

# 2020 Webinar Series



## The Art of Welfare

**Presented by:**

**Stephen Buckley, Legal Services Counsel**

**March 18, 2020**

# Today's Presenter



*Stephen Buckley*  
*Legal Services Counsel*

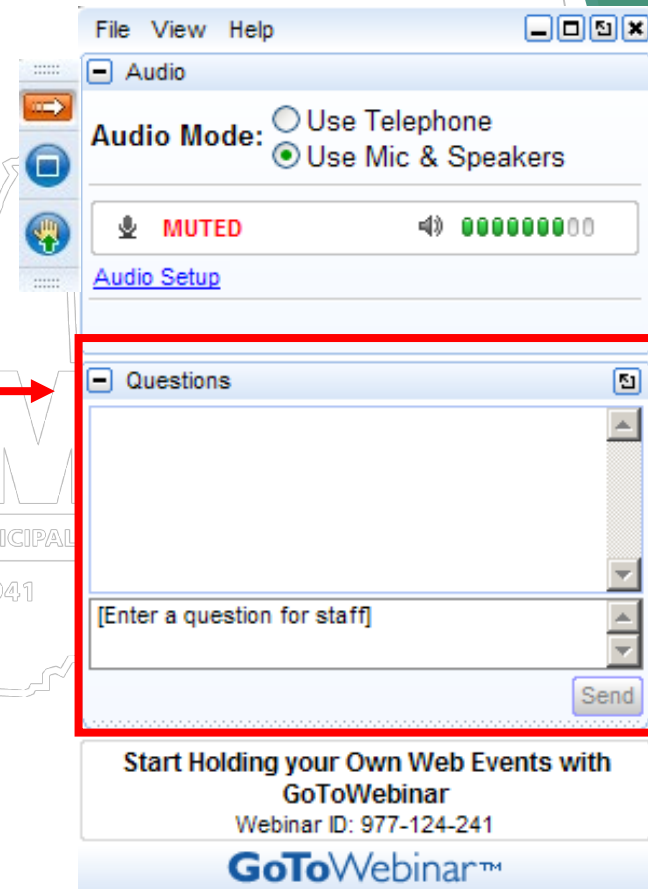
Special thanks to Susan Drew, Welfare Director, Town of Milford

[nhmainfo@nhmunicipal.org](mailto:nhmainfo@nhmunicipal.org) / 800.852.3358 / [www.nhmunicipal.org](http://www.nhmunicipal.org)

# How to Participate Today



- Open and close your panel
- Submit text questions
- Q&A addressed during the webinar session



# Duty to Provide Assistance

Whenever a person in any town is poor and unable to support himself, he shall be relieved and maintained by the overseers of public welfare of such town, whether or not he has a residence there.

- The word “whenever” means there is no time limit to the duty to assist.
- The word “shall” means that no municipality may treat the program as optional, even when the local budget for the task has been fully expended.
- The duty includes all persons, not just those who are “residents.”
- The local welfare program truly constitutes the “safety net” for all persons in the state of New Hampshire. However, although the duties imposed by the statute are broad, they are not unlimited. A person is not entitled to assistance simply because he or she has filled out an application.

# Access to Local Assistance



Welfare administrator available, or there is access to the welfare program, including applications, during business hours, five days per week.



Conduct home visit when it is impossible for applicant or representative to apply in person.



In an emergency situation, a person should be able to receive aid for which he or she is eligible within 72 hours of making an application.



If you can provide emergency aid in less than 72 hours, you should do so.

## Veteran in a qualifying conflict is entitled to:

Be supported, along with spouse & children at their home or other place.

Be provided a decent burial if veteran was assisted at time of death or left an insufficient estate to pay or burial.



*Questions on veterans' issues? Contact New Hampshire  
Office of Veterans Services: 1-800-622-9230*

# Relief for Veterans

# “Absolute discretion is a ruthless master.”\*

- ▶ Guidelines Mandatory
- ▶ RSA 165:1 (II)
- ▶ Required Contents
- ▶ Adopted by Governing Body

