

1 TO THE HONORABLE SENATE:

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

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

8 **Sec. 1. LEGISLATIVE INTENT**

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

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

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

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

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

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

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

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

1 Sec. 1a. PREKINDERGARTEN EDUCATION STUDY COMMITTEE;  
2 REPORT

3 (a) Creation. There is created the Prekindergarten Education Study  
4 Committee to make recommendations on how to improve and expand  
5 accessible, affordable, and high-quality prekindergarten education.

6 (b) Membership. The Committee shall be composed of the following  
7 members:

8 (1) the Secretary of Education or designee, who shall serve as chair;

9 (2) the Secretary of Human Services or designee;

10 (3) the Executive Director of the Vermont Principals' Association or  
11 designee;

12 (4) the Executive Director of the Vermont Superintendents Association  
13 or designee;

14 (5) the Executive Director of the Vermont School Board Association or  
15 designee;

16 (6) the Executive Director of the Vermont National Education  
17 Association or designee;

18 (7) the Chair of the Vermont Council of Special Education  
19 Administrators or designee;

20 (8) the Executive Director of the Vermont Curriculum Leaders  
21 Association or designee;

1 (9) the Executive Director of Building Bright Futures or designee;

2 (10) a representative of a prequalified private provider as defined in 16

3 V.S.A. § 829, operating a licensed center-based child care and preschool

4 program, appointed by the Speaker of the House;

5 (11) a representative of a prequalified private provider as defined in 16

6 V.S.A. § 829, operating a regulated family child care home, appointed by the

7 Committee on Committees;

8 (12) the Head Start Collaboration Office Director or designee;

9 (13) the Executive Officer of Let's Grow Kids or designee; and

10 (14) a family representative with a prekindergarten-age child, appointed

11 by the Building Bright Futures Council.

12 (c) Powers and duties. The Committee shall examine the delivery of

13 prekindergarten education in Vermont and make recommendations for

14 expanding equitable access for all children three and four years of age in a

15 manner that achieves the best outcomes for children, whether through the

16 current mixed-delivery system, the public school system, the private

17 prekindergarten system, or a system that allows school districts to contract

18 with private providers. The Committee shall also examine and make

19 recommendations on the changes necessary to provide prekindergarten

20 education to all children three and four years of age through the public school

21 system, including a timeline and transition plan for such changes. In

1 conducting its analysis, the Committee shall address the following topics and  
2 questions, which may yield distinct recommendations for children three and  
3 four years of age:

4 (1) Outcomes and quality.

5 (A) What are the benchmarks for “high quality” in prekindergarten  
6 education?

7 (B) How should best practices be implemented and measured across  
8 various prekindergarten education settings?

9 (2) Capacity and demand.

10 (A) How many children, by age, does the current mixed-delivery  
11 system have the capacity to serve? In studying this issue, the Committee shall  
12 consider the number of children on waitlists and the number of vacancies in  
13 programs.

14 (B) What are the workforce requirements to expand prekindergarten  
15 education? In studying this question, the Committee may consider:

16 (i) whether there is a gap between the total number of licensed  
17 teachers currently working and the number needed for expansion;

18 (ii) whether there is a gap between the total prekindergarten  
19 education workforce, including paraeducators, and the number needed for  
20 expansion; and

1 (iii) the educational and training costs associated with training and  
2 retaining the workforce necessary for expansion?

3 (C) If prekindergarten education in the public school system is  
4 provided solely to children four years of age, what is the impact on the  
5 capacity and workforce of private prekindergarten providers?

6 (3) Special education.

7 (A) How many children three and four years of age are currently on  
8 individual education programs receiving services in public and private  
9 settings?

10 (B) Are children three and four years of age on individual education  
11 plans receiving the full range of services that they are entitled to?

12 (C) Does the availability or cost of special education services vary  
13 between private and public prequalified providers?

14 (4) Public school expansion.

15 (A) What infrastructure changes are necessary to expand  
16 prekindergarten education?

17 (B) How would the current prekindergarten education mixed-delivery  
18 system transition to a program within the public school system?

19 (C) What capacity needs to be built for developmentally appropriate  
20 afterschool and out-of-school-time care?

1 (D) Are changes needed to existing health and safety standards for  
2 public schools to accommodate children three and four years of age?

3 (5) Funding and costs.

4 (A) What are fiscally strategic options to sustain and expand  
5 universal prekindergarten education?

6 (B) What is the financial and business impact on regulated private  
7 childcare providers if the prekindergarten system transitions to public schools?

8 (C) What, if any, changes need to be made to pupil weights for  
9 prekindergarten students?

10 (D) What, if any, changes need to be made to tuition rates for private  
11 prekindergarten programs?

12 (6) Oversight.

13 (A) What additional Agency of Education personnel or resources  
14 would be needed to oversee an expansion of the current prekindergarten  
15 education system under either a mixed-delivery model, a public school system  
16 model, or a system that allows school districts to contract with private  
17 providers?

18 (B) What additional Agency of Human Services personnel or  
19 resources would be needed to oversee an expansion of the current mixed-  
20 delivery model or a private prekindergarten system?

1           (d) Assistance. The Committee shall have the administrative, technical,  
2           fiscal, and legal assistance of the Agencies of Education and of Human  
3           Services. If the Agencies are unable to provide the Committee with adequate  
4           support to assist with its technical, fiscal, or legal needs, then the Agency of  
5           Education shall retain a contractor with the necessary expertise to assist the  
6           Committee.

7           (e) Report. On or before December 1, 2023, the Committee shall submit a  
8           written report to the House Committees on Education and on Human Services  
9           and the Senate Committees on Education and on Health and Welfare with its  
10          findings and recommendations based on the analysis conducted pursuant to  
11          subsection (c) of this section. The report shall include draft legislative  
12          language to support the Committee's recommendations.

13          (f) Meetings.

14               (1) The Secretary of Education or designee shall call the first meeting of  
15          the Committee to occur on or before July 15, 2023.

16               (2) A majority of the membership shall constitute a quorum.

17               (3) The Committee shall cease to exist on February 1, 2024.

18          (g) Compensation and reimbursement. Members of the Committee who  
19          are not employees of the State of Vermont and who are not otherwise  
20          compensated or reimbursed for their attendance shall be entitled to per diem  
21          compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010

1 for not more than 10 meetings per year. These payments shall be made from  
2 monies appropriated to the Agency of Education.

3 (h) Appropriations.

4 (1) The sum of \$5,000.00 is appropriated to the Agency of Education  
5 from the General Fund in fiscal year 2024 for per diem compensation and  
6 reimbursement of expenses for members of the Committee.

7 (2) The sum of \$100,000.000 is appropriated to the Agency of  
8 Education from the General Fund in fiscal year 2024 for cost of retaining a  
9 contractor as provided under subsection (d) of this section.

10 (3) Any unused portion of these appropriations shall, as of July 1, 2024,  
11 revert to the General Fund.

12 \* \* \* Child Care and Child Care Subsidies \* \* \*

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

14 § 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;

15 ELIGIBILITY

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

1           (2) The subsidy authorized by this subsection shall be established by the  
2 Commissioner, by rule, and shall bear a reasonable relationship to income and  
3 family size. Families shall be found eligible using an income eligibility scale  
4 based on the current federal poverty level and adjusted for the size of the  
5 family. Co-payments shall be assigned to the whole family and shall not  
6 increase if more than one eligible child is enrolled in child care. Families with  
7 an annual gross income of less than or equal to ~~150~~ 185 percent of the current  
8 federal poverty guidelines shall not have a family co-payment. Families with  
9 an annual gross income up to and including ~~350~~ 600 percent of current federal  
10 poverty guidelines, adjusted for family size, shall be eligible for a subsidy  
11 authorized by the subsection. The scale shall be structured so that it  
12 encourages employment. If the federal poverty guidelines decrease in a given  
13 year, the Division shall maintain the previous year's federal poverty guidelines  
14 for the purpose of determining eligibility and benefit amount under this  
15 subsection.

16           (3) Earnings deposited in a qualified child education savings account,  
17 such as the Vermont Higher Education Investment Plan, established in  
18 16 V.S.A. § 2877, or any similar plan qualified under 26 U.S.C. § 529, shall be  
19 disregarded in determining the amount of a family's income for the purpose of  
20 determining continuing eligibility.

