

STATE OF VERMONT
AGENCY OF HUMAN SERVICES

DCF

Department for Children and Families



BULLETIN NO.: 23-32

FROM: Miranda Gray, Deputy Commissioner
Economic Services Division

DATE: 07/22/24

SUBJECT: Reach First Rules

CHANGES ADOPTED EFFECTIVE 08/01/2024

STATUS

- Proposed Rule
- Final Proposed Rule
- Adopted Rule

RULE REFERENCE(S):

2100-1260

Summary of Proposed Rule

The Reach First program provides cash assistance for up to four months to families experiencing a short-term crisis. The Reach First rules govern the eligibility criteria for the Reach First program. A family that meets eligibility criteria for Reach Up financial assistance (Vermont's Temporary Assistance for Needy Families program) and has needs that can be fully addressed by Reach First payments and support services may be eligible for Reach First. The proposed rule reorganizes and renumbers the rules to conform to a standard outline format, updates terminology, updates statutory references, and replaces deficit-based language with strengths-based language (for example, using the term "engagement" instead of "compliance"). To conform to Act 133 of 2022, the proposed rule replaces references to the "Reach Up work requirement" with "federal work requirement" and eliminates provisions regarding work-requirement based referrals to other programs and mandatory participation in Reach First.

Specific Changes to Rule Sections

Former Section	New Section	Explanation
2100	2100	Reach First – no substantive changes
2101	2101	Definitions – no substantive changes
2110	2102	Eligibility – no substantive changes
2111	2103	Financial Eligibility – no substantive changes
2112	2104	Interview – eliminated requirement to conduct an in-person interview
2114	2104.1	Financial and Household Stability Screening – no substantive changes

2115	2105	Ineligible Household – no substantive changes
2116		Households Inappropriate for Referral – To align with changes to the Reach Up program in Act 133, mandatory referral to the Reach Up program was eliminated
2117		Mandatory Reach First Households - To align with changes to the Reach Up program in Act 133, mandatory participation in the Reach First program was eliminated
2118		Non-Mandatory Reach First Households – With the elimination of mandatory participation, this section was no longer necessary
2120	2106	Reach First Benefits – no substantive changes
2121	2107	Benefit Calculation – no substantive changes
2122	2108	Benefit Disbursement – no substantive changes
2130	2109	Reach First Services – no substantive changes
2131	2110	Assessment – no substantive changes
2132	2111	Case Management – eliminated language duplicative of family development plan language in proposed rule 2115 (former rule 2133)
2133	2112	Family Development Plans – no substantive changes
2134	2113	Support Services – no substantive changes
2140	2114	Participant Responsibilities - eliminated language duplicative of assessment family development plan language in proposed rules 2113 (former rule 2131) and 2115 (former rule 2133)
2141	2115	Non-Engagement – no substantive changes
2142	2116	Types of Non-Engagement - language addressing de factor refusal, included in proposed rule 2119.1, was not included in this new section; language addressing overt refusal, included in proposed rule 2119.2, was not included in this new section; language addressing good cause, included in proposed rules 2120 and 2120.1, was not included in this new section
	2116.1	De Facto Refusal – new section incorporating language from former rule 2142 addressing de facto refusal
	2116.2	Overt Refusal - new section incorporating language from former rule 2142 addressing overt refusal
	2117	Determination of Good Cause – new section incorporating language from former rule 2142 addressing the determination of good cause
	2117.1	Good Cause Criteria - new section incorporating language from former rule 2142 addressing good cause criteria
2143	2118	Conciliation – replaced language addressing the conciliation process with a reference to the Reach Up Services rules governing the conciliation process

2150	2119	Referral and Transition to Reach Up or PSE – eliminated language regarding transition to Reach Ahead as Reach First participants are not eligible to be transitioned to Reach Ahead; updated language regarding Transition Medical Assistance to align with Medicaid rules
2160	2120	Notice and Appeal – no substantive changes
	2121	Severability – new rule addressing severability

Rulemaking Process

A. Informal Public Input Process

1. The proposed rules were pre-filed with the Interagency Committee on Administrative Rules (ICAR) on December 8, 2024, and presented at ICAR’s meeting on January 8, 2024.
2. The proposed rules were filed with the Secretary of State’s Office on February 2, 2024.
3. The Secretary of State published a notice of rulemaking on its website and in newspapers on February 7, 2024, and February 15, 2024, respectively.
4. The Department posted the proposed rule on its website, <https://dcf.vermont.gov/esd/laws-rules/proposed>, and notified advocates, subscribers, and members of the public of the proposed rule.

