 29,2023

Hearing Information

Information for Hearing # 1

Hearing date: 04-28-2023 1:00 PM [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: 04-28-2023 1:00 PM [ADD TO YOUR CALENDAR](#)

Location: Virtual Hearing via Microsoft Teams
Address: https://teams.microsoft.com/l/meetup-join/193ameeting_YzJiOTNmYzEtMjFmYS00N2IwLTlhNDctYzI2MWU2ZmVmZTEy40thread.v2/0?context7b22Tid223a2220b4933b-baad-433c-9c02-70edcc7559c6222c22Oid223a22a7972903-b22b-48ab-91f0-1282d59b4a10227d
City: and by Phone 1-802-552-8456 Conference ID: 875 977 877#
State: VT
Zip: n/a

Link: https://teams.microsoft.com/l/meetup-join/193ameeting_YzJiOTNmYzEtMjFmYS00N2IwLTlhNDctYzI2MWU2ZmVmZTEy40thread.v2/0?context7b22Tid223a2220b4933b-baad-433c-9c02-70edcc7559c6222c22Oid223a22a7972903-b22b-48ab-91f0-1282d59b4a10227d
Hearing Notes:

Contact Information

Information for Contact # 1

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Website Address:

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

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Keyword Information

Keywords:

Reach Up

Reach Up Financial Assistance

Temporary Assistance for Needy Families

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The Islander (islander@vermontislander.com)	Tel: 802-372-5600 FAX: 802-372-3025
Vermont Lawyer (hunter.press.vermont@gmail.com)	Attn: Will Hunter

FROM: APA Coordinator, VSARA

Date of Fax: March 27, 2023

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

April 6, 2023

PAGES INCLUDING THIS COVER MEMO:

3

***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.**

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, Thanks.

PROPOSED STATE RULES

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).

Reach Up Eligibility Rules.

Vermont Proposed Rule: 23P006

AGENCY: Agency of Human Services

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 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"). Substantive changes to the content of the rule include: (1) allowing temporary absences to be approved when a child is voluntarily placed outside of the home (rule 2228.2); (2) removing the requirement that participants with over 60 months of assistance must complete a two-week period of compliance before benefits are approved and eliminating the two-month break in benefits for such participants (rule 2234.2); and (3) allowing pregnant individuals with substance use disorders to qualify for benefits under the high-risk pregnancy criteria (rule 2235).

FOR FURTHER INFORMATION, CONTACT: Heidi Moreau, Department for Children and Families, 280 State Drive, Waterbury, Vermont 05671-1201 Tel: 802-595-9639 Email: heidi.moreau@vermont.gov. URL: <https://dcf.vermont.gov/esd/laws-rules/propose>.

FOR COPIES: Erin Oalican, Department for Children and Families, Economic Services Division 280 State Drive, Waterbury, Vermont 05671-1201 Tel: 802-585-4621 Email: erin.oalican@vermont.gov.

Reach Up Services Rules.

Vermont Proposed Rule: 23P007

AGENCY: Agency of Human Services

CONCISE SUMMARY: The Reach Up program provides cash assistance and support services to low income families. The rule governs participation requirements for families receiving Reach Up assistance. The proposed rule reorganizes the rules to conform to a standard outline format, updates terminology, updates statutory references, and replaces deficit-based language with strengths-based language. The proposed rule eliminates

the independent medical review process as required by Act 133 of 2022. Additional changes to the content of the rule include:(1) Adding language to the good cause rule giving the Department discretion to determine good cause for non-engagement (i.e. non-participation with program requirements) (rule 2331.2);(2) Allowing households that have received 60+ months of assistance to participate in conciliations (a process to re-engage participants)(rule 2332.1); and (3) Removing the one- time-per-year limit on conciliations and allowing participants to utilize the conciliation process for each instance of non-engagement(rule 2332.1).

FOR FURTHER INFORMATION, CONTACT: Heidi Moreau, Department for Children and Families, 280 State Drive, Waterbury, Vermont 05671-1201 Tel: 802-595-9639 Email: heidi.moreau@vermont.gov. URL: <https://dcf.vermont.gov/esd/laws-rules/propose>.

FOR COPIES: Erin Oalican, Department for Children and Families, Economic Services Division 280 State Drive, Waterbury, Vermont 05671-1201 Tel: 802-585-4621 Email: erin.oalican@vermont.gov.

10 V.S.A. Appendix § 141 Baitfish Regulation.

Vermont Proposed Rule: 23P008

AGENCY: Vermont Fish and Wildlife Board

CONCISE SUMMARY: The purpose of the baitfish rule is to protect Vermont waters from invasive species and diseases that would adversely impact fisheries and aquatic ecosystem. The proposed rule amendments revise the terminology describing the waters where baitfish is "restricted" and specifically cannot be used or transported. The rule also amends the list of bait restricted waters to protect the fisheries in the appropriate waterbodies.

FOR FURTHER INFORMATION, CONTACT: Catherine Gjessing, Vermont Fish and Wildlife Department, 1 National Life Drive, Davis 2, Montpelier, VT 05620-3208 Tel: 802-595-3331 Fax: 802-828-1250 Email: catherine.gjessing@vermont.gov URL: <https://vtfishandwildlife.com/about-us/fish-and-wildlife-board/board-rules>.

FOR COPIES: Eric Palmer, Vermont Fish and Wildlife Department, 1 National Life Drive, Davis 2, Montpelier, VT 05620-3208 Tel: 802-535-7635 Fax: 802-828-1250 Email: eric.palmer@vermont.gov.