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

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

9 \* \* \*

10 Sec. 3. PROVIDER RATE ADJUSTMENT; CHILD CARE FINANCIAL  
11 ASSISTANCE PROGRAM

12 On January 1, 2024, the Department for Children and Families shall provide  
13 a one-time adjustment to the child care provider reimbursement rates in the  
14 Child Care Financial Assistance Program for child care services provided to  
15 children from birth through four years of age, including children five years of  
16 age who are not yet eligible for kindergarten. The adjusted reimbursement rate  
17 shall account for the age of the children served and be 38.5 percent higher than  
18 the fiscal year 2023 five-STAR reimbursement rate in the Vermont STARS  
19 system. All providers in the same child care setting category shall receive an  
20 identical reimbursement rate payment dependent upon whether the provider

1 operates a regulated child care center and preschool program or regulated  
2 family child care home.

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

4 § 3514. PAYMENT TO PROVIDERS FOR SCHOOL AGE CHILDREN

5 (a) The Commissioner shall establish a payment schedule for purposes of  
6 reimbursing providers for full- or part-time child care services to children over  
7 four years of age, excluding children five years of age who are not yet eligible  
8 for kindergarten, rendered to families who participate in the programs  
9 established under section 3512 or 3513 of this title. Payments established  
10 under this section shall reflect the following considerations: whether the  
11 provider operates a licensed child care facility or a registered family child care  
12 home, type of service provided, cost of providing the service, and the  
13 prevailing market rate for comparable service. Payments shall be based on  
14 enrollment ~~status or any other basis agreed to by the provider and the Division.~~

15 \* \* \*

16 Sec. 4a. 33 V.S.A. § 3515 is added to read:

17 § 3515. PAYMENT TO PROVIDERS FOR CHILDREN BIRTH THROUGH

18 FOUR YEARS OF AGE; HIGH QUALITY INCENTIVE

19 PROGRAM

20 (a) The Commissioner shall establish a payment schedule that accounts for  
21 the age of the children served for the purpose of reimbursing providers for full-

1 or part-time child care services to children from birth through four years of  
2 age, including children five years of age who are not yet eligible for  
3 kindergarten, rendered to families who participate in the programs established  
4 under section 3512 or 3513 of this title. All providers in the same child care  
5 setting category shall receive an identical reimbursement rate payment  
6 dependent upon whether the provider operates a regulated child care center and  
7 preschool program or regulated family child care home. The rate used to  
8 reimburse providers shall be increased over the previous year's rate annually  
9 on July 1 in alignment with the most recent annual average wage growth for  
10 NAICS code 611, Educational Services, not to fall below zero percent. Child  
11 care services to infants and toddlers shall receive an enhanced reimbursement  
12 rate set by the Commissioner. Payments shall be based on enrollment.

13 (b) The Commissioner may establish a separate payment schedule for child  
14 care providers who have received specialized training, approved by the  
15 Commissioner, relating to protective or family support services.

16 (c)(1) Annually, the Department shall provide a flat incentive payment to  
17 all providers earning five STARS in the Vermont STARS system from the  
18 High-Quality Early Care and Education Special Fund pursuant to section 3516  
19 of this chapter.

20 (2) Upon notice from a provider that the provider has achieved an  
21 increased STAR level in the Vermont STARS system, the Department shall

1 award the provider a flat incentive payment equivalent to that received by  
2 providers earning five STARS pursuant to subdivision (1) of this subsection.  
3 Incentive payments shall be funded through the High-Quality Early Care and  
4 Education Special Fund pursuant to section 3516 of this chapter. A provider  
5 may earn an incentive payment under this subdivision for each additional  
6 STAR level achieved in the STARS system.

7 Sec. 4b. 33 V.S.A. § 3516 is added to read:

8 § 3516. HIGH-QUALITY EARLY CARE AND EDUCATION SPECIAL  
9 FUND

10 (a) There is created a High-Quality Early Care and Education Special Fund  
11 administered by the Department for Children and Families, which shall be a  
12 special fund established and managed pursuant to 32 V.S.A. chapter 7,  
13 subchapter 5.

14 (b) The High-Quality Early Care and Education Special Fund shall consist  
15 of any appropriation from the General Fund and any gifts, devises, or grants  
16 received for the purpose of this section.

17 (c) The High-Quality Early Care and Education Special Fund shall be used  
18 for the implementation and ongoing provision of incentive payments to  
19 providers pursuant to subsection 3515(c) of this chapter.

1 Sec. 5. 33 V.S.A. § 3517 is added to read:

2 § 3517. CHILD CARE WAITLIST AND APPLICATION FEES

3 A child care provider shall not charge an application or waitlist fee for child  
4 care services where the applying child qualifies for the Child Care Financial  
5 Assistance Program pursuant to section 3512 or 3513 of this title. A child care  
6 provider shall reimburse an individual who is charged an application or waitlist  
7 fee for child care services if it is later determined that the applying child  
8 qualified for the Child Care Financial Assistance Program at the time the fee or  
9 fees were paid.

10 **Sec. 6. PROVIDER COMPENSATION AND TOTAL COST OF CARE;**

11 **RECOMMENDATIONS**

12 (a) On or before November 1, 2023, the Department of Labor, in  
13 consultation with the Department for Children and Families, the Agency of  
14 Education, Building Bright Futures, and the Vermont Association for the  
15 Education of Young Children, shall develop and submit a tiered professional  
16 pay scale for professionals who provide child care services as defined in 33  
17 V.S.A. § 3511 to the House Committee on Human Services and to the Senate  
18 Committee on Health and Welfare. The pay scale shall be designed to provide  
19 professionals who provide child care services with compensation comparable  
20 to that received by early childhood educators in Vermont's public school  
21 system who serve children from prekindergarten through grade three. The

1 tiered professional pay scale shall account for professionals' credentialing and  
2 professional child care experience and shall include the addition of an  
3 appropriate fringe benefit rate. In developing the tiered professional pay scale,  
4 the Department of Labor shall refer to the child care and early childhood  
5 education financing study required pursuant to 2021 Acts and Resolves No. 45,  
6 Sec. 14.

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

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

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

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

4           (3) the appropriate legal mechanism to implement any approved tiered  
5           professional pay scale for professionals who provide child care services,  
6           including consideration of statute, rule, departmental guidance, or some other  
7           appropriate mechanism.

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

9           Subchapter 6. Child Care Assistance for Additional Populations

10          § 3551. NONCITIZEN CHILD CARE ASSISTANCE PROGRAM;

11                   LEGISLATIVE INTENT

12           In establishing the Noncitizen Child Care Assistance Program to provide  
13           child care subsidies for children who are not eligible for the Child Care  
14           Financial Assistance Program because of their citizenship status, it is the intent  
15           of the General Assembly that the benefits and eligibility criteria set forth in  
16           section 3552 of this chapter should align to the greatest extent practicable with  
17           the benefits and eligibility criteria in CCFAP as set forth in section 3512 of this  
18           chapter and corresponding rule.

19          § 3552. NONCITIZEN CHILD CARE ASSISTANCE PROGRAM

20                   SUBSIDIES FOR CERTAIN VERMONT RESIDENTS

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

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

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

12       (2) All applications submitted and records created pursuant to this  
13       section shall be exempt from public inspection and copying under the Public  
14       Records Act and shall be kept confidential. Absent a request for information  
15       by a U.S. agency pursuant to federal law, the Department shall not disclose any  
16       personally identifiable information regarding applicants or enrollees to the U.S.  
17       government.

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

1       Sec. 8. DEPARTMENT FOR CHILDREN AND FAMILIES; NONCITIZEN  
2                   CHILD CARE ASSISTANCE PROGRAM SUBSIDIES; FISCAL  
3                   YEAR 2025 ESTIMATE

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

12                           \* \* \* Special Accommodations Grant \* \* \*

13       Sec. 9. REPORT; SPECIAL ACCOMMODATIONS GRANT

14           On or before January 15, 2024, the Department for Children and Families’  
15           Child Development Division shall submit a report to the House Committee on  
16           Human Services and to the Senate Committee on Health and Welfare  
17           providing a proposal to streamline the application process for special  
18           accommodation grants, including:

19                   (1) the suitability of moving to a 12-month grant cycle and for which  
20           populations:



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

3 Sec. 12. APPROPRIATION; SCHOLARSHIPS FOR CURRENT EARLY  
4 CHILDHOOD PROVIDERS

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

9 \* \* \* Transitional Assistance \* \* \*

10 Sec. 13. BUILDING BRIGHT FUTURES; TECHNICAL ASSISTANCE

11 (a) Building Bright Futures shall consult with and provide technical  
12 assistance to the Department for Children and Families and the Agency of  
13 Education for the purpose of implementing the provisions of this act, including  
14 any plans to establish or alter the prekindergarten program established pursuant  
15 to 16 V.S.A. § 829, reorganize the Department for Children and Families,  
16 implement changes to the Child Care Financial Assistance Program, and  
17 establish the Noncitizen Child Care Assistance Program pursuant to 33 V.S.A.  
18 chapter 35. Specifically, Building Bright Futures shall assist the Department  
19 to:

20 (1) develop a concrete transition plan in relation to both the  
21 reorganization of the Department and changes to the Child Care Financial

1 Assistance Program that ensures accountability using various metrics and  
2 addresses workforce and programmatic costs; and

3 (2) define and measure success in process and outcomes using a  
4 continuous quality improvement framework.

