

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: 1/18/24

SUBJECT: Reach First Rules

CHANGES ADOPTED EFFECTIVE 06/01/2024

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 will publish a notice of rulemaking on its website and in newspapers on February 7, 2024, and February 15, 2024, respectively.
4. The Department will post the proposed rule on its website, <https://dcf.vermont.gov/esd/laws-rules/proposed>, and notify advocates, subscribers, and members of the public of the proposed rule.

B. Formal Notice and Comment Period

1. An in-person public hearing will be held on March 8, 2024, at 10:00 am at St. Leo’s Hall, 109 S. Main St., Waterbury, VT. The public hearing will also be accessible by computer, tablet, smartphone, or landline. Join the online public hearing with a computer, tablet, or smartphone by connecting to:

or by calling 1-802-552-8456; Phone Conference ID: 514 485 683#
2. Written comments may be submitted no later than 4:30 pm on March 15, 2024, to heidi.moreau@vermont.gov.
3. The anticipated effective date of the rule is June 1, 2024. This date is subject to change.

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.

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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 this reference.
- b. In addition, the following definitions apply to the terms used in the rules for the Reach First program:
 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) above 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 chapter 10 of title 33 of the Vermont Statutes Annotated 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 of the Reach First program consisting of assessment, case management services, support services, and referrals provided to eligible households to assist them in improving their finances.

2102 Eligibility

- a. To qualify for Reach First, the applicant must meet the income and resource eligibility requirements for Reach Up.
- b. The 60-month time limit (Reach Up Eligibility rule 2234) does not apply to Reach First eligibility.
- c. In addition to qualifying for Reach Up benefits, the applicant must meet the Reach First eligibility criteria.
- d. 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 Interview

- a. An 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 of 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 ineligible 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, 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.

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Reach First

2100 — Reach First — (04/01/2008, 08-02)

The purpose of the Reach First program is to stabilize families experiencing a short-term crisis, assess their strengths and needs, and orient them to available programs, services, assistance, and participant's responsibilities. The goal is to improve family self-sufficiency, economic independence, and ensure the well-being of children. Reach First helps to stabilize the family by providing monetary payments and support services of limited duration while the family regains its independence and stability, or is assessed and transitions to an appropriate alternative program.

A family that meets eligibility criteria for Reach Up financial assistance and has needs that can be fully addressed by Reach First payments and support services may be eligible for Reach First. Financially eligible families not appropriate or qualified for Reach First shall be referred to other programs available to assist the family in obtaining the opportunities and skills necessary to gain self-sufficiency and economic independence.

Definitions

2101 — Definitions — (04/01/2008, 08-02)

The definitions applicable to Reach First rules are the definitions at rule 2301 and are incorporated into Reach First rules by this reference.

Eligibility

~~2110 — Eligibility (05/08/2018, 17-20)~~

~~To qualify for Reach First, the applicant family must qualify for Reach Up using Reach Up financial eligibility rules. The 60-month time limit (rule 2238) does not apply to Reach First eligibility. In addition to qualifying for Reach Up financial assistance, the applicant family must meet the Reach First eligibility criteria and, if it has no members who are mandatory applicants (rule 2117), must choose to participate in Reach First.~~

~~Families who qualify for and participate in Reach First are initially certified as eligible for a four-month period (certification period) that commences with the first day of the first calendar month in which the family receives a Reach First payment or support service. The certification period may be shortened if changes in the family's circumstances make them no longer eligible.~~

Financial Eligibility

~~2111 Financial Eligibility (01/01/2009, 08-20)~~

~~Financial eligibility for Reach First is evaluated and determined using Reach Up financial assistance rules 2200 through 2293.6 which are incorporated into Reach First rules by this reference except for the following sections:~~

- ~~A. Assistance Pending Fair Hearing rule 2215~~
- ~~B. Money Payment rule 2216.2~~

Personal Interview

2112 — Personal Interview — (05/08/2018, 17-20)

~~A personal interview shall be conducted in accordance with Reach Up rule 2211.2. C. The interview shall include sufficient information about programs, benefits, and participant responsibilities to enable applicants to make informed decisions about program participation. At the personal interview, the department shall provide the following to all applicants(s):~~

