

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 \* \* \* Prekindergarten \* \* \*

8 Sec. 1. PREKINDERGARTEN [PLACEHOLDER]

9 \* \* \* Child Care and Child Care Subsidies \* \* \*

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

11 § 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;

12 ELIGIBILITY

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

19 (2) The subsidy authorized by this subsection shall be established by the  
20 Commissioner, by rule, and shall bear a reasonable relationship to income and  
21 family size. Families shall be found eligible using an income eligibility scale

1 based on the current federal poverty level and adjusted for the size of the  
2 family. Co-payments shall be assigned to the whole family and shall not  
3 increase if more than one eligible child is enrolled in child care. Families with  
4 an annual gross income of less than or equal to ~~150~~ 185 percent of the current  
5 federal poverty guidelines shall not have a family co-payment. Families with  
6 an annual gross income up to and including ~~350~~ 425 percent of current federal  
7 poverty guidelines, adjusted for family size, shall be eligible for a subsidy  
8 authorized by the subsection. The scale shall be structured so that it  
9 encourages employment. If the federal poverty guidelines decrease in a given  
10 year, the Division shall maintain the previous year's federal poverty guidelines  
11 for the purpose of determining eligibility and benefit amount under this  
12 subsection.

13 (3) Earnings deposited in a qualified child education savings account,  
14 such as the Vermont Higher Education Investment Plan, established in  
15 16 V.S.A. § 2877, or any similar plan qualified under 26 U.S.C. § 529, shall be  
16 disregarded in determining the amount of a family's income for the purpose of  
17 determining continuing eligibility.

18 (4) ~~After September 30, 2021, a~~ A regulated center-based child care  
19 program or family child care home as defined by the Department in rule shall  
20 not receive funds pursuant to this subsection that are in excess of the usual and

1 customary rate for services at the center-based child care program or family  
2 child care home.

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

6 \* \* \*

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

8 § 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;

9 ELIGIBILITY

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

13 (2) The subsidy authorized by this subsection shall be established by the  
14 Commissioner, by rule, and shall bear a reasonable relationship to income and  
15 family size. Families shall be found eligible using an income eligibility scale  
16 based on the current federal poverty level and adjusted for the size of the  
17 family. Co-payments shall be assigned to the whole family and shall not  
18 increase if more than one eligible child is enrolled in child care. Families with  
19 an annual gross income of less than or equal to 185 percent of the current  
20 federal poverty guidelines shall not have a family co-payment. Families with  
21 an annual gross income up to and including ~~425~~ 450 percent of current federal

1 poverty guidelines, adjusted for family size, shall be eligible for a subsidy  
2 authorized by the subsection. The scale shall be structured so that it  
3 encourages employment. If the federal poverty guidelines decrease in a given  
4 year, the Division shall maintain the previous year's federal poverty guidelines  
5 for the purpose of determining eligibility and benefit amount under this  
6 subsection.

7 \* \* \*

8 ~~(6)(A) The Department, in consultation with Building Bright Futures,~~  
9 ~~shall adopt by rule, pursuant to 3 V.S.A. chapter 25, a tiered professional~~  
10 ~~compensation standard for employees of child care providers, which is~~  
11 ~~comparable to compensation received by early childhood educators in~~  
12 ~~Vermont's public school system who serve children from prekindergarten~~  
13 ~~through grade three. Annually, the Commissioner shall amend the rule~~  
14 ~~containing the professional compensation standard required by this section to~~  
15 ~~account for inflation and increases due to renegotiated public school teacher~~  
16 ~~compensation levels. The Commissioner shall ensure that the professional~~  
17 ~~compensation standard is posted on the Department's website.~~

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

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

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§ 3514. PAYMENT TO PROVIDERS

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(a) The Commissioner shall establish a payment schedule for purposes of reimbursing providers for full- or part-time child care services rendered to families who participate in the programs established under section 3512 or 3513 of this title. Payments established under this section shall reflect the following considerations: whether the provider operates a licensed child care facility or a registered family child care home, type of service provided, cost of providing the service, and the prevailing market rate for comparable service.