B. Formal Notice and Comment Period

1. An in-person and virtual public hearing was held on March 8, 2024 in Waterbury, VT. No one attended the public hearing. The deadline for written public comment was March 15, 2024. No comments were received.
2. The final proposed rule was filed with the Secretary of State’s Office and the Legislative Committee on Administrative Rules (LCAR) on April 29, 2024.
3. The final proposed rule was presented and approved by LCAR at its June 13, 2024 meeting.
4. The effective date of the rule is August 1, 2024.

To get more information about the Administrative Procedures Act and the rules applicable to state rulemaking, visit the website of the Office of the Vermont Secretary of State at: <https://sos.vermont.gov/secretary-of-state-services/apa-rules>. If you have general questions about the rulemaking process, email sos.statutoryfilings@vermont.gov or call 802-828-3700.

For information on upcoming hearings before the Legislative Committee on Administrative Rules (LCAR), visit the Vermont Legislature’s website at: <https://legislature.vermont.gov/committee/detail/2024/39> or call 828-2228.

Table of Contents

2100	Reach First.....	2
2101	Definitions.....	2
2102	Eligibility.....	3
2103	Financial Eligibility.....	3
2104	Interview.....	3
2104.1	Financial and Household Stability Screening.....	4
2105	Ineligible Households.....	4
2106	Reach First Benefits.....	4
2107	Benefit Calculation.....	5
2108	Benefit Disbursement.....	5
2109	Reach First Services.....	6
2110	Assessment.....	7
2111	Case.....	7
2112	Family Development Plans.....	7
2113	Support Services.....	8
2114	Participant Responsibilities.....	8
2115	Non-Engagement.....	8
2116	Types of Non-Engagement.....	8
2116.1	De Facto Refusal.....	8
2116.2	Overt Refusal.....	9
2117	Determination of Good Cause.....	9
2117.1	Good Cause Criteria.....	9
2118	Conciliation.....	9
2119	Referral and Transition to Reach Up or PSE.....	10
2120	Notice and Appeal.....	10
2121	Severability.....	11

2100 Reach First

- a. The purpose of the Reach First program is to assist households experiencing a short-term crisis, assess their strengths and needs, and orient them to available programs, services, and assistance.
- b. The goal of the Reach First program is to help households overcome obstacles, explore opportunities, and improve their finances.
- c. Reach First helps households by providing monetary payments and support services of limited duration while they regain their independence or are assessed and transitioned to an appropriate alternative program.
- d. A household that meets eligibility criteria for Reach Up benefits and has needs that can be fully addressed by the Reach First program may be eligible for Reach First.
- e. Households that are financially eligible for Reach First benefits but have needs that cannot be fully addressed by the Reach First program, shall be referred to other programs to assist them in obtaining the opportunities and skills necessary to achieve their goals, including their employment goals.

2101 Definitions

- a. The terms defined in the the Reach Up Eligibility and Reach Up Services definitions at rules 2201 and 2301 and are incorporated into the Reach First rules by reference.
- b. In addition, the following definitions apply to the Reach First program rules:
 1. "Eligible child" means a child under the age of 18.
 - i. An 18-year-old child is eligible if they are a full-time student in a secondary school, or an equivalent educational program, and the child is expected to complete high school or the equivalent program before reaching their 19th birthday.
 - ii. An eligible child under subsection (b)(1)(i) is eligible for Reach First benefits for the full calendar month they graduate high school or complete their educational program.
 - iii. Children who are not full-time secondary school students on the day before their 18th birthday are eligible for Reach First benefits for the full calendar month during which their 18th birthday occurs.
 - iv. An otherwise eligible 18-year-old child with a documented disability is eligible for Reach First benefits as follows:
 - A. If they are a full-time student in a secondary school, or an equivalent educational program, and the child will not complete high school or the equivalent program before their 19th birthday solely because of their disability.
 - B. An eligible child under subsection (b)(1)(iv)(A) above is eligible for Reach First benefits for the full calendar month during which their 19th birthday occurs.