- ~~A. Information about all programs administered by the department, services and referrals available to the family, program requirements, participant responsibilities, consequences of failure to meet responsibilities, and incentives for participation and obtaining employment;~~
- ~~B. Financial and self-sufficiency screening;~~
- ~~C. Determination of Reach First eligibility related to past receipt of Reach First payment and to the need for ongoing assistance;~~
- ~~D. Determination of appropriateness for Reach First referral; and~~
- ~~E. Determination of whether the family chooses to participate in Reach First, if it is a family with no Reach First mandatory applicants.~~

Financial and Self Sufficiency Screening

2114 — ~~Financial and Self Sufficiency Screening~~ — (04/01/2008, 08-02)

- ~~A. All applicant families who have satisfied financial eligibility criteria for Reach First or financial assistance must complete a financial and self-sufficiency screening before determination of eligibility for Reach First, unless it is clear the family is ineligible for Reach First (rule 2115).~~
- ~~B. The financial and self-sufficiency screening determines whether the family's circumstances qualify them for Reach First. The screening includes determination of:~~
- ~~1. the extent of the family's financial need;~~
 - ~~2. the likelihood that Reach First can address the family's needs within the program's time limits;~~
 - ~~3. the family's prospects for and likelihood of self-sufficiency within the next four months;~~
 - ~~4. the family's need for further assessment to determine how to best meet the family's needs and whether Reach First is an appropriate referral;~~
 - ~~5. the work-eligible adults' interest and desire to participate in Reach First; and~~
 - ~~6. whether any family member is a mandatory Reach First applicant (rule 2115).~~

~~Ineligible Families~~

~~2115 — Ineligible Families — (04/01/2008, 08-02)~~

~~A. The following families are ineligible for Reach First:~~

- ~~1. families with a work eligible adult who has received a Reach First payment attributed to any month within the 12 months preceding the month of application; and~~
- ~~2. families who need on going assistance beyond the four month Reach First period.~~

Families Inappropriate for Referral

2116 — ~~Families Inappropriate for Referral~~ — (04/01/2008, 08-02)

- ~~A. Some families who are not appropriate for Reach First may be recognized before assessment in Reach First.~~
- ~~B. The following families, unless they can provide verification that their need for ongoing assistance will end within the four-month Reach First period commencing with the calendar month of their application, are not appropriate for Reach First and should be referred to and receive their assessment while in another appropriate program:
 - ~~1. a single parent who qualifies for and wants a deferment to stay home to care for their child under the age of 2;~~
 - ~~2. families with work-eligible participants meeting their Reach Up work requirement, but needing ongoing assistance and assessment to determine the best course for gaining self-sufficiency.~~~~

Families with Mandatory Applicants

2117 Families with Mandatory Applicants (05/08/2018, 17-20)

Families who meet the following criteria are mandatory Reach First Applicants:

1. ~~at least one member of the family is a work-eligible individual;~~
2. ~~work-eligible individuals in the family are neither disregarded from nor meeting their Reach Up work requirement;~~
3. ~~none of the work-eligible adults in the family have received a Reach First payment attributed to any month in the twelve months preceding the month of application; and~~
4. ~~at least one of the work-eligible adults in the family is:~~
 - a. ~~a single parent or caretaker who has no barriers to obtaining and maintaining a job and a recent and stable work history, including receiving wages for his or her most recent job that, when annualized, equal or exceed 150 percent of the federal poverty level applicable to the family;~~
 - b. ~~an able to work adult (in a two-parent family when the other parent is able to work part time or unable to work) who has no barriers to obtaining and maintaining a job and a recent and stable work history, including receiving wages for his or her most recent job that, when annualized, equal or exceed 150 percent of the federal poverty level applicable to the family;~~
 - e. ~~an adult (in a two-parent family when both parents are able to work) who is not the primary caretaker of the children; or~~
 - d. ~~an adult who has no barriers to obtaining and maintaining a job and possesses a marketable postsecondary education degree or vocational education certification.~~

