

TOWN OF WARNER WELFARE GUIDELINES

DEFINITIONS

As used in this manual, the following terms have the indicated meanings:

APPLICANT

A person who expresses a desire to receive General Assistance.

APPLICATION

Written action by which a person requests assistance from a Welfare Official.

ASSETS

All cash, real property and personal property and future assets owned by the applicant:

CASE RECORD

Official files containing forms, correspondence and narrative records pertaining to the application with determination of eligibility, reasons for decisions and kinds of assistance rendered.

ELIGIBILITY

Determination by Welfare official with assistance of statutes and guidelines of a person's poverty and inability to support herself/himself and therefore the need for General Assistance.

FAIR HEARING

Hearing which applicant can request to contest a denial of assistance. A hearing must be before an impartial person/persons sans who have no prior knowledge of the case.

MINOR

A person who has not attained the age of 18 year

RESIDENCE/RESIDENT

A resident or inhabitant or both of this state and of any city, town or other political subdivision of this state shall be a person who is domiciled or has a place of abode or both in this state, and in any city, town or other political subdivision of this state, and who has, through all of his actions, demonstrated a current intent to designate that place of abode as his principal place of physical presence of the indefinite future to the exclusion of all others. (RSA 21:6)

SPOUSE

Spouse will mean anyone residing in the household as boyfriend/girlfriend, husband/wife, significant other, etc.

GENERAL GUIDELINES FOR
TOWN OF WARNER WELFARE

I. CONFIDENTIALITY: Information given by or concerning an applicant is considered confidential and privileged information. It will not be released or discussed without written permission of the client except when disclosure is required by law or is for purposes directly connected with the administration of welfare.

II. MAINTENANCE OF RECORDS: Each Welfare official is required by law to keep complete records concerning the number of persons given assistance and the cost for such support. Separate case records should be kept for each individual or family applying for assistance.

The purpose for keeping such records are:

- A. To provide a valid basis of accounting for expenditures of the town's funds;
- B. To support decisions concerning the applicant's eligibility (especially important if a Welfare Official should be required to prove in court that assistance was granted equitably);
- C. To assure availability of information if the applicant needs administrative or judicial review of the Welfare Official's decision.
- D. To provide accurate statistical information;
- E. To provide a complete history of client's assistance for purposes of determining residence under RSA 21:6a;
- F. To allow a smooth transition of information if the recipient is transferred to some other legally liable unit.

The following minimum information should be maintained in the case record:

1. Complete application;
2. Grounds for approval or denial;
3. Notice of Decision;
4. Narrative history recording need for relief, results of home visits, referrals, changes in status, grounds for release of information, etc.

III. APPLICATION PROCESS:

- A. Right to Apply: Any person may apply for assistance: It may be done by appearing in person or through an authorized representative by completing a written application. A denial of benefits shall include notification of the right to a hearing if the applicant is dissatisfied with the determination of eligibility.

B. Welfare Official's Responsibility: When application for General Assistance is made, the Welfare Official should inform the applicant of:

1. The requirement of having an appointment to conduct a personal interview and to complete a written application;
2. Eligibility requirements;
3. Applicant's right to review and how the review may be obtained;
4. Applicant's responsibility for reporting all facts necessary to determine eligibility and presenting records and documents to support statements;
5. Joint responsibility of Welfare Official and applicant for exploring facts concerning eligibility, needs and resources.
6. Kinds of verification needed.
7. The fact that an investigation will be conducted in order to substantiate the facts and statements as presented by the applicant;
8. Applicant's responsibility for notifying Welfare Official of any change in circumstances that will affect eligibility;
9. Other forms of assistance for which the applicant may be eligible;
10. Requirement for placing a lien on any real property owned by the recipient for any assistance given, and other settlements;
11. The Welfare Official may make home visits to verify information at their discretion and in the least intrusive manner.