2. "Reach First" means Vermont's Temporary Assistance for Needy Families (TANF) diversion program established under 33 V.S.A. chapter 10 and operated in accordance with Reach First rules 2100 to 2121.
3. "Reach First benefit" means one or more cash payments to assist a household to improve their finances and avert the need for Reach Up benefits.
4. "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 households to assist them in becoming self-sufficient.

2102 Eligibility

- a. To qualify for Reach First, the applicant must meet the income and resource eligibility requirements for Reach Up.
- b. The household must include an eligible child.
- c. The 60-month time limit (Reach Up Eligibility rule 2234) does not apply to Reach First eligibility.
- d. In addition to qualifying for Reach Up benefits, the applicant must meet the Reach First eligibility criteria.
- e. Households that qualify for, and participate in, Reach First are initially certified as eligible for a four – month certification period that begins with the first day of the first calendar month in which the household receives Reach First benefits.
 1. The certification period may be shortened if changes in the household's circumstances make them ineligible.

2103 Financial Eligibility

- a. A household is financially eligible for Reach First if the household's income and resources are below the limits established for the Reach Up program, which are incorporated into Reach First rules by reference except for the following sections:
 1. Benefit Payment (Reach Up Eligibility rule 2214.1);
 2. Cooperation with Office of Child Support (Reach Up Eligibility rule 2232.2); and
 3. Appeal of Reach Up Decision (Reach Up Eligibility rule 2262.3).

2104 Initial Interview

- a. An initial interview shall be conducted in accordance with Reach Up Eligibility rule 2208.2.
- b. The interview shall include enough information about programs, benefits, and participant responsibilities to enable applicants to make informed decisions about program participation.
- c. During the interview the Department shall provide the following to all applicants:
 1. Information about all programs administered by the department, services and referrals available

to the household, program requirements, participant responsibilities, consequences of not meeting these responsibilities, and incentives for participation and obtaining employment;

2. Financial and household stability screening;
3. Determination of Reach First eligibility related to prior receipt of Reach First benefits and the need for ongoing benefits;
4. Determination of appropriateness for Reach First referral; and
5. Determination of whether the household chooses to participate in Reach First.

2104.1 Financial and Household Stability Screening

- a. All applicants who are financially eligible for Reach First benefits must complete a financial and household stability screening unless it is clear the household is ineligible for Reach First (rule 2105).
- b. The financial and household stability screening determines whether the household's circumstances qualify them for Reach First, including a review of:
 1. The extent of the household's financial need;
 2. The likelihood that Reach First can address the household's needs within the program's time limits;
 3. The household's likelihood of not needing the program within the next four months;
 4. The household's need for further assessment to determine how to best meet its needs and whether Reach First is an appropriate referral; and
 5. The interest and desire to participate in Reach First as expressed by the applicant and any other work eligible adult (rule 2301) in the household.

2105 Ineligible Households

- a. The following households are ineligible for Reach First:
 1. Households that have received a Reach First benefit attributed to any month within the 12 months preceding the month of application; and
 2. Households that need on-going benefits beyond the four-month Reach First period.

2106 Reach First Benefits

- a. Reach First benefits must be directly related to the household's immediate financial crisis.
 1. The benefit must be necessary either to avoid the household's need for Reach Up benefits or to sustain them while they are assessed and referred to appropriate programs.
- b. Eligible households may receive Reach First benefits and support services for up to four months within a 12-month period.
- c. Total Reach First benefits shall not exceed the cumulative equivalent of four months of Reach Up benefits for which the household is financially eligible.