Families with No Mandatory Applicants

2118 Families with No Mandatory Applicants (~~05/08/2018, 17-20~~)

- ~~A. Families with no Reach First mandatory applicants who qualify for participation in Reach First may choose whether to participate in Reach First.~~
- ~~B. An otherwise eligible family that does not include any mandatory Reach First applicants must meet the following criteria to be referred to and participate in Reach First:
 - ~~1. at least one member of the family is a work eligible individual;~~
 - ~~2. work eligible individuals in the family are neither disregarded from nor meeting their Reach Up work requirement;~~
 - ~~3. none of the work eligible adults in the family have received a Reach First payment attributed to any month in the twelve months preceding the month of application; and~~
 - ~~4. after participating in the interview and initial screening, all work eligible adults in the family choose to participate in Reach First.~~~~

Payments

2120 — Payments — (04/01/2008, 08-02)

- ~~A. Reach First payments must be linked to financial need directly related to the family's immediate financial crisis. The payment must be necessary either to assist the family to avoid the need for Reach Up assistance or to sustain the family while they are assessed and referred to appropriate programs.~~
- ~~B. Qualifying families may receive Reach First payments and Reach First support services for one certification period in a 12-month period.~~
- ~~C. Total Reach First payments are limited to no more than the cumulative equivalent of four months of financial assistance for which the family would have qualified in Reach Up.~~
- ~~D. Reach First payments may be made to the family in monthly installments or, under exceptional situations (rule 2122 C), in payment(s) in excess of the equivalent of the family's monthly Reach Up payment. Reach First payments are only available if needed to avert a crisis as determined in the initial assessment and during the period in which the family seeks immediate employment or participates in assessment and the creation of their family development plan.~~
- ~~E. Reach First payments may be made to the family by direct deposit, electronic benefit transfer or, if the family requests, by direct payment to the person or other entity providing the lodging, utilities, or other service to the family and as established in Reach Up rule 2222.1.~~
- ~~F. If a Reach First participant fails, without good cause, to fulfill participant responsibilities, the Reach First payment may be withheld during the conciliation process and until the adult complies.~~
- ~~G. Reach First payments do not continue while a fair hearing appeal is pending.~~
- ~~H. Any Reach First payment received by the family for a specific month shall be counted as income in that month for purposes of calculating the amount of financial assistance in Reach Up or a solely state-funded program for the same month.~~

Payment Calculation

2121 — Payment Calculation — (04/01/2008, 08-02)

A. ~~Monthly Reach First Payments~~

~~The department shall calculate the Reach First monthly payment amounts using Reach Up rules, provided that the cumulative total of payments received during the four-month certification period does not exceed the Reach First payment maximum (rule 2121 B).~~

B. ~~Reach First Payment Maximum~~

- ~~1. The Reach First payment maximum is the amount used to establish the maximum limit on the cumulative amount of Reach First payments available to the family during the four-month certification period regardless of their frequency of disbursement.~~
- ~~2. The payment maximum shall be determined using Reach Up payment rules with the following additional steps:
 - ~~a. Project and add the amounts of Reach First payments expected for each month of presumptive eligibility relying on the most accurate information regarding the family's circumstances expected for those months and without prorating for partial months.~~
 - ~~b. Reduce the total sum dollar for dollar for any Emergency or General Assistance (EA/GA) payment, other than back rent or mortgage arrearage assistance, received as a result of the current application.~~
 - ~~c. Reduce the total sum dollar for dollar of any child support received or anticipated, other than the first \$50 of current support expected in the current and in each month of presumptive eligibility during the certification period.~~~~
- ~~3. As soon as the family notifies the department of changes in circumstances that affect the amount of payments not yet distributed or the number of months in the certification period, the department shall recalculate the amount remaining in an effort to avoid over- or underpayments.~~

C. ~~Exceptions Limit on the Maximum Payment~~

~~When approved by the commissioner, a Reach First family may receive a payment in excess of the payment limitation if:~~