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Payments shall be based on enrollment status or any other basis agreed to by the provider and the Division.

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

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§ 3514. PAYMENT TO PROVIDERS

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\* \* \*

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

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~~(2) The payment schedule shall include reimbursement rate caps tiered in relation to provider ratings in the Vermont STARS program. The lower limit~~

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1 of the reimbursement rate caps shall be not less than the 50th percentile of all  
2 reported rates for the same provider setting in each rate category.

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

4 **RECOMMENDATIONS**

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

17 (b) On or before November 1, 2023, the Department for Children and  
18 Families, in consultation with Building Bright Futures and the Vermont  
19 Association for the Education of Young Children, shall develop and submit a  
20 formula to calculate the total cost of care to serve children in a licensed or  
21 regulated child care facility as defined in 33 V.S.A. § 3511 to the House

1 Committee on Human Services and to the Senate Committee on Health and  
2 Welfare.

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

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

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

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

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

17 § 3515. CHILD CARE WAITLIST AND APPLICATION FEES

18 A child care provider shall not charge an application or waitlist fee for child  
19 care services where the applying child qualifies for the Child Care Financial  
20 Assistance Program pursuant to section 3512 of this title. A child care  
21 provider shall reimburse an individual who is charged an application or waitlist

1 fee for child care services if it is later determined that the applying child  
2 qualified for the Child Care Financial Assistance Program at the time the fee or  
3 fees were paid.

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

5 Subchapter 6. Child Care Assistance for Additional Populations

6 § 3551. NONCITIZEN CHILD CARE ASSISTANCE PROGRAM;

7 LEGISLATIVE INTENT

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

15 § 3552. NONCITIZEN CHILD CARE ASSISTANCE PROGRAM

16 SUBSIDIES FOR CERTAIN VERMONT RESIDENTS

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

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

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

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

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

16       Sec. 8. DEPARTMENT FOR CHILDREN AND FAMILIES; NONCITIZEN  
17                CHILD CARE ASSISTANCE PROGRAM SUBSIDIES; FISCAL  
18                YEAR 2025 ESTIMATE

19        The Department for Children and Families shall provide information on the  
20        estimated fiscal year 2025 costs of providing coverage to Vermont residents  
21        who have a citizenship status for which Child Care Financial Assistance

1 Program participation is not available pursuant to 33 V.S.A. § 3552 beginning  
2 on July 1, 2024 as part of the Department’s fiscal year 2025 budget  
3 presentation to the House Committees on Appropriations and on Human  
4 Services and the Senate Committees on Appropriations and on Health and  
5 Welfare.

6 \* \* \* Special Accommodations Grant \* \* \*

7 Sec. 9. REPORT; SPECIAL ACCOMMODATIONS GRANT

8 On or before January 15, 2024, the Department for Children and Family’s  
9 Child Development Division shall submit a report to the House Committee on  
10 Human Services and to the Senate Committee on Health and Welfare  
11 providing a proposal to streamline the application process for special  
12 accommodation grants, including:

13 (1) moving to a 12-month grant cycle;

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

16 (3) determining how to better meet the early learning needs of children  
17 with disabilities within a child care setting.

18 \* \* \* Child Care Workforce Retention Grants \* \* \*

19 Sec. 10. FY 2024 APPROPRIATION; CHILD CARE WORKER

20 RETENTION GRANT PROGRAM

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

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

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

8           Sec. 8. REPEALS

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

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

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

15           Sec. 12. APPROPRIATION; SCHOLARSHIPS FOR CURRENT EARLY

16           CHILDHOOD PROVIDERS

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







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

2 § 241. BACKGROUND INVESTIGATIONS

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

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

11 (1) Agency of Human Services, including:

12 (A) Department for Children and Families;

13 (B) Department of Economic Empowerment;

14 (C) Department of Health;

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

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

17 (2) Department of Labor.

18 (3) Department of Motor Vehicles.

19 (4) Department of Taxes.

20 (5) Agency of Digital Services.

21 (6) Department of Buildings and General Services.