- d. Reach First payments may be made to the household by direct deposit, electronic benefit transfer (EBT) or, if the household requests, by direct payment to the person or other entity providing the housing, utilities, or other service to the household and as established in rule 2220.6.
- e. If a Reach First participant does not, without good cause (rule 2118.1), fulfill participant responsibilities, the Reach First benefit payment may be withheld during the conciliation process (rule 2121.1) until they comply.
- f. Reach First benefit payments do not continue while a fair hearing appeal is pending.
- g. Any Reach First benefit payment received by the household for a specific month shall be counted as income in that month for purposes of calculating the amount of benefits in Reach Up.

2107 Benefit Calculation

- a. The Department shall calculate the Reach First monthly benefits using Reach Up rules, provided the cumulative total of payments received during the four-month certification period does not exceed the Reach First benefit maximum.
- b. The Reach First benefit maximum is the amount used to establish the maximum limit on the cumulative amount of Reach First payments available to the household during the four-month certification period, regardless of the frequency of disbursement.
 - 1. The benefit maximum shall be determined using Reach Up Eligibility payment rules (Reach Up Eligibility rules 2238 through 2242) with the following additional steps:
 - i. Project and add the amounts of Reach First benefits expected for each month of presumptive eligibility relying on the most accurate information regarding the household's circumstances expected for those months without prorating for partial months;
 - ii. Reduce the total amount dollar for dollar for any Emergency Assistance or General Assistance (EA/GA) payment, other than back rent or mortgage arrearage assistance, received as a result of the current application; and
 - iii. Reduce the total amount dollar for dollar of any child support received or anticipated, other than the first \$100 of child support expected in the current and subsequent months of presumptive eligibility, during the certification period.
 - 2. As soon as the household notifies the Department of changes in circumstances that affect the amount of benefits not yet distributed, or the number of months in the certification period, the Department shall recalculate the benefit remaining in an effort to avoid an overpayment or underpayment.
- c. When Department or applicant/participant error results in an underpayment or overpayment, benefit adjustments shall be made in accordance with Reach Up Eligibility rules 2218 and 2219.

2108 Benefit Disbursement

- a. All Reach First benefits, other than the first payment, shall be disbursed on the first of the month.
- b. Benefits shall be disbursed in an amount that addresses specified and documented needs that are:
 - 1. A result of the household's crisis;

2. Necessary to stabilize the household while it regains its independence and stability; or
 3. Used to assess whether other program referrals are appropriate for the household.
- c. Reach First benefits shall be disbursed to the household or the designated vendor in monthly installments in an amount equal to or less than the amount the household has been determined eligible for in a month.
1. Disbursements of the maximum benefit in a lump sum or in one or more payments greater than the monthly amount shall be made only in exceptional circumstances (rule 2108(e)).
- d. Monthly disbursements shall be limited to the benefit amount the household would receive on Reach Up.
1. Reach First households needing assessment beyond the initial financial and stability screening shall qualify only for monthly disbursements until the additional assessments are complete.
 2. Reach First households eligible for and receiving monthly disbursements must be cooperating with all Reach First services requirements.
- e. Disbursement of Reach First benefits in a lump sum or in one or more payments greater than the monthly amount the household would receive on Reach Up shall be made only to a household meeting the following exceptional circumstances:
1. The household's initial financial and stability screening indicates the household qualifies for Reach First and does not require further in-depth needs assessment;
 2. The benefit addresses the household's current need in full;
 3. It is clear the Reach First benefit will end the household's need for any Reach First or Reach Up benefits for the foreseeable future, including:
 - i. An unexpected event that creates a less than 30-day delay of employment or income that will render the household ineligible for Reach Up, and an additional benefit, in an amount not to exceed the Reach Up benefit amount for the household, is relatively certain to divert them from the Reach Up program; and
 4. The participants in the household acknowledge that if they need to apply for Reach Up in the months attributed to the Reach First benefits, the Reach Up benefit will be reduced by the amount of the Reach First benefit.