- ~~1. the payment does not exceed the amount of earned income the family received in their first month of Reach First and receipt of the payment is necessary and relatively certain to divert the family from the Reach Up program; or~~
- ~~2. an unexpected event creates a less than 30-day delay of employment or income that will render the family ineligible for Reach Up and an additional payment in an amount not to exceed the maximum grant size for the family is relatively certain to divert the family from the Reach Up program.~~

D. ~~Payment Adjustments~~

~~When department or applicant errors result in an underpayment or overpayment, payment adjustments shall be made in accordance with Reach Up rule 2224.~~

Payment Disbursement

~~2122 — Payment Disbursement — (04/01/2008, 08-02)~~

~~A. — Monthly Disbursement~~

~~All Reach First payments, other than the first payment, shall be disbursed on the first of the month.~~

~~B. — Disbursements Related to Need~~

~~Payments should be disbursed in an amount that addresses specified and documented needs that are either a result of the family's crisis or necessary to stabilize the family while it regains its independence and stability, or is assessed to determine an appropriate program referral.~~

~~C. — Frequency of Payments~~

~~Reach First payments may be disbursed to the family or the designated vendor as follows:~~

~~1. — Monthly Disbursements~~

~~Monthly disbursements in an amount equal to or less than the amount for which the family has been determined eligible for in a month shall be the preferred frequency of disbursement.~~

Payment Disbursement

~~2. Disbursements in Excess of Monthly Amount~~

~~Disbursements of the maximum payment in a lump sum or in one or more payments greater than the monthly amount shall be made only in exceptional circumstances.~~

~~D. Limits on Monthly Disbursements~~

- ~~1. Disbursements in monthly amounts shall be limited to the amount of the Reach Up grant for which the family would be eligible.~~
- ~~2. Reach First families needing assessment beyond initial financial and stability screening to determine appropriate referral and needs shall qualify only for monthly disbursements until assessment is complete.~~
- ~~3. Families eligible for and receiving monthly disbursements must be cooperating with all Reach First services component requirements.~~

~~E. Limits on One Time and Disbursements in Excess of Monthly Amounts~~

~~Disbursement of payments in excess of the monthly amount equivalent to a Reach Up payment shall be made only to a family meeting all of the following criteria:~~

- ~~1. The family's initial screening and assessment indicate the family qualifies for Reach First and does not require further in-depth assessment;~~
- ~~2. The payment addresses the family's current need in full;~~
- ~~3. It is clear the Reach First payment will end the family's need for any Reach First or Reach Up assistance for the foreseeable future; and~~
- ~~4. The adults in the family understand and agree that should they need to apply for Reach Up in the months attributed to the Reach First payments, that the payment will reduce dollar for dollar any Reach Up financial assistance in the months covered by the payment.~~

Services Component

2130 Services Component (04/01/2008, 08-02)

- A. ~~The Reach First Services Component consists of assessment, case management, referrals, and services. Reach First participating families must fulfill their initial and ongoing Reach First responsibilities within the services component to continue to receive Reach First payments and services.~~
- B. ~~If needed to determine appropriate referral to improve the family's prospects for job placement and job retention, the commissioner shall provide participating families in-depth assessments of the full range of services needed by each family, intensive case management or case consultation services, referral to any agencies or programs that provide the services needed by participating families, and transition to other department programs.~~

Assessment

2131 — Assessment — (04/01/2008, 08-02)

- A. ~~All participants who are referred for assessment shall cooperate in an initial assessment and, if appropriate or necessary, reassessments. The assessment may include tests, other standardized evaluations, and referrals to professionals for evaluation or diagnosis.~~
- B. ~~The assessment shall include, but is not limited to, the following:~~
1. ~~identification of the individuals strengths, skills, aptitudes, interests, and life and work experience;~~
 2. ~~determination of whether the individual has limitations and barriers and, if there are barriers or limitations, a determination of how these factors relate to the individuals current or potential participation in the labor force and to the individuals family responsibilities;~~
 3. ~~literacy evaluation;~~
 4. ~~determination of the individuals ability to work, including the ability to participate in the various work activities;~~
 5. ~~the development and well-being of children in the family; and~~
 6. ~~determination of the services needed to achieve the employment goal.~~

