



Town of Webster

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Human Services Guidelines

Adoption Date: July 17, 2017

RSA 165: "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:"

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:

The Human Services Director 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:

- To provide a valid basis of accounting for expenditures of the Town's funds;
- To support decisions concerning the applicant's eligibility;
- To assure availability of information if the applicant needs administrative or judicial review of the Human Services Director's decision;
- To provide accurate statistical information.

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

- Complete application;
- Budget Worksheet;
- Notice of Decision;
- Narrative history recording need for relief and actions taken during the application process.

III. Application Process:

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.

When an application for General Assistance is made, the Human Services Director should inform the applicant of:

- The requirement to make an appointment to conduct a personal interview and to review the completed application;
- Eligibility requirements;
- The applicant's right to review and how the review may be obtained;
- The applicant's responsibility for reporting all facts necessary to determine eligibility and presenting records and documents to support statements;
- The joint responsibility of the Human Services Director and the applicant for exploring facts concerning eligibility, needs and resources;
- The kinds of verifications needed;
- The fact that an investigation will be conducted in order to substantiate the facts and statements as presented by the applicant;
- The applicant's responsibility for notifying the Human Services Director of any change in circumstances that will affect eligibility;
- Other forms of assistance for which the applicant may be eligible;
- The requirement for placing a lien on any real property owned by the recipient for any assistance given;
- The fact that any assistance given is considered a form of a loan and is subject to repayment if circumstances warrant; a promissory note will be signed by applicant.

Applicant's Responsibilities:

- To provide accurate, complete and current information concerning needs and resources and the whereabouts and circumstances of responsible relatives;
- To notify the Human Services Director when a change in needs or resources may affect eligibility;
- To apply for other benefits or resources that will reduce or eliminate the need for General Assistance;
- To keep appointments as scheduled;
- To diligently search for employment if applicable;
- To provide proof if applicant claims inability to work;
- To provide records and other pertinent information and access to said records and information when requested.

Action on Applications:

Unless an application is withdrawn, the Human Services Director 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 Human Services Director may, at her/his discretion, temporarily approve aid pending receipt of required documents. 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:

Expenses: To determine an applicant's standard of need, a budget sheet is used, 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.

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 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.

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.

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

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

Real Estate: The type and amount of real estate owned by an applicant does not affect eligibility. 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.

Housing: Mortgage and Rental Assistance may be provided except in circumstances where negotiations fail and repossession or eviction is imminent.

Utilities: The actual current cost for gas, electricity, oil, etc. shall be used when computing a budget sheet if not included in the rent. The Town may pay current utility amounts due and will attempt to negotiate satisfactory payment arrangements of past due amounts to prevent disconnection.

Telephone: The Town may pay current and past due amounts to prevent a disconnection if the absence of a telephone creates an unreasonable risk to the client's health or safety. The Human Services Director may require that the client secure a free or low cost phone if the current phone plan is deemed too costly.

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 as an employee, is to be included. Rental income is in this category. For those who are self-employed, total profit is determined by subtracting business expenses from gross income. When income consists of wages, the amount computed should be that available after mandatory deductions. Wages that are trusteed 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, 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: Payments from pensions, 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.

Burials: Payment for burial of Town indigents is limited to \$900.00 and is paid only if relatives, other persons, State Social Security or other sources will not cover the entire expenses.

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

Length of Eligibility: Assistance is authorized on an as-needed basis and is not continued automatically. The length of assistance varies depending on the need. The applicant is expected to contact this office each time the circumstances are reviewed to determine further eligibility.

V. Non-Financial Eligibility Factors:

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.

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 the intention is to return to such residence or residency as the principal place of physical presence. (RSA 21:6a)

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 entitles pursuant to RSA 165:19 and RSA 165:20.

VI. 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.

- 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.
- 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 Human Services Director 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.

VII. Right to Notice of Adverse Action:

All persons have a constitutional Right to be free of unfair, arbitrary of unreasonable action taken by local government. This includes applicants for general assistance who have been denied.

Notice required:

- Each applicant must be given a written Notice of Decision regarding assistance.
- 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.

Contents of Notice:

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

VIII. Fair Hearing:

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.

The Fair Hearing Officer(s) shall be an odd number, shall be impartial and shall be chosen by the Select Board or their representative.

The person(s) serving must:

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

The limit for Request of Hearings:

- When an application is denied, a request for a fair hearing must be received within five working days of the denial.
- Hearings requested by applicants must be held within five working days of the receipt of the request. The Human Services Director 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.

Procedures of 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:

- Be conducted in such a manner as to insure due process of law;
- 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;
- Allow the Human Services Director the right to examine all documents claimant plans to introduce prior to the hearing;
- Be conducted in private and will be open only to the claimant, witnesses, authorized representatives, the Human Services Director and/or her/his agent;
- Require the burden of proof to be on the party challenging the decision;
- Require the Human Services Director or his/her agent to attend the hearing and testify as to the actions taken and reasons therefore;
- 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.

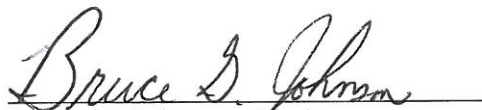
Decision:

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 Human Services Director.

The Human Services Director shall keep all fair hearings on file.

None of the procedures specified herein shall limit any right of the applicant to subsequent court action to review or challenge the adverse decision.

Webster Select Board:


Bruce G. Johnson, Chair


Michael P. Borek


Nanci A. Schofield