C. APPLICANT'S RESPONSIBILITIES:

1. To provide accurate, complete and current information concerning needs and resources and the whereabouts and circumstances of responsible relatives;
2. To notify Welfare Official when a change in needs or resources may affect eligibility;
3. To apply for and utilize immediately but no later than one week of application any benefits or resources, public or private, that will reduce or eliminate the need for General Assistance;
4. To keep appointments as schedule;
5. To diligently search for employment and provide verification of work search, contacting at least five places of employment per week;
6. To participate in the Welfare work Program if physically and mentally able;
7. To provide a doctor's statement if person claims inability to work caused by medical problems;
8. To provide records and other pertinent information and access to said records and information when requested;
9. To diligently work towards independence of local welfare assistance through employment or other forms of public assistance.

D. ACTION ON APPLICATIONS:

1. Unless application is withdrawn, the Welfare Official will make a decision immediately in the case of an emergency or within five working days after completion of the written application. In circumstances where required records are not readily available, the Welfare Official may, at her/his discretion, temporarily approve aid pending receipt of required documents, but shall not extend aid beyond one week. If such records are totally unavailable, the Welfare Official should not insist on documentary verification:
- 2: When a decision has been made, the applicant will be issued a Notice of Decision stating that assistance of a certain amount has been granted or denied with reasons for said denial. The Notice of Decision shall also contain information regarding the client's right to appeal an adverse decision and procedures to follow.

IV. DETERMINATION OF ELIGIBILITY:

A. Legal Standard: RSA 21:6A "Whenever a person in any town shall be poor and unable to support himself, he shall be relieved and maintained by the overseers of public welfare of such town:"

1. "Whenever" means at whatever time that person is unable to support herself/himself;
 - a. The Welfare official should be available each working day;
 - b. Eligibility should be determined at the time of application if an -emergency or within five working days;
 - c. Assistance should be granted as soon as eligibility has been determined:
2. "poor and unable to support" means an individual lacks money or material possessions to adequately provide necessities for herself or family (need - income and available assets = general assistance.
3. "relieved" means a person shall be assisted, as the Welfare Official shall determine, to meet these basic needs.
4. "maintained" means to be continued on assistance as long as eligible.

B. NON-FINANCIAL ELIGIBILITY FACTORS:

1. AGE: Age is not a factor in determining whether a person is eligible for assistance. However, age does make certain persons eligible for other kinds of assistance, i.e., Social Security, Old Age Assistance, AFDC or Foster Care.
2. RESIDENCE: Residence or residency shall mean a person's place or abode or domicile. The place of abode or domicile is that designated by a person as his principal place of physical presence for the indefinite future to the exclusion of all others. Such residence or residency shall not be interrupted or lost by a temporary absence from it, if there is an intent to return to such residence or residency as the principal place of physical presence. (RSA 21:6a)
3. SUPPORT ACTIONS: No applicant or recipient shall be compelled as a condition of eligibility or receipt of assistance to take legal action against another person. The town, city or county may pursue legally liable persons or entities pursuant to RSA 165:19 and RSA 165:20.

4. ELIGIBILITY FOR CATEGORICAL ASSISTANCE: Applicants who are eligible for other forms of public assistance must apply for such assistance immediately but no later than one week after being advised to do so by the Welfare Official. Failure to do so will render that person ineligible for assistance. Only in extraordinary circumstances will a person receiving another form of public assistance also be considered as potentially eligible for General Assistance. Once a person is being aided by another form of public assistance he/she is expected to comply with all requests pertaining to staying eligible with that public assistance: Requests shall include keeping all appointments and passing in all information and verifications in a timely manner.

5. EMPLOYMENT: A person gainfully employed, but whose income and assets are not sufficient to meet necessary family expenses, may be eligible to receive assistance. However, applicants who without good cause refuse suitable employment, participation on the Welfare Work Program or who voluntarily leave a job, are ineligible for assistance. In determining whether a refusal has good cause, the ability, physical and mental capacity of the person, transportation problems, working conditions that might involve risks to health and safety or other factors that might make refusing a job reasonable will be considered.