Case Management

2132 Case Management (04/01/2008, 08-02)

- A. ~~Case management shall be available to any eligible family needing or requesting in-depth assessment or ongoing services.~~
- B. ~~The case manager, with the full involvement of the family, shall recommend, and the commissioner shall establish and modify as necessary, a family development plan for each participating family in need of ongoing services, with a right of appeal as provided by Reach Up rule 2380.~~
- C. ~~A case manager shall be assigned to a participating family as soon as the family is determined to be eligible for Reach First and in need of services.~~
- D. ~~Caseload size shall be limited consistent with limits in the Reach Up program (rule 2302.1).~~
- E. ~~If after assessment and establishment of the family development plan, it is determined that the family is not appropriate for Reach First, the case manager shall review other program alternatives with the family and, if requested by the family, attempt to transfer the family to a more appropriate program alternative.~~

Family Development Plans

2133 ~~Family Development Plans~~ (04/01/2008, 08-02)

- A. ~~The family development plan shall include:~~
1. ~~each parent or caretakers employment goal;~~
 2. ~~an assessment of each parent or caretakers strengths and barriers;~~
 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 barriers, enable the family to achieve self-sufficiency, and fulfill each parent or caretakers personal and family responsibilities; and~~
 5. ~~an assignment of responsibilities, family development plan requirements, and activities among the case manager and family members, together with a time schedule for such responsibilities, requirements, and activities.~~
- B. ~~The initial family development plan shall include all referrals and assessment responsibilities and shall be completed within 30 days of the first meeting with the case manager.~~
- C. ~~The case manager shall establish a schedule for periodic review of the family development plan that shall remain in place if the family transfers to another program in which such review is appropriate.~~

Support Services

~~2134 — Support Services — (04/01/2008, 08-02)~~

- ~~A. Support services are services needed by the family to improve the participants prospects for job placement and retention.~~
- ~~B. Reach First families are eligible for and subject to the same conditions for receiving Reach Up services governed by Reach Up rule 2310 and its subsections.~~

Participant Responsibilities

2140 Participant Responsibilities (05/08/2018, 17-20)

- A. ~~Each participating adult who is being assessed in Reach First or for whom a family development plan is needed shall participate in the development of his or her family development plan.~~
- B. ~~Each participating adult whose case manager refers for assessment and evaluation activities shall report as directed by the department for such activities.~~
- C. ~~Each participating adult shall begin to comply with his or her family development plan requirements as soon as possible, and no later than 10 days following identification of initial requirements at the initial family development plan meeting.~~
- D. ~~Each participating adult shall continue to comply with such family development plan requirements until such time as the family is ineligible or transferred to Reach Up or other program.~~
- E. ~~If a family is transferred to another program, the rules of that program apply.~~

Consequences of Noncompliance

2141 Consequences of Noncompliance (05/08/2018, 17-20)

Reach First participants who fail or refuse to comply with Reach First participants responsibilities without good cause shall not receive Reach First payments until the participant comes into compliance.

Nonecompliance and Good Cause

2142 — Nonecompliance and Good Cause — (04/01/2008, 08-02)

- A. ~~Reach First participants must comply with all participant requirements unless good cause exists for nonecompliance.~~
- B. ~~Nonecompliance may be the result of a de facto refusal, which is implied by the participant's failure to comply with a requirement, or an overt refusal. The department will excuse nonecompliance supported by good cause.~~
- C. ~~Examples of Nonecompliance~~

~~Instances of nonecompliance include, but are not limited to, the participant's failure or refusal to:~~

- ~~1. appear for assessment after being directed to attend;~~
- ~~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 (rule 2373.3) or other 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; and~~
- ~~9. apply for or comply with the requirements of unemployment compensation, if otherwise eligible.~~

D. ~~De Facto Refusal~~

~~De facto refusal occurs when nonecompliance is implied by an individual's failure to meet one or more Reach First requirements without good cause. The case manager shall prepare a written record of the circumstances associated with and the substance of the individual's nonecompliance. If the case manager determines that the participant had good cause for nonecompliance, the nonecompliance process ends. Otherwise, the case manager initiates the conciliation process or, for individuals no longer eligible for conciliation, the case manager shall apply the Reach Up sanctions and transfer the family to Reach Up.~~