2109 Reach First Services

- a. Reach First services consist of assessment, case management, referrals, and support services.
- b. Reach First participants must fulfill their responsibilities to continue to receive Reach First benefits and services.
- c. If needed to improve the participant's prospects for job placement and job retention, the Department shall provide the following:
 1. In-depth assessments of the full range of services needed by each household;
 2. Intensive case management or case consultation services;

3. Referral to any programs that provide the services needed; and
4. Transition to Reach Up or Post Secondary Education (PSE).

2110 Assessment

- a. All Reach First participants shall cooperate in initial and ongoing assessments.
- b. The assessment includes the following:
 1. Identification of the participant's strengths, skills, goals, interests, and work experience;
 2. Determination of whether the participant has obstacles and how these obstacles relate to their goals and ability to work;
 3. Literacy evaluation; and
 4. Determination of the services needed to achieve the participant's employment and other applicable goals through implementation of their family development plan (FDP).

2111 Case Management

- a. Case management shall be available to any Reach First household.
- b. A case manager shall be assigned to each Reach First participant as soon as they begin to receive benefits.
- c. Caseloads shall be consistent with Reach Up services caseload size (rule 2302.1).
- d. When, after assessment and establishment of the FDP, it is determined the household is not appropriate for Reach First, the case manager shall review Reach Up and PSE with them and, if requested by the household, attempt to transfer them.

2112 Family Development Plans

- a. Every Reach First participant must create an FDP.
- b. The FDP shall include:
 1. Each participant's employment and other applicable goals;
 2. An assessment of each participant's strengths and obstacles;
 3. A literacy evaluation followed by a referral to an appropriate resource or program;
 4. An identification of the services, supports, and accommodations needed to overcome any obstacles and move the participant towards their goals; and
 5. An outline of participant and department responsibilities with a time schedule for fulfillment of these responsibilities and activities.
- c. The FDP shall be completed within 30 days of the first meeting with Reach First program staff.
- d. Reach First program staff and participants shall establish a schedule for periodic review of the FDP that shall remain in place, as appropriate, if the household transfers to Reach Up or PSE.

2113 Support Services

- a. Support services are services and referrals needed for the accomplishment of the participant's goals and the implementation of their FDP.
- b. Reach First households are eligible for and subject to the same conditions for receiving Reach Up support services as indicated in rule 2303 and its subsections.

2114 Participant Responsibilities

- a. Each Reach First participant shall participate in their FDP requirements.
- b. Each participant shall continue to work on goals outlined on their FDP until the household is no longer eligible for Reach First or transferred to Reach Up or PSE.
- c. If a household is transferred to Reach Up or PSE, the rules of that program apply.

2115 Non-Engagement

- a. Participants, who do not engage with Reach First services responsibilities without good cause (rule 2120.1), shall not receive Reach First benefits until they engage.

2116 Types of Non-Engagement

- a. Participants must engage in all Reach First services requirements unless good cause exists for non-engagement.
- b. The Department will excuse non-engagement supported by good cause (rules 2120 and 2120.1).
- c. Non-engagement exists when the participant refuses to, or does not, engage in the following actions:
 1. Appear for an assessment after one written request by the Department;
 2. Cooperate in the development of the FDP;
 3. Attend and participate fully in FDP activities;
 4. Refrain from behavior that is disruptive to a program activity or the orderly administration of the program;
 5. Refrain from behavior that constitutes a threat or hazard to fellow participants;
 6. Accept appropriate child care (Reach Up Services rule 2326) or other support services that would allow participation in FDP activities;
 7. Follow through on treatment or rehabilitation services plans;
 8. Appear for a referral to, or interview for, a job consistent with the FDP; or
 9. Apply for, or comply with, the requirements of unemployment compensation, if otherwise eligible.

2116.1 De Facto Refusal

- a. De facto refusal occurs when non-engagement is implied by a participant not engaging in one or more Reach First requirements without good cause.