5 (b) Building Bright Futures shall monitor the transitions referenced in  
6 subsection (a) of this section and annually on January 15 between 2025–2028,  
7 submit a report to the House Committee on Human Services and the Senate  
8 Committee on Health and Welfare with its observations and recommendations.

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

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

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

12 (A) owned by a home-based child care provider as defined by  
13 33 V.S.A. § 3511(3) and used to provide child care services as defined by  
14 33 V.S.A. § 3511(4); or

15 (B) rented at not less than 25 percent below fair market value as  
16 determined by the prevailing area market prices for comparable space or  
17 property to a center-based child care provider as defined by 33 V.S.A.  
18 § 3511(3) and used to provide child care services as defined by 33 V.S.A.  
19 § 3511(4).

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





1 the Internal Revenue Service or obtained through an IRS-authorized secondary  
2 source, that are in the Recipient’s possession or control, and that are subject to  
3 the confidentiality protections and safeguarding requirements of the Internal  
4 Revenue Code and corresponding federal regulations and guidance.

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

7 (1) Agency of Human Services, including:

8 (A) Department for Children and Families;

9 (B) Department of Economic Empowerment;

10 (C) Department of Health;

11 ~~(C)~~(D) Department of Mental Health; and

12 ~~(D)~~(E) Department of Vermont Health Access.

13 (2) Department of Labor.

14 (3) Department of Motor Vehicles.

15 (4) Department of Taxes.

16 (5) Agency of Digital Services.

17 (6) Department of Buildings and General Services.

18 \* \* \*

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

20 § 816. EXEMPTIONS

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



1 (c) For the Department for Children and Families, the Secretary, with the  
2 approval of the Governor, shall appoint deputy commissioners for the  
3 following divisions of the Department:

- 4 (1) ~~Economic Services;~~  
5 ~~(2) Child Development; and~~  
6 ~~(3)(2) Family Services.~~

7 \* \* \*

8 (e) For the Department of Economic Empowerment, the Secretary, with the  
9 approval of the Governor, shall appoint deputy commissioners for the  
10 following divisions of the Department:

- 11 (1) Disability Determination Services; and  
12 (2) Economic Services Division.

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

14 Their appointments shall be in writing and shall be filed in the Office of the  
15 Secretary of State.

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

17 § 3084. DEPARTMENT FOR CHILDREN AND FAMILIES

18 (a) The Department for Children and Families is created within the Agency  
19 of Human Services ~~as the successor to and the continuation of the Department~~  
20 ~~of Social and Rehabilitation Services, the Department of Prevention,~~  
21 ~~Assistance, Transition, and Health Access, excluding the Department of~~

1 ~~Vermont Health Access, the Office of Economic Opportunity, and the Office~~  
2 ~~of Child Support. The Department shall also include a Division of Child~~  
3 ~~Development Programs~~ to promote the healthy development of children and  
4 youth, oversee and support a system of high-quality child care programs in  
5 home- and community-based settings, and provide assistance and support to  
6 parents and families. It shall include the Divisions of Child Development and  
7 of Family.

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

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

13 § 3091. HEARINGS

14 (a) An applicant for or a recipient of assistance, benefits, or social services  
15 from the Department for Children and Families, of Economic Empowerment,  
16 of Vermont Health Access, of Disabilities, Aging, and Independent Living, or  
17 of Mental Health, ~~or;~~ an applicant for a license from one of those departments;  
18 or a licensee may file a request for a fair hearing with the Human Services  
19 Board. An opportunity for a fair hearing ~~will~~ shall be granted to any individual  
20 requesting a hearing because ~~his or her~~ the individual's claim for assistance,  
21 benefits, or services is denied, or is not acted upon with reasonable

1 promptness; or because the individual is aggrieved by any other Agency action  
2 affecting ~~his or her~~ the individual's receipt of assistance, benefits, or services,  
3 or license or license application; or because the individual is aggrieved by  
4 Agency policy as it affects ~~his or her~~ the individual's situation.

5 \* \* \*

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

7 § 3094. OFFICE OF CHILD SUPPORT

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

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

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

14 § 3098. DEPARTMENT OF ECONOMIC EMPOWERMENT

15 The Department of Economic Empowerment is created within the Agency  
16 of Human Services to empower families and individuals through the provision  
17 of financial support, case management, and other assistance aimed at building  
18 skills and independence. It shall include the Office of Child Support, the  
19 Office of Economic Opportunity, the Disability Determination Services  
20 Division, and the Economic Services Division.

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

1 § 953. SOURCES OF NAMES

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

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

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

17 \* \* \*

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

19 § 10204. EXCEPTIONS

20 This subchapter does not prohibit any of the activities listed in this section.  
21 This section shall not be construed to require any financial institution to make

1 any disclosure not otherwise required by law. This section shall not be  
2 construed to require or encourage any financial institution to alter any  
3 procedures or practices not inconsistent with this subchapter. This section  
4 shall not be construed to expand or create any authority in any person or entity  
5 other than a financial institution.

6 \* \* \*

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

9 \* \* \*

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

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

13 § 2480h. SECURITY FREEZE BY CREDIT REPORTING AGENCY; TIME

14 IN EFFECT

15 \* \* \*

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

18 \* \* \*

19 (5) The Economic Services Division of the Department ~~for Children and~~  
20 ~~Families~~ of Economic Empowerment or the Department of Vermont Health

1 Access or its agents or assignee acting to investigate welfare or Medicaid  
2 fraud.

3 \* \* \*

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

5 § 2483a. SECURITY FREEZE FOR PROTECTED CONSUMER; TIME IN  
6 EFFECT

7 \* \* \*

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

10 \* \* \*

11 (5) The Economic Services Division of the Department ~~for Children and~~  
12 ~~Families of Economic Empowerment~~ or the Department of Vermont Health

13 Access or its agents or assignees acting to investigate welfare or Medicaid  
14 fraud.

15 \* \* \*

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

17 § 4472. RIGHT TO TERMINATE RENTAL AGREEMENT

18 \* \* \*

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

21 (1) a written notice of termination; and



1 \* \* \*

2 16.3 All notices of compliance with a child support order shall be upon a  
3 standard compliance form, as devised and approved by the court, the Vermont  
4 Agency of Human Services, Department of ~~Children and Families~~ Economic  
5 Empowerment, and this Department.

6 16.4 If the motion for the court order was brought by the Vermont Agency  
7 of Human Services, Department of ~~Children and Families~~ Economic  
8 Empowerment, then notice of compliance shall only be accepted from the  
9 Vermont Agency of Human Services, Department of ~~Children and Families~~  
10 Economic Empowerment or the court.

11 \* \* \*

12 16.8 Department personnel shall direct all inquiries from persons seeking  
13 reinstatement to the court or the Vermont Agency of Human Services,  
14 Department of ~~Children and Families~~ Economic Empowerment, if the Vermont  
15 Agency of Human Services, Department of ~~Children and Families~~ Economic  
16 Empowerment was the entity ~~which~~ that brought the motion for suspension  
17 before this court.

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

19 § 3169. HEARING ON MOTION; FINDINGS; ORDER

20 (a) At the hearing on the motion the court shall determine on the basis of  
21 the motion and any affidavit of the judgment creditor, the record in the civil

1 action and any testimony offered by either party, and by the trustee whether the  
2 judgment debtor has neglected or refused to pay or make reasonable  
3 arrangements to pay the money judgment in question. If the court so finds, it  
4 shall also determine:

- 5 (1) the amount of the judgment unpaid;
- 6 (2) the amount of the judgment debtor’s weekly disposable earnings;
- 7 (3) whether the judgment debtor has been a recipient of assistance from  
8 the Vermont ~~Department~~ Departments for Children and Families, of Economic  
9 Empowerment, or ~~the Department~~ of Vermont Health Access within the two  
10 months preceding the date of the hearing; and

11 \* \* \*

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

13 § 3170. EXEMPTIONS; ISSUANCE OF ORDER

14 (a) No order approving the issuance of trustee process against earnings  
15 shall be entered against a judgment debtor who was, within the two-month  
16 period preceding the hearing provided in section 3169 of this title, a recipient  
17 of assistance from the Vermont Department ~~for Children and Families~~ of  
18 Economic Empowerment or the Department of Vermont Health Access. The  
19 judgment debtor must establish this exemption at the time of hearing.