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

§ 816. EXEMPTIONS

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

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

\* \* \*

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

§ 3002. CREATION OF AGENCY

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

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

\* \* \*

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

2 § 3051. COMMISSIONERS; DEPUTY COMMISSIONERS;

3 APPOINTMENT; TERM

4 \* \* \*

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

8 (1) ~~Economic Services;~~

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

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

11 \* \* \*

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

15 (1) Disability Determination Services; and

16 (2) Economic Services Division.

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

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

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

21 § 3084. DEPARTMENT FOR CHILDREN AND FAMILIES

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

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

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

18 § 3091. HEARINGS

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

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

10 \* \* \*

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

12 § 3094. OFFICE OF CHILD SUPPORT

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

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

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

19 § 3098. DEPARTMENT OF ECONOMIC EMPOWERMENT

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

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

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

6 § 953. SOURCES OF NAMES

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

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

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

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

§ 10204. EXCEPTIONS

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

\* \* \*

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

\* \* \*

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

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

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

\* \* \*

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

3 \* \* \*

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

8 \* \* \*

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

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

12 \* \* \*

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

15 \* \* \*

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

20 \* \* \*

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

1 § 4472. RIGHT TO TERMINATE RENTAL AGREEMENT

2 \* \* \*

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

5 (1) a written notice of termination; and

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

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

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

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

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

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





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

5 \* \* \*

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

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

9 \* \* \*

10 (d) As used in this section:

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

16 \* \* \*

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

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

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

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

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

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

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

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

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

17 \* \* \*

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

19 § 658. SUPPORT

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

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

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

8 \* \* \*

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

10 § 1592. POWERS AND RESPONSIBILITIES OF BOARD OF TRUSTEES

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

14 \* \* \*

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



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\* \* \*

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

\* \* \*

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

§ 755. DISPOSITION OF EARNINGS

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

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

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

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

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

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

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

3 \* \* \*

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

5 § 218. JURISDICTION OVER CHARGES AND RATES

6 \* \* \*

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

12 \* \* \*

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

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

6 \* \* \*

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

8 § 308b. HUMAN SERVICES CASELOAD RESERVE

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

17 \* \* \*

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

19 § 1003. STATE OFFICERS

20 \* \* \*

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

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

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

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

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

20 \* \* \*

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

2 § 3102. CONFIDENTIALITY OF TAX RECORDS

3 \* \* \*

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

11 \* \* \*

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

13 § 5932. DEFINITIONS

14 As used in this chapter:

15 \* \* \*

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

19 \* \* \*

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

21 CHAPTER 1. DEPARTMENT FOR CHILDREN AND FAMILIES

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

2            § 101. POLICY

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

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

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

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

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

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

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

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

18 \* \* \*

19 § 104. FUNCTION AND POWERS OF DEPARTMENT

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

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

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

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

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

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

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

9 ~~(E) General Assistance;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 The delegation of authority and responsibility shall not relieve the

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

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

12 \* \* \*

13 § 112a. FINANCIAL INSTITUTIONS TO FURNISH INFORMATION;

14 ASSET VERIFICATION

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

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

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

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

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

1 beneficiary to be ineligible if the applicant’s spouse refuses to provide or  
2 revokes consent.

3 (d) As used in this section:

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

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

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

7 (4) “Financial institution” means any financial services provider,

8 including a bank, credit union, broker-dealer, investment advisor, mutual fund,  
9 or investment company.

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

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

12 \* \* \*

13 Subchapter 3. Provisions of General Applicability

14 § 121. CANCELLATION OF ASSISTANCE OR BENEFITS

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

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

4 § 122. RECOVERY OF PAYMENTS

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

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

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

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

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

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

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

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

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

4 \* \* \*

5 Subchapter 5. Prohibited Practices; Penalties

6 § 141. FRAUD

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

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

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

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

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

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

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

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

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

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

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

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

20 § 143. GENERAL PENALTY

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

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

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

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

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

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

10       § 143a. CIVIL REMEDIES

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

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

15           (2) interest; and

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

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

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

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

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

11 [Repealed.]

