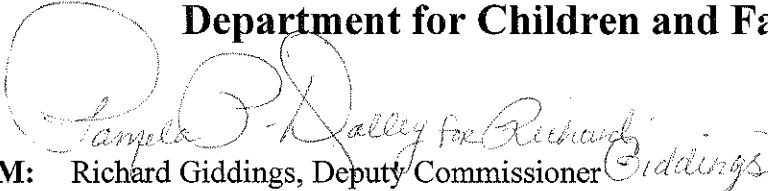


STATE OF VERMONT
AGENCY OF HUMAN SERVICES

DCF

Department for Children and Families

BULLETIN NO.: 12-18F


FROM: Richard Giddings, Deputy Commissioner
Economic Services Division

DATE: January 16, 2013

SUBJECT: Reach Up Program Rules

CHANGES ADOPTED EFFECTIVE 2/1/13

INSTRUCTIONS

- Maintain Manual - See instructions below.**
- Proposed Regulation - Retain bulletin and attachments until you receive Manual Maintenance Bulletin: _____**
- Information or Instructions - Retain until _____**

MANUAL REFERENCE(S):

2214 2301
2226 2363
2230

The bulletin proposes changes to the Reach Up program rules pertaining to the length of time during which a Reach Up grant shall continue in circumstances where the child or parent/caretaker is temporarily absent from the home and the conditions that must be met in order to receive benefits during temporary absences. It proposes to revise other Reach Up rules impacted by this change, specifically deleting the rule related to family separations, adding clarifying language to the protective payments rule, and moving the definition of relative to the definitions section of the Reach Up Services rules.

The bulletin also proposes to simplify the documentation requirements pertaining to the domestic violence work deferment or modification rule under the Reach Up program.

Temporary Absence from the Home

The proposed rule extends the amount of time a household's Reach Up grant continues during temporary absences of either the child or parent/caretaker from the home from 30 days to 180 days, if certain conditions are met. Under the proposed rule, a family's Reach Up grant will continue if the parent or caretaker is absent from the home to receive medical care or if the child is absent from the home because: (1) the child is receiving medical care; (2) the child is removed from the home by the Family Services Division; or (3) the child is incarcerated. In order to be eligible for benefits during

these periods of absence, the parent or caretaker must continue to maintain a home for the family, reunification of the family must be likely to occur within 180 days, and the household must continue to meet all other eligibility requirements for Reach Up. The intent of this rule is to enable a family to maintain its home in circumstances where the family will be reunited within 180 days, consistent with the TANF purpose of assisting needy families so that children can be cared for in their own homes. With the comprehensive definition of temporary absences provided in this proposed rule, the rule related to family separations becomes obsolete and will be deleted.

Changes Related to Protective Payments

The proposed rule requires housing expenses to be paid through the department's controlled vendor payment system during the temporary absence of a parent or caretaker from the home. The bulletin proposes to add language to the protective payments rules that addresses temporary absences of the parent or caretaker from the home.

Definition of Relative

The proposed rule moves the definition of relative to rule 2301.

Domestic Violence Deferment or Modification

The proposed rule removes the requirement that a Reach Up participant must provide supporting documentation and an affidavit upon requesting a domestic violence work deferment or modification. The rule clarifies that the department's decision shall be based on the participant's written statement alone if the participant is unable or unwilling to provide supporting documentation.

Specific Changes to Rule Sections

- 2214.2** Removes subsection 2214.2, Family Separation. Renumbers subsection 2214.3, Deceased Participant.
- 2226** Adds language that protective payments for housing are made in cases where a parent or caretaker is temporarily absent from the home, cross-referenced to proposed rule 2230.3.
- 2226.5** Adds language that families in which a parent or caretaker is temporarily absent from the home will be placed on controlled vendor payments, cross-referenced to proposed rule 2230.3.
- 2226.7** Adds language that vendored housing expenses for families in which a parent or caretaker is temporarily absent from the home shall continue pending appeal before the Human Services Board.
- 2230** Adds language clarifying that Reach Up eligibility shall continue, under certain circumstances, during the temporary absence of either the child or parent/caretaker from the home. Replaces "relative" with "parent."