20 \* \* \*

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

1 § 1028. ASSAULT OF PROTECTED PROFESSIONAL; ASSAULT WITH  
2 BODILY FLUIDS

3 \* \* \*

4 (d) As used in this section:

5 (1) “Protected professional” ~~shall mean~~ means a law enforcement  
6 officer; a firefighter; a health care worker; an employee, contractor, or grantee  
7 of the Department for Children and Families or Department of Economic  
8 Empowerment; or any emergency medical personnel as defined in 24 V.S.A.  
9 § 2651(6).

10 \* \* \*

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

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

13 (a) When the ~~mother~~ parent of minor children is residing within the same  
14 household as ~~a man~~ an adult unrelated to ~~her~~ the parent and not otherwise  
15 liable for the support of the ~~mother and her~~ parent and the parent’s children, on  
16 the complaint of the ~~mother~~ parent or, if ~~she~~ the parent is receiving public  
17 assistance, the ~~Department~~ Departments of Economic Empowerment or for  
18 Children and Families, the Superior Court shall make such decree concerning  
19 the support of the ~~mother~~ parent and the care, custody, maintenance, and  
20 education of the children as in cases where the ~~husband~~ nonresidential parent  
21 refuses without just cause to support ~~his wife~~ the parent living with the

1 children and the children. The decree shall by its terms continue in force for so  
2 long as the defendant resides within the household or until further order of the  
3 court.

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

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

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

8 (a) When a judgment or order for the payment of either temporary or  
9 permanent maintenance, child support, or suit money has been made by the  
10 Family Division of the Superior Court, and personal jurisdiction of the person  
11 liable for the payment of money under the judgment or order has been  
12 obtained, the party entitled by the terms of the judgment or order to payment  
13 thereunder, or the Office of Child Support in all cases in which the party or  
14 dependent children of the parties are the recipients of financial assistance from  
15 the ~~Department~~ Departments of Economic Empowerment or for Children and  
16 Families, may file a motion in the Family Division of the Superior Court  
17 asking for a determination of the amount due. Upon notice to the other party  
18 and hearing thereon, the Family Division of the Superior Court shall render  
19 judgment for the amount due under the judgment or order; the court may order  
20 restitution to the ~~Department~~ Departments, order that payments be made to the  
21 Office of Child Support for distribution, or make such other orders or

1 conditions as it deems proper. The judgment shall be as binding and as  
2 enforceable in all respects as though rendered in any other civil action. Notice  
3 shall be given in such manner as the Supreme Court shall by rule provide. An  
4 additional motion may be brought at any time for further unpaid balances. The  
5 Family Division of the Superior Court in which the cause was pending at the  
6 time the original judgment or order was made shall have jurisdiction of  
7 motions under the provisions of this section, irrespective of the amount in  
8 controversy or the residence of the parties. The motions may be brought and  
9 judgment obtained on judgments, decrees, and orders previously rendered and  
10 still in force.

11 \* \* \*

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

13 § 658. SUPPORT

14 (a) In an action under this chapter or under chapter 21 of this title, the court  
15 shall order either or both parents owing a duty of support to a child to pay an  
16 amount for the support of the child in accordance with the support guidelines  
17 as set forth in this subchapter; unless otherwise determined under section 659  
18 of this title.

19 (b) A request for support may be made by either parent, a guardian, or the  
20 Department for Children and Families, Department of Economic



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

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

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

14 \* \* \*

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

16 § 8101. LIABILITY

17 \* \* \*

18 (e) In ~~his or her~~ the Commissioner's investigation, keeping of accounts,  
19 and collection of charges, the Commissioner shall have the support and  
20 cooperation of the Department ~~for Children and Families~~ of Economic



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

2 § 218. JURISDICTION OVER CHARGES AND RATES

3 \* \* \*

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

9 \* \* \*

10 (4) Notwithstanding any provisions of this subsection to the contrary, a  
11 subscriber who is enrolled in the Lifeline program and has obtained a final  
12 relief from abuse order in accordance with the provisions of 15 V.S.A. chapter  
13 21 or 33 V.S.A. chapter 69 shall qualify for a Lifeline benefit credit for the  
14 amount of the incremental charges imposed by the local telecommunications  
15 company for treating the number of the subscriber as nonpublished and any  
16 charges required to change from a published to a nonpublished number. As  
17 used in this section, “nonpublished” means that the customer’s telephone  
18 number is not listed in any published directories, is not listed on directory  
19 assistance records of the company, and is not made available on request by a  
20 member of the general public, notwithstanding any claim of emergency a  
21 requesting party may present. The Department ~~for Children and Families~~ of

1 Economic Empowerment shall develop an application form and certification  
2 process for obtaining this Lifeline benefit credit.

3 \* \* \*

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

5 § 308b. HUMAN SERVICES CASELOAD RESERVE

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

14 \* \* \*

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

16 § 1003. STATE OFFICERS

17 \* \* \*

18 (b) The Governor may appoint each officer of the Executive Branch listed  
19 in this subsection at a starting salary ranging from the base salary stated for  
20 that position to a salary that does not exceed the maximum salary unless  
21 otherwise authorized by this subsection. The maximum salary for each

1 appointive officer shall be 50 percent above the base salary. Annually, the  
2 Governor may grant to each of those officers an annual salary adjustment  
3 subject to the maximum salary. The annual salary adjustment granted to  
4 officers under this subsection shall not exceed the average rate of adjustment  
5 available to classified employees under the collective bargaining agreement  
6 then in effect. In addition to the annual salary adjustment specified in this  
7 subsection, the Governor may grant a special salary increase subject to the  
8 maximum salary, or a bonus, to any officer listed in this subsection whose job  
9 duties have significantly increased, or whose contributions to the State in the  
10 preceding year are deemed especially significant. Special salary increases or  
11 bonuses granted to any individual shall not exceed the average rate of  
12 adjustment available to classified employees under the collective bargaining  
13 agreement then in effect.

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

	Base Salary	Base Salary
	as of	as of
	January 5, 2020	July 4, 2021
18 (A) Administration	\$121,634	\$126,378
19 (B) Agriculture, Food and Markets	121,634	126,378
20 (C) Financial Regulation	113,710	118,145
21 (D) Buildings and General Services	113,710	118,145

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

1	(W)	Liquor and Lottery	103,149	107,172
2	(X)	[Repealed.]		
3	(Y)	Mental Health	113,710	118,145
4	(Z)	Military	113,710	118,145
5	(AA)	Motor Vehicles	103,149	107,172
6	(BB)	Natural Resources	121,634	126,378
7	(CC)	Natural Resources Board Chair	103,149	107,172
8	(DD)	Public Safety	113,710	118,145
9	(EE)	Public Service	113,710	118,145
10	(FF)	Taxes	113,710	118,145
11	(GG)	Tourism and Marketing	103,149	107,172
12	(HH)	Transportation	121,634	126,378
13	(II)	Vermont Health Access	113,710	118,145
14	(JJ)	Veterans' Home	113,710	118,145
15	<u>(KK)</u>	<u>Economic Empowerment</u>	<u>113,710</u>	<u>118,145</u>

16 \* \* \*

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

18 § 3102. CONFIDENTIALITY OF TAX RECORDS

19 \* \* \*

20 (f) Notwithstanding the provisions of this section, information obtained  
21 from the Commissioner for Children and Families under 33 V.S.A. § 112(c),

1 from the Commissioner of Economic Empowerment under 33 V.S.A. § 212(c),  
2 from the Vermont Student Assistance Corporation under 16 V.S.A. § 2843, or  
3 from the Dental Health Program under 33 V.S.A. § 4507 shall be confidential,  
4 and it shall be unlawful for anyone to divulge such information except in  
5 accordance with a judicial order or as provided under another provision of law.

6 \* \* \*

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

8 § 5932. DEFINITIONS

9 As used in this chapter:

10 \* \* \*

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

14 \* \* \*

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

16 CHAPTER 1. DEPARTMENT FOR CHILDREN AND FAMILIES

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

18 § 101. POLICY

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

20 (1) Its social and child welfare programs shall provide assistance,  
21 support, and benefits to persons of the State in proven need ~~thereof and eligible~~

1 ~~for such assistance and benefits~~ of and eligible for assistance, support, and  
2 benefits under the provisions of this title.