12 § 144. STATUTORY CONSTRUCTION

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

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

20 \* \* \*

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

2 CHAPTER 2. DEPARTMENT OF ECONOMIC EMPOWERMENT

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

4 § 201. POLICY

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

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

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

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

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

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

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

9 § 202. DEFINITIONS AND CONSTRUCTION

10 (a) As used in this chapter:

11 (1) “Aid” means financial assistance.

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

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

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

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

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

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

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

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

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

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

11          § 203. COMPOSITION OF DEPARTMENT

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

16          § 204. FUNCTION AND POWERS OF DEPARTMENT

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

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

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

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

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

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

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

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

20           POWERS

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

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

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

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

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

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

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

1                                    Subchapter 2. General Administrative Provisions

2                    § 211. RECORDS; RESTRICTIONS; PENALTIES

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

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

10                    § 212. BANKS AND AGENCIES TO FURNISH INFORMATION

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

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

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

10       **§ 212a. FINANCIAL INSTITUTIONS TO FURNISH INFORMATION;**

11       **ASSET VERIFICATION**

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

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

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

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

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

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

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

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

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

4 (4) “Financial institution” means any financial services provider,

5 including a bank, credit union, broker-dealer, investment advisor, mutual fund,

6 or investment company.

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

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

9 § 214. ALLOCATION OF PAYMENTS WHEN APPROPRIATION

10 INSUFFICIENT

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

16 Subchapter 3. Provisions of General Applicability

17 § 221. CANCELLATION OF ASSISTANCE OR BENEFITS

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

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

7 § 222. RECOVERY OF PAYMENTS

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

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

1 Economic Empowerment or the Commissioner of Vermont Health Access  
2 shall calculate the amount of the recovery by applying the legal interest rate to  
3 the amount of excess recovery paid, except that the recovery shall be capped at  
4 double the excess assistance paid.

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

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

17 § 224. INALIENABILITY OF ASSISTANCE PAYMENTS

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

1                                    Subchapter 4. Prohibited Practices; Penalties

2                    § 241. FRAUD

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

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

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

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

1 sources; or who in any way knowingly receives, attempts to receive, or aids  
2 and abets in the receipt of unauthorized payment as provided herein shall be  
3 punished as provided in section 143 of this title.

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

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

4       § 242. BRINGING PERSON IN NEED INTO THE STATE

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

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

18       § 243. GENERAL PENALTY

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

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

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

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

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

1        (c) If a provider of services is convicted of a violation of subsection 241(d)  
2        or (e) of this title, the Commissioner of Vermont Health Access shall, within  
3        90 days following the conviction, suspend the provider from further  
4        participation in the medical assistance program administered under Title XIX  
5        of the Social Security Act for a period of four years. The suspension required  
6        by this subsection may be waived by the Secretary of Human Services only  
7        upon a finding that the recipients served by the convicted provider would  
8        suffer substantial hardship through a denial of medical services that could not  
9        reasonably be obtained through another provider.

10       § 243a. CIVIL REMEDIES

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

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

15           (2) interest; and

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

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

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

2        § 243b. EDUCATION AND INFORMATION

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

11       § 244. STATUTORY CONSTRUCTION

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

16       (b) Section 243 of this title shall not preclude prosecution under any other  
17       title or sections of this title when the alleged violation is under subsection  
18       241(c) or (d) of this title.

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

20       § 1001. DEFINITIONS

21       As used in this chapter:

1 \* \* \*

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

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

6 \* \* \*

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

8 § 1101. DEFINITIONS

9 As used in this chapter:

10 \* \* \*

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

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

15 \* \* \*

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

17 § 1107. CASE MANAGEMENT; FAMILY DEVELOPMENT PLANS;

18 COORDINATED SERVICES

19 \* \* \*

20 (d) The Secretary of Education, with the assistance and support of the  
21 Commissioner ~~for Children and Families~~ of Economic Empowerment, the

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

15 \* \* \*

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

17 § 1201. DEFINITIONS

18 As used in this chapter:

19 \* \* \*

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



1 ~~and Families~~ of Economic Empowerment shall investigate and prescribe the  
2 amount of the grant to be given, if any. No individual shall receive more than  
3 one type of grant or aid under this chapter.