E. ~~Overt Refusal~~

~~Overt refusal occurs when, without good cause, an individual declares, orally or in writing, an unwillingness to comply with participant requirements. The case manager will ask the individual to put oral refusals in writing. If the individual will not put the refusal in writing, the case manager shall prepare a written record of the circumstances associated with and the substance of the individual's nonecompliance. The case manager shall begin the sanctions process immediately and transfer the family to Reach Up.~~

F. ~~Determination of Good Cause~~

~~The case manager shall make a good-faith effort to contact the individual to discuss the act or pattern of nonecompliance with the individual. The individual will provide sufficient documentation to substantiate a claim of good cause. On the basis of this discussion and documentation, if any, the case manager will determine whether there was a good cause basis for~~

Noncompliance and Good Cause

the individual's noncompliance. If the individual does not respond to or fully cooperate with the case manager's attempt to establish good cause, the case manager will determine that there was no good cause basis for the noncompliance. The case manager shall complete the good cause determination within 10 days of becoming aware of the individual's noncompliance.

G. Good Cause Criteria

Circumstances beyond the control of the participant may constitute good cause for an individual's noncompliance. The following constitute good cause for failing to comply with Reach First FDP and participation requirements.

1. The participant, after making a good faith effort, was unable to arrange transportation to or from the place of employment or FDP activity or child care essential for employment or participation in the activity, and the participant informed the employer or appropriate person as soon as possible.
2. Inclement weather prevented the person from traveling to work or participating in an FDP activity, and the participant contacted the employer or appropriate person as early as possible on the day of the inclement weather to explain the situation.
3. The person's participation in a drug or alcohol treatment program precluded participation in the FDP activity.
4. The person was required to appear in court or was incarcerated, and the participant contacted the appropriate person in advance or, if it could not have been anticipated, as soon as possible following the incident.
5. A family emergency requiring the participant's immediate attention, such as the death, illness, or injury of a family member, or the participant's own illness prevented the participant from complying with a requirement, and the participant notified the appropriate person of the situation at the earliest possible moment.
6. Failure to comply with a requirement was due to the effects of domestic violence. The participant must have had reason to anticipate that compliance would have resulted in serious physical or emotional harm to the participant or the child in participant's care and that such harm would have significantly impaired the participant's capacity either to fulfill program requirements or to care for the child adequately. The department may request documentation from the participant to determine whether the effects of domestic violence constitute a good cause basis, using the same standards relied on for a Reach Up deferment due to domestic violence.
7. The participant had to be absent from the Reach First activity to go to a medical appointment, and the participant requested and received approval from the case manager or the person conducting the activity for time off to attend the appointment in advance.
8. The participant had to be absent from an FDP activity to go to an interview for an unsubsidized job, and the participant requested and received supervisory approval for time off to attend the interview in advance.
9. The participant, after making a good faith effort, was unable to make necessary child care arrangements (Reach Up rule 2373.3), and the participant notified the case manager or appropriate person of the situation at the earliest possible moment.
10. The participant was absent from the FDP activity or Reach First required activity due to an unforeseeable emergency such as fire, flood, or accident.

Noncompliance and Good Cause

11. ~~The participant asserts that the noncompliance was the direct result of a previously unacknowledged medical condition, provided that the following conditions are met:~~
 - a. ~~the medical condition is expected to last at least 90 days;~~
 - b. ~~the participant appears eligible for and is referred to vocational rehabilitation services; and~~
 - c. ~~the participant is eligible for and demonstrates compliance with the vocational rehabilitation services provider.~~

12. ~~The participant was called away from the FDP or required Reach First activity to attend to a school emergency involving the participants child, the participants foster child (placed by the Department for Children and Families or other licensed child placement agency), or another child in the care and physical custody of the participant, and the participant informed appropriate person of this situation before leaving the activity site or, when this was not possible, as soon as possible thereafter.~~

Conciliation

2143—Conciliation—(7/1/2015, 15-08)