6. REGISTRATION WITH THE NH DEPARTMENT OF EMPLOYMENT SECURITY AND WORK SEARCH: Registration with D.E.S. is necessary for initial eligibility for General Assistance; all recipients and adult members of the family are required to register with the Department of Employment Security immediately. In addition, a work search form must be completed indicating the recipient has contacted five businesses each week. These requirements shall apply unless the recipient or adult member of the family is:

- a. Gainfully employed,
- b. A dependent regularly attending school;
- c. Unable to work due to illness or disability;
- d. Required at home because of illness or disability of another member of the family;
- e. Responsible for the care of a child under the age of six.

7. AVAILABLE LIQUID ASSETS: Cash on hand, bank-deposit, credit union accounts and securities are available liquid assets: Insurance policies with a loan value and non-essential personal property may be considered as available assets when they have been converted into cash: A reasonable amount of time shall be allowed for such conversion: Tools of trade, farm equipment, other equipment used for production of income and necessary household goods are essential items of personal property which should not be considered as available assets.

8. AUTOMOBILE OWNERSHIP: Ownership of one automobile does not affect eligibility and is not included in determining personal property.

9. INSURANCE: There is no limitation on the ownership of insurance, but an insurance policy with a loan value shall be considered an available asset.

10. REAL ESTATE: the type and amount of real estate owned by an applicant does not affect eligibility although rent or other such income from property should be considered as available to meet needs: Persons owning real property other than that occupied as a home should make reasonable efforts to dispose of the property at fair market value in order to convert it into assets which can be applied toward meeting present needs. In such cases further assistance depends on whether reasonable efforts are being made to dispose of the real estate. Applicants should be made aware that the Town shall file a lien against any real estate owned by a recipient of local assistance.'

11. STUDENTS: College students are not eligible for local assistance by virtue of the fact they are refusing full-time employment, which would make public assistance unnecessary.

C. VERIFICATION:

Verification of the number of persons in the applicant's family, value of available resources, rent or mortgage expenses, utilities, work history and medical conditions are required. Further verification may be made when declarations are unclear or inconsistent. If such records are not available at time of the initial application, information may be provided verbally. However the applicant must produce the required records within one week of the initial application.

- A. Verification may be made through records provided by the applicant such as rent receipts, birth and marriage certificates, pay stubs, bank books, doctors' certificates, DES cards, etc.
- B. When verification is necessary through other sources such as relatives, employers, banks schools, governmental agencies, etc., the applicant will be requested to sign a release of information form authorizing those agencies to provide the information necessary, unless the Welfare Official has reasonable grounds to suspect fraud. In the case of possible fraud, reasons should be carefully recorded and the applicant should be given an opportunity to clarify the situation. In any case, the applicant should be told what information will be needed, how it will be used, and the necessity of obtaining it in order to establish eligibility.

ELIGIBILITY STANDARDS:

- A. Expenses: To determine an applicant; a standard of need, a budget sheet is figured, adding actual or allowable expenses, whichever is less, and subtracting net income: When there is no income, the maximum amounts shall be provided as listed.
- B. Length of Eligibility: Assistance is authorized on an as-needed basis and is not continued automatically. The length of assistance varies from a few days to a week, depending on the need. The applicant is expected to contact this office each time the circumstances are reviewed to determine further eligibility.

FOOD: Assistance may be provided by the CAP Emergency Food Pantry or the Salvation Army vouchers when:

- A. The household is eligible for food stamps but needs food during the period between application and receipt of stamps.
- B. The household received food stamps but its stamps or food supply have been destroyed by fire or other disaster:

More food assistance may be budgeted when:

- A. The household receives stamps but a physician has stated in writing that a member of the family needs a special diet, the cost of which is greater than can be purchased with food stamps or other resources.
- B. The household receives food stamps but the Welfare Official determines the household is eligible for supplementary food assistance. Generally, clients are ineligible for additional food vouchers if they participate in the food program.

