

STATE OF VERMONT  
AGENCY OF HUMAN SERVICES

**DCF**

**Department for Children and Families**

**BULLETIN NO.:** 13-18F

**FROM:** Richard Giddings, Deputy Commissioner  
Economic Services Division

**DATE:** July 10, 2014

**SUBJECT:** Reach Up Rules

**CHANGES ADOPTED EFFECTIVE** 11/1/13

**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):**

2220  
2301

This bulletin changes the Reach Up program rules as required by 42 U.S.C. § 608(a)(12). This federal regulation prohibits states from allowing TANF benefits to be used at liquor stores, casinos and adult-oriented businesses in any electronic benefits transfer transaction. States must demonstrate compliance with the federal mandate by February 1, 2014. The Reach Up rules have been revised to state that such transactions are prohibited and the federal definition of electronic benefits transfer transaction has been added to the Reach Up rules.

This bulletin also removes language pertaining to the concurrent receipt of Reach Up and Supplemental Security Income. Federal law no longer prohibits the concurrent receipt of TANF benefits and SSI.

***Specific Changes to Rule Sections***

- 2220** Adds language prohibiting the use of a Reach Up money grant in an electronic benefits transfer transaction at liquor stores, casinos and adult-oriented businesses and requiring reimbursement for the amount of assistance used in a prohibited transaction. Deletes obsolete references to the federal prohibition against concurrent receipt of Reach Up and SSI.
- 2301** Adds definition of “electronic benefits transfer transaction.” Renumbers the succeeding definitions.

**Rulemaking Process**

***A. Informal Public Input Process***

1. The proposed rule was filed with the Interagency Committee on Administrative Rules (ICAR) on June 27, 2013 and presented at its meeting on July 8, 2013.
2. The proposed rule was filed with the Secretary of State's Office and the Legislative Committee on Administrative Rules (LCAR) on July 12, 2013.
3. The Secretary of State published notice of rulemaking on their website on July 17, 2013.
4. The department posted the proposed rule on its website <http://dcf.vermont.gov/esd/rules> and notified 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, August 19, 2013 at 1:00 p.m., in the Skunk Hollow 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, August 26, 2013 at 4:30 p.m. No comments were received.
3. On Tuesday, September 3, 2013 copies of the final proposed rule were filed with the Secretary of State and the Legislative Committee on Administrative Rules (LCAR).
4. The department presented the rule to LCAR on Thursday, September 19, 2013.
5. The department expects to file the final rule no later than Thursday, October 17, 2013.
6. The rule is expected to be effective on November 1, 2013.

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.

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**Manual Maintenance**

Significant changes are indicated by vertical lines in the margin. Changes to clarify, rearrange or correct references without changing the procedure are dotted.

<b><u>Remove</u></b>		<b><u>Reach Up Rules</u></b>		<b><u>Insert</u></b>	
2220	(94-12)	2220		2220	(13-18)
2301	(12-18)	2301		2301	(13-18)

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Money Grants

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2220 Money Grants (11/01/2013, 13-18F)

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

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

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

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

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

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

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

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

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Definitions

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2301 Definitions (11/01/2013, 13-18F)

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.

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Definitions

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- 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. “Electronic benefit transfer transaction” means the use of a credit or debit card service, automated teller machine, point-of-sale terminal, or access to an online system for the withdrawal of funds or the processing of a payment for merchandise or a service.
- M. “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.
- N. “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.
- O. “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.
- P. “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.
- Q. “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.

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Definitions

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- R. "Parent" means a biological parent, stepparent, adoptive parent, or pregnant individual.
- S. "Participant" means an adult or out-of-school youth who is a member of a participating family.
- T. "Participating family" means an eligible family that participates in the Reach Up program.
- U. "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.
- V. "Principal-earner parent" means the parent in a two-parent family with two able-bodied parents whose primary role is breadwinner.
- W. "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.
- X. "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.
- Y. "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.
- Z. "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.
- AA. "Resources" means any income and property available from whatever source and as specifically defined in Reach Up eligibility (rules 2280).
- AB. "Secretary" means the secretary of the Agency of Human Services or his or her designee.

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Definitions

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- AC. “Support services” means the services and referrals listed in and provided to eligible families according to Reach Up and Reach First rules.
- AD. “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.
- AE. “Unable-to-work” means not able-to-work and not able-to-work-part-time.
- AF. “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.
- AG. “Work activities” means the activities described at rule 2350
- AH. “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.