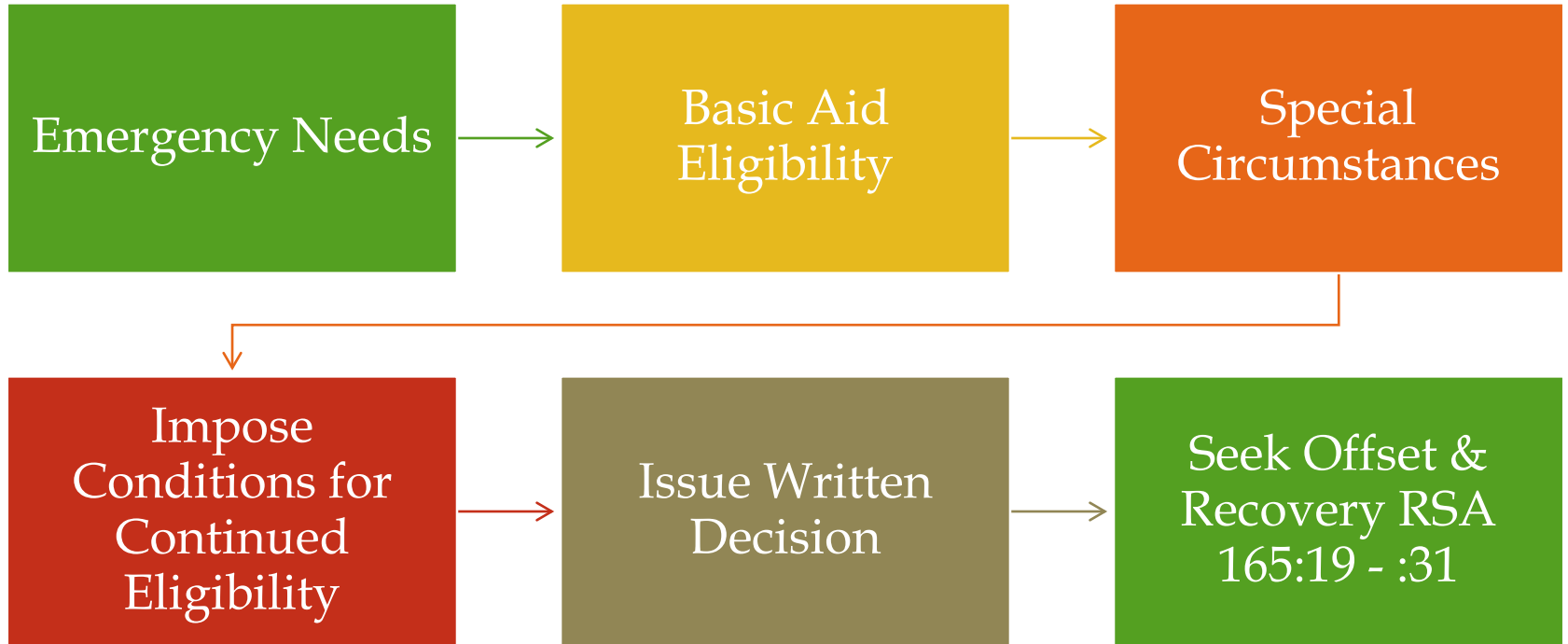
\* *Baker-Chaput v. Cammett*, 406 F. Supp. 1134, 1139 (D.N.H. 1976).

# Application Process



- ▶ Information to provide to applicant
- ▶ RSA 165:1 (II) (a)
- ▶ Responsibility of applicant
- ▶ Continuity







NEED



less INCOME/  
AVAILABLE ASSETS



equals AMOUNT of  
ASSISTANCE

# Determining Eligibility

Be Flexible

Get Releases

Necessary Information

Accurate Records – RSA 41:46

Interim Verification



Social Security



Veterans  
Benefits



Gifts, Lottery  
Winnings, etc.



Unemployment  
Benefits



Child Support

Income that can be counted



Supplemental  
Nutrition  
Assistance  
Program



## Income that should *not* be counted



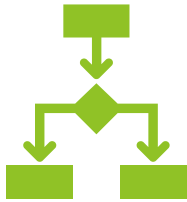
*What about  
APTD?*

*What about  
OAA?*

# Coordination and Cooperation among Municipalities

## ▶ Appendix C - Model Local Welfare Guidelines

- ✓ Dumping is persuading client to establish residence elsewhere.
- ✓ Do not encourage a client who has applied for assistance in your town to seek assistance in another town without a good faith effort to contact the other welfare administrator.
- ✓ If your town has accepted financial responsibility for a client do not grant assistance that will be used to allow client to establish residence in another town without first offering to pay one month's assistance.
- ✓ According to RSA 126-A:30, persons receiving emergency housing (shelter) shall continue to maintain their legal residence as it existed at the time of entering the emergency housing facility. When a person leaves the originating shelter of their own free will, the liability no longer remains the responsibility of the original town. A person does not gain or lose residency while in a shelter, hospital or treatment center.



**Making the  
Decision**



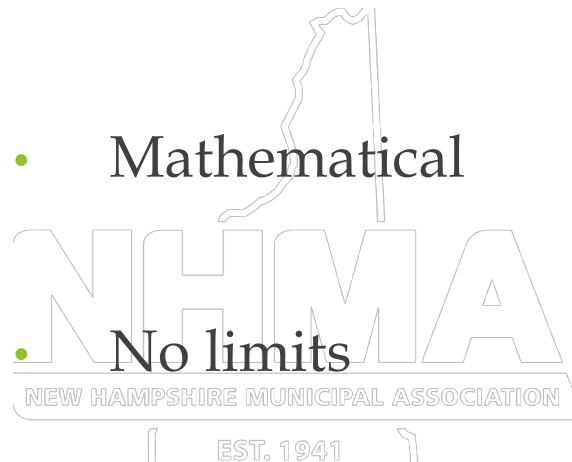
**Timing  
→ Emergency?**



**Written Notice of  
Decision**

## Level & Form of Assistance

- Mathematical
- **No limits**
- Use vouchers, RSA 165:1, III
- Set conditions, RSA 165:1-b



### **PAYMENT VOUCHER**

Dated:

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Print By:

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Residence



Temporary absence,  
RSA 165:1-c



Communicate with  
welfare  
administrator



Dumping

Residence

# Burials

RSA 165:3

County nursing home: town of prior admission

Veterans without sufficient estate or who are on assistance

Unassisted persons?