3 (2) It is the purpose of its social and child welfare laws to establish and  
4 support programs that contribute to the prevention of dependency and social  
5 maladjustment and contribute to the rehabilitation and protection of persons of  
6 the State.

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

12 (4) Assistance and benefits shall be ~~so~~ administered ~~as~~ to maintain and  
13 encourage dignity, self-respect, and self-reliance. It is the legislative intent  
14 that assistance granted shall be adequate to maintain a reasonable standard of  
15 health and decency based on current cost of living indices. ~~Notwithstanding~~  
16 ~~this subdivision, the Department will amend rules that establish new maximum~~  
17 ~~Reach Up grant amounts only when the General Assembly has taken~~  
18 ~~affirmative action to increase or decrease the Reach Up financial assistance~~  
19 ~~appropriation.~~

20 (5) The programs of the Department for Children and Families shall be  
21 designed to strengthen family life for the care and protection of children;

1 promote healthy child development and support a high-quality child care  
2 system throughout the State; to assist and encourage the use by any family of  
3 all available personal and reasonable community resources to this end; and to  
4 provide substitute care of children only when the family, with the use of  
5 available resources, is unable to provide the necessary care and protection to  
6 ensure the right of any child to sound health and to normal physical, mental,  
7 spiritual, and moral development.

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

13 \* \* \*

14 § 104. FUNCTION AND POWERS OF DEPARTMENT

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

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

19 (1) ~~Provide for the administration of the following programs and~~  
20 ~~services:~~

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

- 1           ~~(B) Reach Up financial assistance and support services;~~
- 2           ~~(C) [Repealed.]~~
- 3           ~~(D) federal Supplemental Nutrition Assistance Program benefits;~~
- 4           ~~(E) General Assistance;~~
- 5           ~~(F) medical assistance; and~~
- 6           ~~(G) public assistance programs funded with State general funds or the~~  
7 ~~Temporary Assistance to Needy Families (TANF) block grant. [Repealed.]~~

8           (2) Cooperate with the appropriate federal agencies in receiving, to the  
9 extent available, federal funds in support of programs that the Department  
10 administers.

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

14           (4) Receive and disburse funds that are assigned, donated, or bequeathed  
15 to it for charitable purposes or for the benefit of recipients of assistance,  
16 benefits, or social services. This subdivision shall not be construed to require  
17 the Department to accept funds or trusts when the Commissioner, with the  
18 approval of the Governor, considers it in the best interests of the State to refuse  
19 them.

20           (5) Receive in trust and expend, in accordance with the provisions of the  
21 trust, funds and property assigned, donated, devised, or bequeathed to it for

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

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

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

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

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

19 (c) The Department for Children and Families, in cooperation with the  
20 Department of Corrections, shall have the responsibility to administer a  
21 comprehensive program for youthful offenders and children who commit

1 delinquent acts, including utilization of probation services; of a range of  
2 community-based and other treatment, training, and rehabilitation programs;  
3 and of secure detention and treatment programs when necessary in the interests  
4 of public safety, designed with the objective of preparing those children to live  
5 in their communities as productive and mature adults.

6 § 105. COMMISSIONER; APPOINTMENT, TERM, DUTIES, AND  
7 POWERS

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

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

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

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

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

19 (c) The Commissioner ~~or the Governor, whenever the federal law so~~  
20 ~~provides, may cooperate with the federal government in providing relief and~~  
21 ~~work relief and community work and training programs in the State shall hold~~

1 at least a master’s level degree in child development, early childhood  
2 education, or related field.

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

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

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

15 The delegation of authority and responsibility shall not relieve the  
16 Commissioner of accountability for the proper administration of the  
17 Department.

18 (g) The Commissioner may publicly disclose findings or information about  
19 any case of child abuse or neglect that has resulted in the fatality or near  
20 fatality of a child, including information obtained under chapter 49 of this title,  
21 unless the State’s Attorney or Attorney General who is investigating or

1 prosecuting any matter related to the fatality requests the Commissioner to  
2 withhold disclosure, in which case the Commissioner shall not disclose any  
3 information until completion of any criminal proceedings related to the fatality  
4 or until the State’s Attorney or Attorney General consents to disclosure,  
5 whichever occurs earlier.

6 \* \* \*

7 § 112a. FINANCIAL INSTITUTIONS TO FURNISH INFORMATION:

8 ASSET VERIFICATION

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

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

19 (b)(1) Each application for assistance or benefits submitted to the  
20 Department shall contain a form of authorization, executed by the applicant,  
21 granting authority for the Department and its authorized agents to obtain

1 financial information about the applicant’s assets from financial intuitions in  
2 order to verify the applicant’s eligibility for the applicable program. The  
3 Department or its authorized agent shall obtain the applicant’s authorization  
4 prior to requesting the applicant’s financial information from any financial  
5 institution.

6 (2) The Department shall ensure the applicant receives notice written in  
7 plain language explaining the Department’s electronic asset verification  
8 system.

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

17 (d) As used in this section:

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

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

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



1 ~~of Vermont Health Access~~ finds that the recipient's circumstances have  
2 changed. Upon granting assistance or benefits, the Department for Children  
3 and Families ~~or the Department of Vermont Health Access~~ shall inform the  
4 recipient that changes in ~~his or her~~ the recipient's circumstances must be  
5 promptly reported to the Department.

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

17 (c) When the Commissioner for Children and Families ~~or the~~  
18 ~~Commissioner of Vermont Health Access~~ finds that a recipient of benefits  
19 received assistance in excess of that to which the recipient was lawfully  
20 entitled, because the recipient possessed income or property in excess of  
21 Department standards, the Commissioner for Children and Families ~~or the~~

1 ~~Commissioner of Vermont Health Access~~ may take actions to recover the  
2 overpayment.

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

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

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

13 ~~(b) If the Commissioner finds that an applicant for or recipient of assistance~~  
14 ~~is incapable of prudently attending to his or her business affairs, the~~  
15 ~~Commissioner may direct the payment of the assistance to the legal~~  
16 ~~representative of the person appointed by the Probate Division of the Superior~~  
17 ~~Court. [Repealed.]~~

18 \* \* \*

19 Subchapter 5. Prohibited Practices; Penalties

20 § 141. FRAUD

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

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

19 (c) ~~A person who administers a State or federally funded assistance~~  
20 ~~program who fraudulently misappropriates, attempts to misappropriate, or aids~~  
21 ~~and abets in the misappropriation of a Supplemental Nutrition Assistance~~

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

11 (d) A person who knowingly files, attempts to file, or aids and abets in the  
12 filing of a claim for services to a recipient of benefits under a State or federally  
13 funded assistance program for services that were not rendered; or who  
14 knowingly files a false claim or a claim for unauthorized items or services  
15 under such a program; or who knowingly bills the recipient of benefits under  
16 such a program or ~~his or her~~ the person's family for an amount in excess of  
17 that provided for by law or regulation; or who knowingly fails to credit the  
18 State or its agent for payments received from Social Security, insurance, or  
19 other sources; or who in any way knowingly receives, attempts to receive, or  
20 aids and abets in the receipt of unauthorized payment as provided herein shall  
21 be punished as provided in section 143 of this title.

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

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

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

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

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

14 § 143. GENERAL PENALTY

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

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

1           (2) if the assistance or benefits obtained pursuant to a single fraudulent  
2 scheme or course of conduct are in violation of subsection (a) ~~or (b)~~ of section  
3 141 of this title and involve more than \$1,000.00, be fined not more than an  
4 amount equal to the assistance or benefits wrongfully obtained or be  
5 imprisoned not more than three years, or both; or

6           (3) if the violation is under subsection ~~(e), (d)~~, 141(d) or (e) ~~of section~~  
7 ~~141~~ of this title, be fined up to \$1,000.00 or up to an amount equal to twice the  
8 amount of assistance, benefits, or payments wrongfully obtained; or be  
9 imprisoned for not more than 10 years, or both.

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

15           ~~(c) If a provider of services is convicted of a violation of subsection 141(d)~~  
16 ~~or (e) of this title, the Commissioner of Vermont Health Access shall, within~~  
17 ~~90 days of the conviction, suspend the provider from further participation in~~  
18 ~~the medical assistance program administered under Title XIX of the Social~~  
19 ~~Security Act for a period of four years. The suspension required by this~~  
20 ~~subsection may be waived by the Secretary of Human Services only upon a~~  
21 ~~finding that the recipients served by the convicted provider would suffer~~

1 ~~substantial hardship through a denial of medical services that could not~~  
2 ~~reasonably be obtained through another provider. [Repealed.]~~

3 § 143a. CIVIL REMEDIES

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

6 (1) restitution of the amount of assistance, benefits, or payments  
7 wrongfully obtained;

8 (2) interest; and

9 (3) a civil penalty of up to three times the amount of the wrongfully  
10 obtained assistance, benefits, or payments; or \$500.00 per false claim; or  
11 \$500.00 for each false document submitted in support of a false claim,  
12 whichever is greatest.