- 2230.1** Removes subsection 2230.1, Relative. Renumbers subsection 2230.2, Qualified Caretaker. Adds language clarifying that a qualified caretaker may be a relative or unrelated adult. Deletes conflicting language that a qualified caretaker is fulfilling the role because there is no available relative to care for the child, or placement of the child with a relative would be unsuitable.
- 2230.2** Renumbers subsection 2230.3, Home. Replaces “relative” with “parent.” Removes language requiring relative or caretaker to remain responsible for the care and control of a child during temporary absences.
- 2230.3** Adds definition of temporary absences from the home and criteria for continued receipt of the Reach Up grant during temporary absences of either the child or parent/caretaker from the home.
- 2301** Replaces definition of “relative” at 2301(Y) with definition cross-referenced to rule 2230.1.
- 2363.1** Add language clarifying that a Reach Up participant is not required to provide supporting documentation or an affidavit, and that in the absence of supporting documentation the domestic violence deferment or modification shall be based on the participant’s written statement alone.

Rulemaking Process

A. Informal Public Input Process

1. The proposed rule was filed with the Interagency Committee on Administrative Rules (ICAR) on October 5, 2012 and presented at its meeting on October 15, 2012.
2. The proposed rule was filed with the Secretary of State’s Office and the Legislative Committee on Administrative Rules (LCAR) on October 18, 2012.
3. The Secretary of State published notice of rulemaking on their website on October 24, 2012.
4. The department posted the proposed rule on its website <http://dcf.vermont.gov/esd/rules> and notify advocates, subscribers, and members of the public of the proposed rule.

B. Formal Notice and Comment Period

1. A public hearing was held on Monday, November 26, 2012 at 2:30 p.m., in the DCF Commissioner’s Conference Room, 1000 River Street, Building 967, Essex Junction, VT 05452. There were no public attendees.
2. The comment period on the proposed rules closed on Monday, December 3, 2012 at 4:30 p.m. The department received one comment from a staff member of the Economic Services Division (ESD) of DCF.

3. On or before Monday, December 17, 2012 copies of the final proposed rule are expected to be filed with the Secretary of State and the Legislative Committee on Administrative Rules (LCAR).
4. The department expects to present the rule to LCAR on Thursday, January 17, 2013.
5. The department expects to file the final rule no later than Friday, January 18, 2013.
6. The rule is expected to be effective on February 1, 2013.

Comments and Responses

One employee of the Economic Services Division of the Department for Children and Families commented on the proposed rules.

2363.1 Domestic Violence Deferment or Modification

Comment: The commenter questioned whether simplifying the verification requirements for a request for a work deferment or modification due to the effects of domestic violence would lead to an increase in fraudulent claims of domestic violence.

Response: While the proposed rule does away with the requirement that an individual provide a sworn affidavit and supporting documentation, the deferment or modification request still must be supported by a detailed, consistent, and credible written statement. Under the proposed rule, the department retains the discretion to deny the deferment or modification request if the written statement alone is insufficient to support the request, and therefore, it is unlikely that the simplified verification requirements will lead to an increase of deferments or modifications based on fraudulent claims of domestic violence.

To get more information about the Administrative Procedures Act and the rules applicable to state rulemaking go to the website of the Office of the Vermont Secretary of State at: <http://vermont-archives.org/aparules/> or call Louise Corliss at 828-2863

For information on upcoming hearings before the Legislative Committee on Administrative Rules go to the website of the Vermont Legislature at: <http://www.leg.state.vt.us/schedule/schedule2.cfm> or call 828-5760.

* * * * *

Vertical lines in the left margin indicate significant changes. Dotted lines at the left indicate changes to clarify, rearrange, correct references, etc., without changing the content.