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

5 § 1307. AMOUNT OF STATE AID

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

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

18 § 1308. RULES

19 In fixing standards and adopting rules under this chapter, the Commissioner  
20 ~~for Children and Families~~ of Economic Empowerment shall be guided by the  
21 statutory standards set forth in this chapter, which standards shall not be

1 deemed necessarily to incorporate by reference decisional or statutory law  
2 applicable to the aid to the aged, blind, and disabled program in effect prior to  
3 January 1, 1974.

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

5 § 1701. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

6 \* \* \*

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

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

11 § 1702. PAYMENT ERROR RATE REPORT

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

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



1 (a) Consistent with available appropriations, the Department ~~for Children~~  
2 ~~and Families~~ of Economic Empowerment shall furnish General Assistance  
3 under this chapter, except as provided in this section, to any otherwise eligible  
4 individual unable to provide the necessities of life for the individual and for  
5 those whom the individual is legally obligated to support. Except for those in  
6 catastrophic situations as defined in rules, no General Assistance shall be  
7 provided in the following situations:

8 (1) to any individual whose income from any source, including the  
9 Department ~~for Children and Families~~ of Economic Empowerment, during the  
10 30 days immediately preceding the date on which assistance is sought is equal  
11 to the General Assistance eligibility standard; and

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

14 \* \* \*

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

19 (f) [Repealed.]

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

21 § 2114. RENTAL OR MORTGAGE ARREARAGE PROGRAM

1 (a) The Department ~~for Children and Families~~ of Economic Empowerment  
2 shall provide up to three months of rental or mortgage arrearage assistance to  
3 eligible families. Assistance under this section is not an entitlement and shall  
4 be limited to the funds appropriated.

5 \* \* \*

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

7 § 2115. GENERAL ASSISTANCE PROGRAM REPORT

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

14 \* \* \*

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

16 § 2301. BURIAL RESPONSIBILITY

17 \* \* \*

18 (d) As used in this chapter:

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



1 or an order under an administrative proceeding of another state, including an  
2 order in a final decree of divorce.

3 (2) “Custodial parent” means any person with whom a dependent child  
4 actually resides, whether or not the parent is receiving public assistance  
5 benefits under chapter 11 of this title, or the Commissioner for Children and  
6 Families if the dependent child is under the care and control of ~~that~~ the  
7 Department for Children and Families.

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

10 \* \* \*

11 Sec. 67. 33 V.S.A. § 3902 is amended to read:

12 § 3902. ASSIGNMENT OF SUPPORT RIGHTS BY PUBLIC ASSISTANCE  
13 RECIPIENTS; PROCEEDINGS TO ESTABLISH SUPPORT  
14 OBLIGATION

15 (a) As a condition of eligibility for public assistance, each applicant or  
16 recipient shall assign to the Department any right to support from a responsible  
17 parent that has accrued at the time of the assignment and that the applicant may  
18 have in the applicant’s own behalf or on behalf of any other family member for  
19 whom the applicant is applying or receiving assistance.

20 (b) An assignment in effect under this section shall be subject to the  
21 provisions of section 4106 of this title.

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

10 \* \* \*

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

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

2 § 3903. CHILD SUPPORT DEBT

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

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

15 Sec. 69. TRANSFER OF RULEMAKING AUTHORITY; TRANSFER OF  
16 RULES TO THE DEPARTMENT OF ECONOMIC  
17 EMPOWERMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1  
2 Sec. 70. EFFECTIVE DATES

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

9 (b)(1) Sec. 3 (Child Care Financial Assistance Program; eligibility) and  
10 Sec. 5 (provider payments) shall take effect on July 1, 2024, subject to fiscal  
11 year 2025 appropriations for this purpose, except that the Commissioner for  
12 Children and Families shall adopt any rules necessary prior to that date in order  
13 to perform the Commissioner’s duties under this act.

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

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

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

\_\_\_\_\_

Senator \_\_\_\_\_

FOR THE COMMITTEE