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

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

16 § 143b. ~~EDUCATION AND INFORMATION~~

17 ~~By January 1, 2005, the Department of Vermont Health Access shall issue~~  
18 ~~rules establishing a procedure for health care providers enrolled in State and~~  
19 ~~federally funded medical assistance programs to obtain advisory opinions~~  
20 ~~regarding coverage and reimbursement under those programs. Each advisory~~  
21 ~~opinion issued by the Department of Vermont Health Access shall be binding~~

1 ~~on that Department and the party or parties requesting the opinion only with~~  
2 ~~regard to the specific questions posed in the opinion, the facts and information~~  
3 ~~set forth in it, and the statutes and rules specifically noted in the opinion.~~

4 [Repealed.]

5 § 144. STATUTORY CONSTRUCTION

6 (a) ~~Section 143 of this title shall not preclude prosecution under 13 V.S.A.~~  
7 ~~§ 1801, 1802, or 2002 when the alleged violation involves forging an~~  
8 ~~economic assistance check or where duplicate economic assistance checks~~  
9 ~~have been wrongfully negotiated during any one welfare period. [Repealed.]~~

10 (b) Section 143 of this title shall not preclude prosecution under any other  
11 title or sections of this title when the alleged violation is under subsection  
12 141(e) ~~or~~ (d) of this title.

13 \* \* \*

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

15 CHAPTER 2. DEPARTMENT OF ECONOMIC EMPOWERMENT

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

17 § 201. POLICY

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

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

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

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

10           (4) Assistance and benefits shall be so administered as to maintain and  
11           encourage dignity, self-respect, and self-reliance. It is the legislative intent  
12           that assistance granted shall be adequate to maintain a reasonable standard of  
13           health and decency based on current cost of living indices. Notwithstanding  
14           this subdivision, the Department shall amend rules that establish new  
15           maximum Reach Up grant amounts only when the General Assembly has taken  
16           affirmative action to increase or decrease the Reach Up financial assistance  
17           appropriation.

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

1        § 202. DEFINITIONS AND CONSTRUCTION

2            (a) As used in this chapter:

3            (1) “Aid” means financial assistance.

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

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

8            (4) “Commissioner” means the Commissioner of Economic  
9            Empowerment.

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

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

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

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

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

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

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

4        § 203. COMPOSITION OF DEPARTMENT

5        The Department of Economic Empowerment, created pursuant to 3 V.S.A.  
6        §§ 212 and 3098, shall consist of the Commissioner of Economic  
7        Empowerment and all divisions, councils, boards, committees, and offices  
8        within the Department.

9        § 204. FUNCTION AND POWERS OF DEPARTMENT

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

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

14           (1) Provide for the administration of the following programs and  
15       services:

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

17           (B) Reach Up financial assistance and support services;

18           (C) federal Supplemental Nutrition Assistance Program benefits;

19           (D) General Assistance;

20           (E) medical assistance; and

1           (F) public assistance programs funded with State general funds or the  
2           Temporary Assistance to Needy Families (TANF) block grant.

3           (2) Cooperate with the appropriate federal agencies in receiving, to the  
4           extent available, federal funds in support of programs that the Department  
5           administers.

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

9           (4) Receive and disburse funds that are assigned, donated, or bequeathed  
10          to it for charitable purposes or for the benefit of recipients of assistance,  
11          benefits, or social services. This subdivision shall not be construed to require  
12          the Department to accept funds or trusts when the Commissioner, with the  
13          approval of the Governor, considers it in the best interests of the State to refuse  
14          them.

15          (5) Receive in trust and expend, in accordance with the provisions of the  
16          trust, funds, and property assigned, donated, devised, or bequeathed to it for  
17          charitable purposes or for the benefit of recipients of assistance, benefits, or  
18          social services. Trust funds accepted by the Department shall be safely  
19          invested by the State Treasurer. Real property received in trust may, at the  
20          discretion of the Commissioner, be administered by the Department of  
21          Buildings and General Services of the Agency of Administration. This

1 subdivision shall not be construed to require the Department to accept funds or  
2 trusts when the Commissioner, with the approval of the Governor, considers it  
3 in the best interests of the State to refuse them.

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

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

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

12 § 205. COMMISSIONER; APPOINTMENT, TERM, DUTIES, AND  
13 POWERS

14 (a) The Commissioner may exercise the powers and perform duties  
15 required for effective administration of the Department and shall determine the  
16 policies of the Department.

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

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

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

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

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

7           (d) Notwithstanding any other provision of law, the Commissioner may  
8           delegate to any appropriate employee of the Department any of the  
9           administrative duties and powers imposed on the Commissioner by law, with  
10           the exception of the duties and powers enumerated in this section. The  
11           delegation of authority and responsibility shall not relieve the Commissioner of  
12           accountability for the proper administration of the Department.

13                           Subchapter 2. General Administrative Provisions

14           § 211. RECORDS; RESTRICTIONS; PENALTIES

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

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

1     § 212. BANKS AND AGENCIES TO FURNISH INFORMATION

2           (a) An officer of a financial institution, as described in 8 V.S.A.  
3           § 11101(32); a credit union; or an independent trust company in this State,  
4           when requested by the Commissioner, shall furnish the Commissioner  
5           information in the possession of the bank or company with reference to any  
6           person or the person’s spouse who is applying for or is receiving assistance or  
7           benefits from the Department.

8           (b) Any governmental official or agency in the State, when requested by  
9           the Commissioner, shall furnish to the Commissioner information in the  
10           official’s or agency’s possession with reference to aid given or money paid or  
11           to be paid to any person or person’s spouse who is applying for or is receiving  
12           assistance or benefits from the Department.

13           (c) The Commissioner of Taxes, when requested by the Commissioner of  
14           Economic Empowerment, and unless otherwise prohibited by federal law, shall  
15           compare the information furnished by an applicant or recipient of assistance  
16           with the State income tax returns filed by such person and shall report the  
17           Commissioner of Taxes’ findings to the Commissioner of Economic  
18           Empowerment. Each application for assistance shall contain a form of  
19           consent, executed by the applicant, granting permission to the Commissioner  
20           of Taxes to disclose such information to the Commissioner for Economic  
21           Empowerment.

1 § 212a. FINANCIAL INSTITUTIONS TO FURNISH INFORMATION:

2 ASSET VERIFICATION

3 (a)(1) A financial institution, when requested by Department, shall furnish  
4 to the Commissioner or the Commissioner's designee information in the  
5 possession of the financial institution about the assets of any applicant who is  
6 applying for or is receiving assistance or benefits from the Department or the  
7 applicant's spouse. The Department shall issue instructions to the financial  
8 institution detailing the nature of the request and the information necessary to  
9 satisfy the request.

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

13 (b)(1) Each application for assistance or benefits submitted to the  
14 Department shall contain a form of authorization, executed by the applicant,  
15 granting authority for the Department and its authorized agents to obtain  
16 financial information about the applicant's assets from financial intuitions in  
17 order to verify the applicant's eligibility for the applicable program. The  
18 Department or its authorized agent shall obtain the applicant's authorization  
19 prior to requesting the applicant's financial information from any financial  
20 institution.

1           (2) The Department shall ensure the applicant receives notice written in  
2           plain language explaining the Department’s electronic asset verification  
3           system.

4           (c) In the event that the financial information of an applicant’s spouse is  
5           required to determine an applicant’s eligibility for a program, the Department  
6           shall provide written notice regarding the asset verification process to the  
7           spouse and shall obtain the spouse’s written authorization for the Department  
8           and its agents to obtain the spouse’s financial information from financial  
9           institutions prior to requesting the spouse’s financial information from any  
10           financial institution. The Department may determine an applicant to be  
11           ineligible if the applicant’s spouse refuses to provide or revokes consent.

12           (d) As used in this section:

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

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

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

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

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

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

1     § 214. ALLOCATION OF PAYMENTS WHEN APPROPRIATION

2             INSUFFICIENT

3             Should the funds available for assistance be insufficient to provide  
4             assistance to all those eligible, the amounts of assistance granted in any  
5             program or portion thereof shall be reduced equitably, in the discretion of the  
6             Commissioner of Economic Empowerment or the Commissioner of Vermont  
7             Health Access by rule.