Manual Maintenance

<u>Remove</u>		<u>Reach Up Rules</u>		<u>Insert</u>	
2214.2	(79-21)			2214.2	(12-18)
2226	(08-02)			2226	(12-18)
2226.7	(01-06)			2226.7	(12-18)
2230	(08-20)			2230	(12-18)
2230.1	(94-12)			2230.1	(12-18)
2301	(08-02)			2301	(12-18)
2363.1	(08-02)			2363.1	(12-18)

Change of Circumstances

2214.2 Deceased Participant

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

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

Protective Payments

2226 Protective Payments

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

Protective payments are used as follows:

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

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

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

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

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

Protective Payments

2226.5 Controlled Vendor Payments (CVP)

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

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

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

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

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

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

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

Protective Payments

2226.7 Appeal

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

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

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

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

- A. made under criterion 2 of 2226.1, or
- B. made as a result of a sanction for failure to meet services component requirements will not have protective payments made pending the Human Service Board decision if a participant requests an appeal before the decision goes into effect.

Eligible Child

2230 Eligible Child

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

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

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

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

Eligible Child

2230.1 Qualified Caretaker

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

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

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

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

- B. Is fulfilling this role because the parent(s) is not in the home due to death, incarceration, extreme illness such that the parent is unable to provide guidance, or abandonment.

2230.2 Home

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

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

Eligible Child

2230.3 Temporary Absence from the Home

In all cases where a child or parent/caretaker is or will be absent from the home for a period of 30 days or more, the parent or caretaker must notify the department, advising of the reason for the absence, the designation of the alternate payee (if applicable), and the parent/caretaker's intent to maintain a home for the child during the absence. All temporary absences of a parent or caretaker exceeding 30 days shall be subject to verification and approval by the department.

A. Temporary Absence of a Parent or Caretaker

1. A parent or caretaker who is temporarily absent from the home to receive inpatient or outpatient care from a hospital, substance abuse treatment facility, or other medical institution for a period greater than 30 days, but not to exceed 180 consecutive days, may continue to receive Reach Up assistance if the following criteria are met:
 - i. The parent or caretaker continues to maintain a home and be responsible for the child;
 - ii. The parent or caretaker has arranged for a responsible adult to care for the child and to be designated as the alternate payee of the Reach Up grant during the absence;
 - iii. The parent or caretaker plans to return to the home at the end of the absence; and
 - iv. The household continues to meet all other eligibility requirements for Reach Up.
2. A parent or caretaker who is temporarily absent from the home for reasons other than to receive medical care as specified under (A)(1) (e.g. to handle a family emergency, seek employment, or out-of-home visits) may continue to receive assistance for a period not to exceed 30 days.
3. For absences beyond 30 days, the department shall provide housing expenses by vendor payment if a housing allowance is included in the grant. Housing expenses include rent, mortgage, property taxes, insurance, allowable maintenance and repair, and room and board. If there is any balance remaining after the housing expenses are deducted, the remaining amount shall be paid to the designated alternate payee in two payments. Sixty percent of any remainder shall be paid within the first half of the calendar month and forty percent within the second half of the month.
4. Needs shall be budgeted pursuant to rule 2264.
5. Reach Up assistance will terminate when the parent or caretaker has been absent from the home for more than 180 consecutive days.

Eligible Child

2230.3 Temporary Absence from the Home

B. Temporary Absences of a Child

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

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

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

Definitions

2301 Definitions

The following definitions apply to the terms used in the rules for the Reach Up services component and the Reach First program.