- A. ~~Conciliation is the process by which disputes related to an individual's failure or refusal to comply with Reach First participant responsibilities are resolved.~~
- B. ~~The case manager shall initiate conciliation to determine the reason for non-compliance when an adult participant fails or refuses without good cause to comply with Reach First participant requirements applicable to the individual without good cause.~~
- C. ~~The case manager shall initiate conciliation under the following circumstances:~~
- ~~1. The case manager shall initiate conciliation for a participating adult who without good cause fails or refuses to participate in the development of his or her family development plan as directed.~~
 - ~~2. The case manager shall initiate conciliation for a participating adult who fails or refuses to report as directed by the department for assessment and evaluation activities without good cause.~~
 - ~~3. The case manager shall initiate conciliation for a participating adult with a family development plan who without good cause fails or refuses to comply with his or her family development plan requirements as soon as possible, and no later than 10 days following identification of initial requirements at the initial family development plan meeting.~~
 - ~~4. The case manager shall initiate conciliation for a participating adult with a family development plan who without good cause fails or refuses to comply with such family development plan requirements.~~
- D. ~~Conciliation Process for Noncompliance~~
- ~~1. When the conditions for conciliation for noncompliance (rule 2374) are met, the case manager shall mail a notice scheduling a conciliation conference to the individual within 10 days of the date the case manager became aware of the noncompliance. The case manager should schedule the conference as soon as administratively possible, but no sooner than the fourth workday after the date the notice is mailed. A client may waive advance notice of the conciliation conference by signing a waiver of notice. The waiver must include the information listed in subsection (2) below.~~
 - ~~2. The notice of the conciliation conference must include the following:~~
 - ~~a. the reason for the determination of noncompliance without good cause;~~
 - ~~b. the steps in the conciliation resolution;~~
 - ~~c. the right to have a representative present at the conciliation conference; and~~
 - ~~d. the consequences if conciliation is unsuccessful.~~
 - ~~3. Participants may conciliate cumulative Reach Up and Reach First disputes only once within a calendar year (January—December). A conciliation counts in the year in which it was initiated. Any subsequent noncompliance without good cause within this time period will result in the immediate initiation of the sanctions process, if applicable, without an opportunity for conciliation.~~
 - ~~4. Any time an individual makes a claim of good cause and the case manager determines that documentation of such good cause is necessary, the individual will have 10 days from the~~

Conciliation

~~date the claim was communicated to the case manager to provide documentation. When the individual is unable to obtain required documentation and requests the case managers help to obtain it, the case manager shall provide that help, if possible.~~

- ~~5. When it is determined, at any time during a conciliation process that the individual had good cause for noncompliance, conciliation will end. Under these circumstances, there will be no conciliation resolution plan, and the conciliation will not be counted toward the limit of one conciliations in a calendar year, as defined above.~~
- ~~6. The conciliation resolution period begins on the date of the first scheduled conciliation conference and lasts for no more than 15 consecutive calendar days.~~
- ~~7. The conciliation resolution period is the time frame during which the case manager and the individual meet and explore, through the processes of fact-finding and problem-solving, ways in which the individual may satisfy the Reach First requirements. They will review and, if possible, resolve any circumstances hindering compliance. This review shall also include a review of all applicable good cause criteria.~~
- ~~8. The product of the conciliation conference is a conciliation resolution plan. This plan describes what the individual must do to achieve satisfactory participation and the time frames involved. The case manager and participant will revise the FDP in accordance with the conciliation resolution plan.~~
- ~~9. The case manager shall advise the individual of the right to terminate the conciliation process at any time. Such termination of conciliation will result in a determination of unsuccessful resolution and immediate initiation of the sanctions process and transfer to Reach Up, if applicable. Individuals who have received over 60 cumulative, countable months of Reach Up shall not be transferred to Reach Up. These individuals shall be terminated from Reach First and may apply for Reach Up pursuant to rule 2238.2(D).~~

~~E. Successful Resolution~~

~~Conciliation is considered successfully resolved when the individual demonstrates compliance with the activities outlined in the conciliation resolution plan and the revised FDP.~~

~~F. Unsuccessful Resolution~~

~~The conciliation process shall be determined unsuccessful when the individual:~~