- b. The Department shall prepare a written record of the participant's non-engagement.
- c. If the Department determines that the participant had good cause for non-engagement, the non-engagement process ends.
- d. If no good cause for non-engagement exists, the Department will initiate the conciliation process or, for participants ineligible for conciliation, the Reach Up sanctions process (Reach Up Services rule 2328) and transfer the household to Reach Up.

2116.2 Overt Refusal

- a. Overt refusal occurs when, without good cause, a participant declares, verbally or in writing, an unwillingness to engage in Reach First services requirements.
 - 1. The Department will ask the participant to put verbal refusals in writing and if they refuse, the verbal refusal will be accepted.
- b. The Department shall prepare a written record of the participant's non-engagement.
- c. If the Department determines that the participant had good cause for non-engagement, the non-engagement process ends.
- d. If no good cause for non-engagement exists, the Department will initiate the conciliation process (Reach Up Services rule 2327.1) or, for participant's ineligible for conciliation, begin the Reach Up sanctions process (Reach Up Services rule 2328) and transfer the household to Reach Up.

2117 Determination of Good Cause

- a. The Department shall make a good-faith effort to contact the participant to determine whether there is good cause for the non-engagement.
- b. The Department may require the participant to provide documentation to support a claim of good cause.
- c. The Department will determine whether there was good cause for the participant's non-engagement.
 - 1. The Department will determine that no good cause exists if the participant does not fully cooperate with the Department's attempt to establish good cause.
- d. The Department shall complete the good cause determination within 10 days of becoming aware of the participant's non-engagement.

2117.1 Good Cause Criteria

- a. Circumstances beyond the control of the participant may constitute good cause for an individual's non-engagement.
- b. The good cause criteria listed in Reach Up Services rule 2326.2 constitute good cause for not engaging in Reach First FDP and participation requirements.

2118 Conciliation

- a. Conciliation is when the Department provides a Reach First participant an opportunity to re-engage with Reach First services requirements prior to being sanctioned and transferred to Reach Up.

- b. Reach Up Services rules 2327.1 – 2327.4 apply to conciliations within the Reach First program.
- c. The Department shall initiate conciliation when one of the following circumstances, without good cause, exist:
 - 1. A participant does not engage in the development of their FDP;
 - 2. A participant does not attend assessment and evaluation activities; or
 - 3. A participant does not engage with their FDP requirements.

2119 Referral and Transition to Reach Up or PSE

- a. The Department shall transfer the household to Reach Up or PSE if, after four months of receiving Reach First benefits, or sooner at the Department's discretion, a household needs additional time and services.
 - 1. The Reach First household may choose not to be transferred to Reach Up or PSE.
- b. If a household finds unsubsidized employment that meets the federal work requirements for the household's size and composition, but is financially eligible for Reach Up, the Department shall transfer the household to Reach Up.
 - 1. The Reach First household may choose not to be transferred to Reach Up.
 - 2. A household transferring from Reach First to Reach Up shall be treated as a participant for the purposes of resource calculation.
- c. If a participant is employed when they leave Reach First and are not eligible for Reach Up or PSE, the household shall qualify for support services for a period of 6 months (rule 2304), unless the household chooses not to participate.
- d. A Reach First household transferring to Reach Up or PSE shall not be required to complete a new application.
 - 1. Verification of income, assignment of support rights, or other documentation related to changes in circumstances may be required.
 - 2. If transferring to PSE, a PSE plan must be created and approved.
- e. A Reach First household with a working adult who leaves Reach First and is not eligible for Reach Up may be eligible for Transitional Medical Assistance for up to 12 months, pursuant to 42 U.S.C. § 1396r–6, beginning with the month immediately following the month in which they become ineligible.

2120 Notice and Appeal

- a. A participant may appeal decisions made by the Department in accordance with Reach Up Services rule 2331, except that Reach First benefits do not continue while an appeal is pending.
- b. The Department shall provide notice to each participant of the standards and procedures applicable to such appeals.

2121 Severability

- a. If any part of these Rules is held invalid by a court of competent jurisdiction, the invalidity shall not be construed to render the remaining parts of the Rules invalid.