- A. "Able-to-work" means to be free of any physical, emotional, or mental condition that would prevent the individual from engaging in any allowable and countable combination of the work activities for at least 35 hours per week.
- B. "Able-to-work-part-time" means having a physical, emotional, or mental condition that would allow the individual to engage in any combination of the work activities for at least 10 hours per week but would prevent the individual from engaging in such activities for 35 or more hours per week.
- C. "Adult" means an individual age 18 or older who is not a dependent child; or an individual under age 18 who is either pregnant or the parent of a dependent child.
- D. "Assessment" means the information-gathering process, carried out by the department's established protocol in Reach First, that identifies an individual's skills, aptitudes, interests, life and work experience, and barriers; and the determination of how these factors relate to the individual's family responsibilities, including child well-being, and current or potential participation in the labor force.
- E. "Barrier" means any physical, emotional, or mental condition; any lack of an educational, vocational, or other skill or ability; any lack of transportation, child care, housing, medical assistance, or other services or resources; domestic violence circumstances; caretaker responsibilities; or other conditions or circumstances that prevent an individual from engaging in employment or other work activity.
- F. "Caretaker" means an individual, other than a parent, age 18 or older who is fulfilling a parental role in caring for a dependent child by providing physical care, guidance, and decision-making related to the child's health, school, medical care, and discipline.
- G. "Case management" means the services provided by or through the department to participating families, including assessment, information, referrals, and assistance in the preparation and implementation of a family development plan.
- H. "Commissioner" means the Commissioner of the Vermont Department for Children and Families, or the commissioner's designee.
- I. "Department" means the Vermont Department for Children and Families (DCF).
- J. "Dependent child" means a child who is a resident of this state and:
 - is under the age of 18 years; or
 - is 18 years of age or older who is a full-time student in a secondary school, or attending an equivalent level of vocational or technical training, and is reasonably expected to complete the educational program before reaching the age of 19 or is not expected to complete the educational program before reaching 19 solely due to a documented disability.

Definitions

- K. "Domestic violence" means any of the following acts, if committed by a family or household member:
- physical acts that resulted in, or threatened to result in, physical injury to the individual;
 - sexual abuse;
 - sexual activity involving a dependent child;
 - being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;
 - threats of, or attempts at, physical or sexual abuse;
 - mental or emotional abuse; or
 - neglect or deprivation of medical care.

For the purposes of this definition, household members are persons who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or who have dated. Dating means a social relationship of a romantic nature.

- L. "Eligible family" means a family that is determined to be financially eligible for the programs authorized by 33 V.S.A. Chapters 10 and 11.
- M. "Family" means:
- one or more dependent children living with one or both parents or a relative, or a caretaker of such children; or
 - a pregnant individual.
- N. "Family development plan" (FDP) means the written plan, developed by the case manager with the involvement of the participating family, that charts the family's participation in the services component of Reach Up.
- O. "Homeless" means lacking a fixed and regular nighttime residence or living in one of the following as a primary nighttime residence:
- a supervised shelter designed to provide temporary accommodations, such as a welfare hotel or congregate shelter;
 - a halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;
 - a temporary accommodation, for not more than 90 days, in the residence of another individual;
 - a place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings, such as a hallway, bus station, lobby, or similar place.
- P. "Living with a relative or caretaker" means living with a caretaker or relative in a residence maintained by the caretaker or one or more relatives at his or her or their home.

Definitions

- Q. "Parent" means a biological parent, stepparent, adoptive parent, or pregnant individual.
- R. "Participant" means an adult or out-of-school youth who is a member of a participating family.
- S. "Participating family" means an eligible family that participates in the Reach Up program.
- T. "Primary caretaker parent" means the parent in a two-parent family with two able-to-work parents whose primary role is to care for the children.
- U. "Principal-earner parent" means the parent in a two-parent family with two able-bodied parents whose primary role is breadwinner.
- V. "Reach First payment" means one or more cash payments to assist a family to gain self-sufficiency and avert the need for Reach Up financial assistance.
- W. "Reach First services" means the services component of the Reach First program consisting of assessment, case management services, support services, and referrals provided to eligible families to assist them in becoming self-sufficient.
- X. "Reach Up services" means the services including assessment in Reach First, case management services, support services, and referrals provided to participating families to help them become self-sufficient.
- Y. "Relative" means a person related to a dependent child in any one of the following ways:
- A blood relative, including those of half-blood, and including first cousins, nephews, nieces and preceding generations, as denoted by the prefixes grand-, great-, and great-great;
 - A stepparent, stepbrother, stepsister;
 - An adoptive relative of corresponding degree, upon whom are conferred under Vermont law (15A V.S.A § 1-104) the same rights, duties and obligations as natural relatives; or
 - A spouse of an individual included in one of the above groups, whether or not the marriage has been terminated by death or divorce.
- Z. "Resources" means any income and property available from whatever source and as specifically defined in Reach Up eligibility (rules 2280).
- AA. "Secretary" means the secretary of the Agency of Human Services or his or her designee.