HOUSING: Arrearages will not be paid except in emergency situations where negotiations fail and eviction or repossession is imminent. Emergency means a situation not arising from any action or lack of action by the client. No security deposits are assumed by the Town.

UTILITIES: The actual current cost for gas, electricity, oil, etc. shall be used when computing budget sheet if not included in the rent. The Town will not pay arrearages except in emergency situations when negotiations fail and discontinuation of service is imminent.

MEDICAL EXPENSES: The Town will pay for prescriptions if verification is received from the doctor and said costs are not covered by other resources. Generally, the Town will not provide for medical, dental or eye services unless written documentation is submitted by a licensed doctor or dentist indicating these services are absolutely necessary and cannot be postponed without running a significant risk that the applicant's well-being will be placed in serious jeopardy. All other available resources shall be investigated prior to consideration .of such requests for aid.

MAINTENANCE ALLOWANCE: Intended to provide such items as personal hygiene, household supplies, diapers, gas for transportation, etc.

FAMILY SIZE	MONTHLY ALLOTMENT
1	20.00
2	25.00
3	35.00
4	40.00
5	45.00
6	50.00
7	55.00
8	60.00
9	65.00
10	70.00

TELEPHONE: If the absence of a telephone would create an unreasonable risk to the recipient's health or safety, the basic monthly rate will be budgeted as a necessary expense but paid for by the client.

EMERGENCY HOME OWNERSHIP EXPENSES: Extraordinary needs may be provided on a special basis where such needs are demonstrated and verified by the applicant.

- A. Where the applicant owns a home and is otherwise eligible for assistance, payment for the following items necessary to prevent foreclosure, preserve the home and promote the health and safety of the applicant shall be made: property taxes, fire insurance, water rates and essential repairs.
- B. Cost necessary to prevent imminent repossession of real property. The Town pays in a voucher system only, and the vendor must submit a bill to the Welfare Office following receipt of a Letter of Authorization which informs the vendor what assistance will be provided.
- C. Except those specifically required by statute, legal expenses will not be paid.

EARNED INCOME: Income in cash or in kind earned by the applicant and any member of the family through wages, salary, commission or profit, whether self-employed or at an employee is to be included. Rent income and profits from produce sold are in this category. For those self-employed, total profit is determined by subtracting business expenses from gross income. When income consist of wages, the amount computed should be that available after mandatory deductions. Wages that are trusted or income similarly unavailable should not be considered.

INCOME OR SUPPORT FROM RELATIVES: Contributions from relatives should be considered as income only if actually received. According to RSA 165:19 applicants must contact the necessary family members.

INCOME FROM OTHER ASSISTANCE: State categorical assistance benefited, OASDI payments, Social Security, VA benefits, Unemployment Compensation and payments from other government sources should be considered as income

COURT-ORDERED SUPPORT PAYMENTS: Alimony and child support payments should be considered as income only if actually received.

INCOME FROM OTHER SOURCES: Payment from pension, trust funds and the like should be considered income. Any income actually available to the applicant from any members of the household, such as boarders should be considered income.

EARNINGS OF A CHILD: No inquiry shall be made into the earnings of a child 18 years of age or less unless that child in fact makes a regular and substantial contribution to the family.

WELFARE WORK PROGRAM: According to RSA 165:31, anyone receiving General Assistance will be required to work for the Town at-any available bonafide job that is within her/his capacity.

- A. Any person who, without good cause, fails to participate in the Welfare Work Program shall be ineligible for assistance.
- B. exceptions to the work requirement are as follows:

1. Gainfully employed;
2. Dependent 16 or over who regularly attends high school.
3. Unable to work due to illness or disability.
4. Required at home because of illness or disability or another member of the household.
5. Has sole responsibility for care of a child under age 6.