UTILITIES &  
PAYING  
ARREARAGES



ACCOUNT NUMBER  
**SHUT OFF NOTICE**  
TO SHUT OFF WATER

Financial  
Disclosures

Impose  
Conditions

Apply for Aid

Work Search/  
Program

# Disqualification, RSA 165:1-b

1

- Notice of Conditions

2

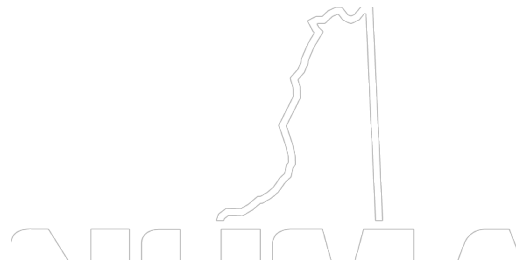
- 7-day Notice

3

- Suspension Notice



## Other Reasons for Disqualification:



- ▶ Voluntary quit without good cause, RSA 165:1-d
  - ▶ QSAR, RSA 165:1-e
  - ▶ Transfers of property, RSA 165:2-b

# Fair Hearings



**What** is a fair hearing? Adjudicatory proceeding held at the request of an applicant for local welfare whenever a decision is made denying or changing the amount or form of assistance, or suspending assistance, or contesting conditions on assistance

**Why?** Appeal from initial determination of eligibility, appeal from suspension; notice of appeal rights must be in every written decision

**When?** Five days for disqualification appeals; could be no longer, but not shorter, for other types of appeals; hold hearing within 7 days of the request; send notice of time and date at least 48 hours in advance; provide procedure, access to file, copy of guidelines

→ Continued assistance – municipality's right to recover

# Recovery of Assistance

Liens on Real Estate – RSA 165:28

Legally Liable Relatives – RSA 165:19

Repayment by Assisted Person – RSA 165:20-b

Recovery from Town of Assistance – RSA 165:20 & RSA 165:20-a

Judgements & Settlements – RSA 165:28-a & RSA 281-A:52

Work Program as Offset – RSA 165:31



NH-GAP v2020

Edit Browse Interviews Reports Utilities Setup Tools Window Help Security

Cases and R Activity Vouchers Conditions Schedule Liens Blank Forms SuperUser: 1234 SOMEWHERE C:\Thin@Vpps\vhgap

Browse Cases by Individual

Browse Cases by Individual

Local Cases Check Statewide

First Name: JIM Last Name: DOB: 4 of SSN: Street #: Street Name: Clear Search Search

Names - by Last Name, First Name, MI, DOB

First Name	Last Name	MI	Suffix	SSN-4	Date of Birth	Address Line 1	Phone
JIM	SMITH			3483	10/10/1969		

Case#: Find by Case# Case Profile Intake Form Name Change

Case #	Case Head	Start Date	Last Interview	
124	JIM SMITH	1/27/2020	01/27/2020	Edit Selected Case

Create New Case (Intake) Create New Case (Full Interview)

Activities/Notes

Act Date	Time	Units	Activity Type	Related To
1/27/2020	9:37 AM	0	INTAKE	CASE

Close

# NH-GAP

## Statewide General Assistance Program

# NH-GAP

## Overview

Hosted in Amazon Cloud (AWS)

Centralized Statewide Database

Monitor for Duplication of Services

Standardized Forms and Reports

Standardized Codes for Reporting

Nightly Backup & Data Integrity Checks

Phone/Electronic Support 8-5 Mon-Fri

Tested solution - in use for over 7-years



Scheduling and tracking of Appointments



Track compliance requirements & conditions



Search by name, address, DOB, SSN



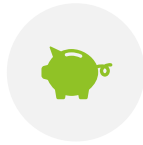
History of ALL names - even if name change



Retains history of all requests - indefinitely



Unlimited notes and attachments by individual and case



Repayment, lien and workfare tracking



Voucher generation with vendor tracking



Full security with data encryption

# NH-GAP Application Features



35-year old company based in Rochester,  
New Hampshire

- Affordable
  - Less than 9-cents per capita annually
- Cloud-based solution
  - Only a small client is installed on each workstation
- Contact us –
  - Phone – 603.749.6952
  - Email – [GAPSupport@shms.us](mailto:GAPSupport@shms.us)

NH-GAP  
Statewide General Assistance Program

# Upcoming Webinar



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**TODAY!**

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# Upcoming Webinar



Registration  
to Open  
Soon!

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for joining  
us today!



### NHMA'S MISSION

Through the collective power of cities and towns, NHMA promotes effective municipal government by providing education, training, advocacy and legal services.