8                     Subchapter 3. Provisions of General Applicability

9     § 221. CANCELLATION OF ASSISTANCE OR BENEFITS

10            If at any time the Commissioner of Economic Empowerment or the  
11            Commissioner of Vermont Health Access has reason to believe that assistance  
12            or benefits have been improperly obtained, the Commissioner shall cause an  
13            investigation to be made and may suspend assistance or benefits pending the  
14            investigation. If on investigation the Commissioner of Economic  
15            Empowerment or the Commissioner of Vermont Health Access is satisfied that  
16            the assistance or benefits were illegally obtained, the Commissioner shall  
17            immediately cancel them. A person having illegally obtained assistance or  
18            benefits shall not be eligible for reinstatement until the person's need has been  
19            reestablished.

1        § 222. RECOVERY OF PAYMENTS

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

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

20           (c) When the Commissioner of Economic Empowerment or the  
21       Commissioner of Vermont Health Access finds that a recipient of benefits

1 received assistance in excess of that to which the recipient was lawfully  
2 entitled because the recipient possessed income or property in excess of  
3 Department standards, the Commissioner of Economic Empowerment or the  
4 Commissioner of Vermont Health Access may take actions to recover the  
5 overpayment.

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

11 § 224. INALIENABILITY OF ASSISTANCE PAYMENTS

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

16 Subchapter 4. Prohibited Practices; Penalties

17 § 241. FRAUD

18 (a) A person who knowingly fails, by false statement, misrepresentation,  
19 impersonation, or other fraudulent means, to disclose a material fact used to  
20 determine whether that person is qualified to receive aid or benefits under a  
21 State or federally funded assistance program; or who knowingly fails to

1 disclose a change in circumstances in order to obtain or continue to receive aid  
2 or benefits to which the person is not entitled or in an amount larger than that  
3 to which the person is entitled; or who knowingly aids and abets another  
4 person in the commission of any such act shall be punished as provided in  
5 section 143 of this title.

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

15 (c) A person who administers a State or federally funded assistance  
16 program who fraudulently misappropriates, attempts to misappropriate, or aids  
17 and abets in the misappropriation of a Supplemental Nutrition Assistance  
18 Program benefit, authorization for Supplemental Nutrition Assistance Program  
19 benefits, a Supplemental Nutrition Assistance Program benefit identification  
20 card, certificate of eligibility for prescribed medicine, State health care  
21 program identification card, or assistance from any other State or federally

1 funded program with which the person has been entrusted or of which the  
2 person has gained possession by virtue of the person's position; or who  
3 knowingly misappropriates, attempts to misappropriate, or aids or abets in the  
4 misappropriation of funds given in exchange for Supplemental Nutrition  
5 Assistance Program benefits shall be punished as provided in section 143 of  
6 this title.

7 (d) A person who knowingly files, attempts to file, or aids and abets in the  
8 filing of a claim for services to a recipient of benefits under a State or federally  
9 funded assistance program for services that were not rendered; or who  
10 knowingly files a false claim or a claim for unauthorized items or services  
11 under such a program; or who knowingly bills the recipient of benefits under  
12 such a program or the recipient's family for an amount in excess of that  
13 provided for by law or regulation; or who knowingly fails to credit the State or  
14 its agent for payments received from Social Security, insurance, or other  
15 sources; or who in any way knowingly receives, attempts to receive, or aids  
16 and abets in the receipt of unauthorized payment as provided herein shall be  
17 punished as provided in section 143 of this title.

18 (e) A person providing service for which compensation is paid under a  
19 State or federally funded assistance program who requests, and receives, either  
20 actually or constructively, any payment or contribution through a payment,  
21 assessment, gift, devise, bequest, or other means, whether directly or

1 indirectly, from either a recipient of assistance from the assistance program or  
2 from the family of the recipient shall notify the Commissioner of Economic  
3 Empowerment or the Commissioner of Vermont Health Access, on a form  
4 provided by the Commissioner, of the amount of the payment or contribution  
5 and of such other information as specified by the Commissioner of Economic  
6 Empowerment or the Commissioner of Vermont Health Access within 10 days  
7 after the receipt of the payment or contribution or, if the payment or  
8 contribution is to become effective at some time in the future, within 10 days  
9 after the consummation of the agreement to make the payment or contribution.  
10 Failure to notify the Commissioner of Economic Empowerment or the  
11 Commissioner of Vermont Health Access within the time prescribed is  
12 punishable as provided in section 143 of this title.

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

16 § 242. BRINGING PERSON IN NEED INTO THE STATE

17 (a) Any person who knowingly brings or causes to be brought a person in  
18 need from out of the state into this State for the purpose of securing assistance  
19 for the person in need or making the person in need a public charge shall be  
20 obligated to support the person in need at the person's own expense for as long

1 as the person in need or persons dependent on the person in need remain in the  
2 State.

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

10 § 243. GENERAL PENALTY

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

13 (1) if the assistance or benefits obtained pursuant to a single fraudulent  
14 scheme or a course of conduct are in violation of subsection 241(a) or (b) of  
15 this title involving \$1,000.00 or less, be fined not more than the amount of  
16 assistance or benefits wrongfully obtained or be imprisoned not more than one  
17 year, or both;

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

1 to the assistance or benefits wrongfully obtained or be imprisoned not more  
2 than three years, or both; or

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

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

13 (c) If a provider of services is convicted of a violation of subsection 241(d)  
14 or (e) of this title, the Commissioner of Vermont Health Access shall, within  
15 90 days following the conviction, suspend the provider from further  
16 participation in the medical assistance program administered under Title XIX  
17 of the Social Security Act for a period of four years. The suspension required  
18 by this subsection may be waived by the Secretary of Human Services only  
19 upon a finding that the recipients served by the convicted provider would  
20 suffer substantial hardship through a denial of medical services that could not  
21 reasonably be obtained through another provider.

1     § 243a. CIVIL REMEDIES

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

4           (1) restitution of the amount of assistance, benefits, or payments  
5     wrongfully obtained;

6           (2) interest; and

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

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

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

14    § 243b. EDUCATION AND INFORMATION

15          The Department of Vermont Health Access shall issue rules establishing a  
16    procedure for health care providers enrolled in State and federally funded  
17    medical assistance programs to obtain advisory opinions regarding coverage  
18    and reimbursement under those programs. Each advisory opinion issued by  
19    the Department of Vermont Health Access shall be binding on that Department  
20    and the party or parties requesting the opinion only with regard to the specific

1 questions posed in the opinion, the facts and information set forth in it, and the  
2 statutes and rules specifically noted in the opinion.

3 § 244. STATUTORY CONSTRUCTION

4 (a) Section 243 of this title shall not preclude prosecution under 13 V.S.A.  
5 § 1801, 1802, or 2002 when the alleged violation involves forging an  
6 economic assistance check or where duplicate economic assistance checks  
7 have been wrongfully negotiated during any one welfare period.

8 (b) Section 243 of this title shall not preclude prosecution under any other  
9 title or sections of this title when the alleged violation is under subsection  
10 241(c) or (d) of this title.

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

12 § 1001. DEFINITIONS

13 As used in this chapter:

14 \* \* \*

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

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

19 \* \* \*

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

2 § 1101. DEFINITIONS

3 As used in this chapter:

4 \* \* \*

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

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

9 \* \* \*

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

11 § 1107. CASE MANAGEMENT; FAMILY DEVELOPMENT PLANS;  
12 COORDINATED SERVICES

13 \* \* \*

14 (d) The Secretary of Education, with the assistance and support of the  
15 Commissioner ~~for Children and Families~~ of Economic Empowerment, the  
16 Commissioner of Disabilities, Aging, and Independent Living, and the  
17 Commissioner of Labor, shall develop and implement comparable and  
18 reciprocally recognized literacy assessment protocols that will be used for all  
19 clients seeking adult education and literacy services; related services of the  
20 Agency of Education; or the services of the Department of Disabilities, Aging,  
21 and Independent Living, the Department of Labor, or the Department ~~for~~

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

9 \* \* \*

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

11 § 1201. DEFINITIONS

12 As used in this chapter:

13 \* \* \*

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

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

18 \* \* \*

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

2 § 1301. ELIGIBILITY REQUIREMENTS—; GENERAL

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

6 \* \* \*

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

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

15 § 1306. APPLICATION AND INVESTIGATION

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

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

2 § 1307. AMOUNT OF STATE AID

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

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

15 § 1308. RULES

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

1 Sec. 57. 33 V.S.A. § 1701 is amended to read:

2 § 1701. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

3 \* \* \*

4 (d) As used in this chapter, “Commissioner” means the Commissioner ~~for~~  
5 ~~Children and Families of Economic Empowerment~~ and “Department” means  
6 the Department ~~for Children and Families of Economic Empowerment~~.