C. Compensation for employment is made exclusively by voucher and is reimbursed for assistance rendered.

D. Required hours are based on the amount of aid rendered and are figured at the prevailing wage.

D. Persons assigned to the Work Program are required to work on a part-time basis, in order to allow time during the day to keep appointments, secure employment, etc.

BURIALS: Payment for burial of Town indigents is limited to \$500.00 and is paid only if relatives, other persons, the State Social Security or other sources will not cover the entire expenses.

LIENS: The Town of Warner has the right to place a lien on a client's property when assisting under the category of General Relief.

RIGHT TO NOTICE OF ADVERSE ACTION: All persons have a constitutional Right to be free of unfair, arbitrary or unreasonable action taken by local government. This includes applicants for general assistance who have been denied.

A. Notice required:

1. Each applicant must be given a written Notice of Decision regarding assistance.
2. Whenever a decision is made to grant or deny assistance following completion of an application, the Notice shall be given to the applicant immediately or shall be mailed within two working days from the date of interview.

B. Contents of Notice:

1. Where assistance is granted, the Notice shall state the amount and type of aid and the time period covered.
2. Where assistance is denied, the Notice shall contain:
 - A. Reason for denial
 - B. A statement advising this individual of their right to a fair hearing and procedures to follow.
 - C. A form on which the individual may request a fair hearing.
 - D. A statement advising the individual of the time limits which must be met in order to receive a fair hearing.

FAIR HEARING:

- A. A request for a fair hearing is a written expression by the applicant or any person acting on their behalf to the effect that they want an opportunity to present the case to a higher authority.
- B. The Fair Hearing Officer(s) shall be an odd number, shall be impartial and shall be chosen by the Town Selectmen or their representative.

The person(s) serving must:

1. Not have participated in the decision causing the dissatisfaction.
2. Be sufficiently skilled in interviewing to be able to obtain evidence and the facts necessary for a fair determination
3. Be capable of evaluating all evidence fairly and realistically, to explain the laws and regulations under which the Welfare Official operated and to interpret any unsound, unclear or inequitable policies, practices or actions.

C. The limit for Request of Hearings:

1. When an application is denied, a request for a fair hearing must be received within five working days of the denial.
2. Hearings requested by applicants must be held within five working days of the receipt of the request. The Welfare Official shall give the notice to the individual setting forth the time and location of the hearing. Notice must be given the applicant 48 hours in advance of the hearing or by mail at least 72 hours in advance.

D. PROCEDURES AT THE HEARING: The Fair Hearing will be opened with a presentation of the issues to be discussed by the Fair Hearing Authority. All Fair Hearings will:

1. Be conducted in such a manner as to insure due process of law.
2. Allow the claimant to review the file prior to the hearing and to introduce documents and evidence which shall become a part of the record/
3. Allow the Welfare Official the right to examine all documents claimant plans to introduce prior to the hearing.
4. Be conducted in private and will be open only to the claimant, witnesses, authorized representatives, the Welfare Official and/or here/his agent.
5. Require the burden of proof to be on the party challenging the decision.
6. Require the Welfare Official or his/her agent to attend the hearing and testify as to the actions taken and reasons therefore.
7. Give both parties the opportunity to offer evidence and explain their positions as fully and completely as they wish in an informal manner without adherence to strict rules of legal procedures.

The decision of the Fair Hearing Officer(s) must be based solely on the record. Evidence both written and oral which is admitted at the hearing shall be the sole contents of the record. The Hearing Officer(s) shall not review the case record or other evidence prior to introduction at the hearing.

DECISION:

1. Fair Hearing decisions shall be rendered within five working days of the hearing. Decisions shall be in writing, setting forth reasons for the decision and the facts on which the Officer(s) relied in reaching the decision. A dated copy shall be delivered or mailed to the claimant and the Welfare Official.
2. The Welfare Official shall keep all fair hearings on file.
3. None of the procedures specified herein shall limit any right of the applicant to subsequent court action to review or challenge the adverse decision.