- ~~1. fails without good cause to respond to one written notice of a scheduled conciliation conference;~~
- ~~2. exhibits a pattern of behavior from which refusal to participate can be reasonably inferred;~~
- ~~3. fails without good cause to participate satisfactorily in activities outlined in the conciliation resolution plan and included in the revised FDP for the required time period; or~~
- ~~4. voluntarily terminates the conciliation process before a successful resolution has been reached.~~

~~When the case manager determines that the resolution of a single conciliation within a calendar year has been unsuccessful, the case manager's supervisor shall review the conciliation process and the basis for the case manager's determination, prior to initiation of the sanction process.~~

~~When conciliation is not an option or resolution of the conciliation is unsuccessful, the case manager begins the process necessary to apply the appropriate sanctions and transfer the family to Reach Up, or terminate the Reach First grant for individuals who have received over 60 cumulative, countable months of Reach Up. Both the sanction and termination process begins with a written notice to the individual at least 10 days before the action takes effect. This notice explains the action being taken, the~~

Conciliation

reason for the action, and the individual's right to appeal the decision. The individual then has 90 days in which to appeal. If a fair hearing is requested and the basis for the decision being appealed did not involve an exploration of good cause with the individual, the case manager will attempt again to contact the individual to determine whether there was good cause for noncompliance. If the individual requests a fair hearing before the sanction or termination takes effect, the individual shall receive continuing benefits pursuant to rule 2215.

Referral and Transition to Other Programs

2150 — Referral and Transition to Other Programs — (7/1/2015, 15-08)

- ~~A. The department shall transfer the family to another appropriate program if, after four months of receiving support in Reach First or sooner at the departments discretion, a family needs additional time and services, unless the family chooses not to participate.~~
- ~~B. If a family finds unsubsidized employment meeting or exceeding the work requirements for Reach Up for the family's size and composition, but is financially eligible for Reach Up, the department shall transfer the family to Reach Up, unless the family chooses not to participate. A family transferring from Reach First to Reach Up shall be treated as a recipient for the purposes of income calculation.~~
- ~~C. If a family finds unsubsidized employment meeting or exceeding the work requirements for Reach Up for the family's size and composition, is not financially eligible for Reach Up, but qualifies for Reach Ahead in accordance with Reach Ahead rules the department shall transfer the family to Reach Ahead, unless the family chooses not to participate. If an adult member of the family is employed when it leaves Reach First and is not eligible for Reach Up or Reach Ahead, the family shall qualify for support services as though it was a Reach Up leaver family, unless the family chooses not to participate. (rule 2311)~~
- ~~D. A family transferring to another program under subsections (A) through (C) of this section shall not be required to complete a new application. Verification of income or other documentation related to changes in circumstances may be required as provided for by rule.~~
- ~~E. Transitional medical assistance of up to 36 months shall be provided to families with a working adult who leaves Reach First and is not eligible for Reach Up, unless family income exceeds 185 percent of the federal poverty level, provided that federal financial participation is available for such transitional medical assistance.~~

Notice and appeal

2160 ~~Notice and appeal~~ (04/01/2008, 08-02)

- A. ~~A participant may appeal decisions in accordance with Reach Up rule 2380 except that Reach First payments do not continue while an appeal is pending.~~
- B. ~~The commissioner shall provide notice to each participant of the standards and procedures applicable to such appeals. All federal and agency of human services rules regarding conciliation, notice, hearing, and appeal shall be followed in connection with such appeals.~~

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Annotated Text

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 Reach Up Eligibility and Reach Up Services definitions at rules 2201 and 2301 are incorporated into the Reach First rules by this reference.
- b. In addition, the following definitions apply to the terms used in the rules for the Reach First program:
 - 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) above 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 chapter 10 of title 33 of the Vermont Statutes Annotated 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 of the Reach First program consisting of assessment, case management services, support services, and referrals provided to eligible households to assist them in improving their finances.

2102 Eligibility

- a. To qualify for Reach First, the household 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 Interview

- a. An 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:

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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 of 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:

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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 ineligible 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.

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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, 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.

Annotated Text

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.