7 Sec. 58. 33 V.S.A. § 1702 is amended to read:

8 § 1702. PAYMENT ERROR RATE REPORT

9 On or before January 1 of the year following any federal fiscal year in  
10 which the State of Vermont receives a federal sanction for a payment error rate  
11 greater than the federal threshold in the Supplemental Nutrition Assistance  
12 Program (SNAP), the Department ~~for Children and Families of Economic~~  
13 ~~Empowerment~~ shall report to the Senate Committee on Appropriations  
14 regarding:

15 (1) the number of households that received SNAP benefits and were  
16 discovered to have an overpayment or underpayment in the sanction year due  
17 to agency error, including the average amount of the overpayments and  
18 underpayments and the total amount of each; and

19 (2) the Department’s specific plans for sanction reinvestment to improve  
20 its error rate for the next federal fiscal year and prevent sanction in the future.

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

2 § 1901b. PHARMACY PROGRAM ENROLLMENT

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

11 \* \* \*

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

13 § 2101. DEFINITIONS

14 As used in this chapter:

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

17 \* \* \*

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

19 § 2103. ELIGIBILITY

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

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

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

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

12 \* \* \*

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

17 (f) [Repealed.]

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

19 § 2114. RENTAL OR MORTGAGE ARREARAGE PROGRAM

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

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

3 \* \* \*

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

5 § 2115. GENERAL ASSISTANCE PROGRAM REPORT

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

12 \* \* \*

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

14 § 2301. BURIAL RESPONSIBILITY

15 \* \* \*

16 (d) As used in this chapter:

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

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





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

8 \* \* \*

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

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

2 § 3903. CHILD SUPPORT DEBT

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

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

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

16 RULES TO THE DEPARTMENT OF ECONOMIC

17 EMPOWERMENT

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

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

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

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

21                                   \* \* \* Parental Leave Benefit Program \* \* \*

1 Sec. 70. 21 V.S.A. § 472 is amended to read:

2 § 472. LEAVE

3 \* \* \*

4 (b) During the leave, at the employee’s option, the employee may use  
5 accrued sick leave or, vacation leave, or any other accrued paid leave, not to  
6 exceed six weeks. In lieu of using sick leave, vacation leave, or other accrued  
7 paid leave, an employee may use parental leave benefits provided pursuant to  
8 33 V.S.A. § 2001 not to exceed 12 weeks. Accrued paid leave and parental  
9 leave benefits provided pursuant to 33 V.S.A. § 2001 may be used sequentially  
10 but not concurrently. Utilization of accrued paid leave or parental leave  
11 benefits provided pursuant to 33 V.S.A. § 2001, or both, shall not extend the  
12 leave provided herein by this section.

13 \* \* \*

14 Sec. 71. 33 V.S.A. chapter 20 is added to read:

15 CHAPTER 20. PARENTAL LEAVE BENEFIT PROGRAM

16 § 2001. PARENTAL LEAVE BENEFIT PROGRAM

17 (a)(1) An eligible parent who is employed prior to the birth or adoption of a  
18 child and who intends to return to employment either with the same employer  
19 or a new employer after a parental leave may apply to the Department of  
20 Children and Families to receive a parental leave benefit for up to 12 weeks  
21 during which the eligible parent is caring for the child and unable to work.

1 Only one eligible parent in a two-parent household shall apply for and receive  
2 the parental leave benefit established in this section. The benefits provided  
3 pursuant to this section shall be available for leaves that begin on or after  
4 January 1, 2024.

5 (2)(A) The weekly benefit provided to an eligible parent shall be  
6 \$600.00 or the average weekly wage of the eligible parent during the six month  
7 period preceding the commencement of the leave, whichever is less.

8 (B) The benefit amount shall be calculated in increments of one full  
9 day, which shall be one-fifth of the eligible parent’s weekly benefit amount.

10 (3) The benefit shall be paid by the Department to the eligible parent  
11 within 14 days after the Department approves the parent’s application or within  
12 14 days after the parental leave begins, whichever is last occurring, and  
13 subsequent payments shall be made biweekly.

14 (4) The parental leave for which the eligible parent may receive benefits  
15 shall be a single, continuous period ending within one year after the date on  
16 which the child was born or placed with the eligible parent for adoption.

17 (b)(1) The Department shall develop an application for the parental leave  
18 benefit using a simple, plain-language format, which shall be available in both  
19 electronic and paper formats.

20 (2) The Department shall develop and make available on the  
21 Department’s website information and materials to educate the public

1 regarding the availability of the parental leave benefit and the requirements to  
2 obtain the benefit.

3 (c)(1) To receive the parental leave benefit, an eligible parent shall submit:

4 (A) an application;

5 (B) a signed certification from the eligible parent’s employer that the  
6 eligible parent is currently employed by the employer or was employed by the  
7 employer within 30 days prior to the beginning of the parental leave; and

8 (C) a statement of intent to return to employment or seek new  
9 employment following the parental leave.

10 (2) An eligible parent may submit an application with the signed  
11 certification and statement of intent to the Department in anticipation of a birth  
12 or the initial placement of a child for adoption or during the eligible parent’s  
13 parental leave. The Department shall provide retroactive payments to an  
14 eligible parent provided the completed application, signed certification, and  
15 statement of intent are received not more than eight weeks after the leave  
16 began.

17 (d)(1) Benefits paid pursuant to this section may be used as wage  
18 replacement for a leave taken pursuant to 21 V.S.A. § 472 or the federal  
19 Family and Medical Leave Act, 29 U.S.C. §§ 2611–2654.

1           (2) The receipt of benefits paid pursuant to this section shall not extend  
2 the leave provided pursuant to 21 V.S.A. § 472 or the federal Family and  
3 Medical Leave Act.

4           (3) Nothing in this section shall be construed to alter the job protection  
5 and employment-related rights provided pursuant to 21 V.S.A. § 472 or the  
6 federal Family and Medical Leave Act or to provide job protection or  
7 employment-related rights that are in addition to the rights provided pursuant  
8 to those laws.

9           (e) As used in this section:

10           (1) “Eligible parent” means an individual whose annual gross family  
11 income is not more than 600 percent of the current federal poverty level and  
12 who is either:

13           (A) the parent of a child born within the preceding 12 months; or

14           (B) an individual with whom the initial placement of a child 10 years  
15 of age or younger for purposes of adoption has occurred within the preceding  
16 12 months.

17           (2) “Parent” means an individual who:

18           (A) is a parent to a child, regardless of whether the relationship is a  
19 biological, adoptive, or step relationship; or

20           (B) has day-to-day responsibilities to care for and financially support  
21 a child.



\* \* \* Appropriations \* \* \*

Sec. 73. APPROPRIATIONS

(a) In fiscal year 2024, \$90,000,000.00 is appropriated from the General Fund to the Department for Children and Families for the purpose of funding the Child Care Financial Assistance Program pursuant to Secs. 2-4b of this act.

(b) In fiscal year 2024, \$150,000.00 is appropriated to Building Bright Futures for consultation and transition assistance services required pursuant to Secs. 5 and 13 of this act.

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

Sec. 74. EFFECTIVE DATES

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

(b)(1) Sec. 2 (Child Care Financial Assistance Program; eligibility), Sec. 3 (provider rate adjustment; Child Care Financial Assistance Program); Sec. 4 (payment to providers for school age children); Sec. 4a (payment to providers for children birth through four years of age; high quality incentive program), and Sec. 4b (High-Quality Early Care and Education Special Fund) shall take

1 effect on **January** 1, 2024, except that the Commissioner for Children and  
2 Families shall adopt any rules necessary prior to that date in order to perform  
3 the Commissioner’s duties under this act.

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

6 (3) Secs. 17–69 (relating to the reorganization of the Department for  
7 Children and Families and creation of the Department of Economic  
8 Empowerment) shall take effect on July 1, 2024.

9 (4) Secs. 70–71 (relating to the parental leave benefit program) shall  
10 take effect on January 1, 2024.

11 (5) Sec. 72 (parent leave benefit program) shall take effect on July 1,  
12 2024.

13  
14  
15  
16  
17  
18  
19  
20 (Committee vote: \_\_\_\_\_)

1

\_\_\_\_\_

2

Senator \_\_\_\_\_

3

FOR THE COMMITTEE