Definitions

- AB. "Support services" means the services and referrals listed in and provided to eligible families according to Reach Up and Reach First rules.
- AC. "Temporary Assistance to Needy Families" (TANF) means the block grant provided to this state and established in accordance with Part A of Title IV of the federal Social Security Act, as amended, and the regulations promulgated pursuant thereto by the United States Secretary of Health and Human Services.
- AD. "Unable-to-work" means not able-to-work and not able-to-work-part-time.
- AE. "Work-eligible adult" means an adult in the applicant household who would have a work requirement if the family were receiving TANF-funded financial assistance.
- AF. "Work activities" means the activities described at rule 2350
- AG. "Work-ready" means an adult is not subject to a barrier and is capable of participating in a single work activity or combination of work activities for the number of hours needed to meet the work requirement.

Deferment or Modification of Work Requirement

2363.1 Domestic Violence Deferment or Modification

When a participant requests a deferment or modification due to the effects of domestic violence, the department shall make an individualized assessment of the family situation and available documentation to determine whether the request shall be granted. The department shall grant a deferment or modification when, due to the effects of the domestic violence, fulfillment of the work requirement can be reasonably anticipated to result in serious physical or emotional harm to the participant that significantly impairs the participant's capacity either to fulfill the requirements or to care for a child adequately, or can be reasonably anticipated to result in serious physical or emotional harm to the child. These effects may be the result of domestic violence that occurred in the past or is occurring in the present.

Using a form provided by the department, the participant shall complete a written statement providing information about the domestic violence and its effects. The participant may attach supporting documentation to the form and refer to the attached documentation instead of rewriting the same information in the statement. In every case, the department shall inquire whether the participant needs help completing the written statement or obtaining additional documentation and, if so, provide that help.

Supporting documentation is not necessary if the participant's written statement is sufficiently detailed, consistent, and credible. If the department determines that supporting documentation may be needed to resolve any deficiencies or inconsistencies in the written statement, the following items are examples of acceptable documentation:

- medical records (for example, from a doctor, dentist, nurse, nurse practitioner, physician assistant, or public health nurse);
- court documents (for example, relief from abuse orders, divorce findings, criminal proceedings including charges, not just convictions);
- police reports;
- statements from victim advocates in state's attorneys' offices;
- statements from staff working in a domestic violence program;
- school personnel reports;
- reports from other professionals (for example, private therapists, mental health or Family Services Division staff);
- statements from neighbors or employers; or
- sworn affidavits from family and friends.

If, for any reason, the participant is unable or unwilling to provide supporting documentation, the department shall not require the participant to provide such documentation and the decision to grant or deny the deferment or modification shall be based on the participant's written statement alone.

Deferment or Modification of Work Requirement

The department may grant an initial deferment or modification due to the effects of domestic violence for a period up to six months. In the case of a participant capable of working part-time, the department shall modify the work requirement to reflect the number of hours the participant can work.

The department may extend the deferment or modification for a period of up to six months at a time. There is no limit to the number of times the exemption may be extended, as long as the conditions for extending it, described below, are met. No additional verification of domestic violence is required if circumstances have not changed.

To retain the exemption or an extension of the exemption, the participant must participate constructively in the development and, where applicable, modification of a family development plan (FDP) that addresses the effects of domestic violence. In addition, the participant must participate in FDP-approved activities and complete them satisfactorily, as determined by the case manager.