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Family Support Grant Program

Secs. 17b-616-1—17b-616-14. Reserved

Sec. 17b-616-15. Definitions

For purposes of Sections 17b-616-15 through 17b-616-26:

(a) “Child with a disability” means any child under the age of 18 who has a developmental disability but does not include any child with mental retardation.

(b) “Commissioner” means the Commissioner of the Department of Human Resources.

(c) “Department” means the Department of Human Resources.

(d) “Developmental disability” means a severe, chronic disability of a person 5 years of age or older which:

(1) Is attributable to a mental or physical impairment or combination of mental and physical impairments;

(2) Is manifested before the person attains age twenty-two;

(3) Is likely to continue indefinitely;

(4) Results in substantial functional limitations in three or more of the following areas of major life activity;

(A) self-care;

(B) receptive and expressive language;

(C) learning;

(D) mobility;

(E) self-direction;

(F) capacity for independent living;

(G) economic self-sufficiency; and

(5) Reflects the person’s need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated; except that such term, when applied to infants and young children means individuals from birth to age 5, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided.

(e) “Disability-related expenses” means those costs incurred on behalf of the child with a disability directly associated with his or her disability and may include, but are not limited to, the following expenses not covered or reimbursable by insurance or other funding sources: disability-related medical supplies, equipment, prescriptions, medical and dental care, and related transportation costs, and other disability-related costs as determined by the Commissioner.

(f) “Extraordinary financial impact” is defined as substantial ongoing monthly expenses which meet or exceed the level of the grant, which are not reimbursable and which are related to the unique needs and/or care of a child with a disability.

(g) “Family applicant” means any parent or other family member who resides in the same residence as the child with a disability and who has primary responsibility for providing continuous care to the child with a disability.

(h) “Family Support” means the monthly grant provided to a recipient.

(i) “Grant Reduction Recoupment” is a method of recoupment in which the Department reduces the recipient’s monthly grant totalling the amount of the overpayment.

(j) “Gross Income” means all income, from whatever source derived, including, but not limited to:

(1) Earned income such as compensation paid by an employer to an employee for personal services and includes wages, salaries, tips, commissions, bonuses, and earnings from self-employment or contractual agreements;

(2) Unearned income such as pensions, annuities, dividends, interest, rental income, estate or trust income, royalties, social security or supplemental security income, unemployment compensation, workers' compensation, alimony, child support, and cash assistance from federal, state or municipal assistance programs.

(k) "Income" means the gross income of the family applicant, any legally liable relative in the household of the child with a disability, and the income of the child with a disability, less the disability-related expenses listed in subsection (e) of this section.

(l) "Installment Recoupment" is a method of recoupment in which the recipient makes monthly installment payments to the Department totalling the amount of the overpayment.

(m) "Lump-sum Recoupment" is a method of recoupment in which the recipient makes payment to the Department of the entire amount of the overpayment in one payment.

(n) "Overpayment" is the amount of financial assistance paid on behalf of a recipient in excess of the amount to which he or she is properly entitled. The overpayment may be caused by:

(1) The Department's incorrect action or failure to act within the appropriate time limits;

(2) The recipient's failure to report excess income;

(3) The recipient's failure to verify expenditures of the Family Support Grant;

(4) The recipient's failure to notify the Department that a child who was initially found eligible for the program has been diagnosed as having mental retardation or;

(5) The recipient's failure to notify the Department of any change in circumstances affecting eligibility.

(o) "Recipient" means a person who has been determined eligible and is receiving a Family Support Grant.

(p) "Recoupment" is a process by which the Department recovers an overpayment from the recipient.

(Effective November 30, 1995)

Sec. 17b-616-16. Eligibility criteria

In order to be eligible for a Family Support Grant under this program the requirements of both subsection (a) for the family applicant and of subsection (b) for the child with a disability must be met.

(a) In order to be eligible, the family applicant must meet the following criteria:

(1) Be a parent or adult family member;

(2) Be a resident of Connecticut;

(3) Reside in the same household as the child with a disability;

(4) Have primary responsibility for providing continuous care to the child with a developmental disability other than mental retardation;

(5) Have income not greater than 140% of the previous year's median family income for Connecticut as determined annually by the U.S. Department of Housing and Urban Development (HUD) pursuant to Section 3 (b) (2) of the U.S. Housing Act of 1937 as amended; and

(6) Comply with the requirements of sections 17b-616-19 to 17b-616-25, inclusive.

(b) In order to be eligible, the child with a disability must meet the following criteria:

(1) Be a resident of Connecticut;

(2) Be under the age of 18;

(3) Have a developmental disability as defined in Section 17b-616-15 (d) of this regulation; the developmental disability must be other than mental retardation as defined in Conn. Gen. Stat. Section 1-1g and this developmental disability must result in extraordinary financial impact for the family applicant, as defined in Section 17b-616-15 (f).

(Effective November 30, 1995)

Sec. 17b-616-17. Grandfathered cases

(a) Participants in the Department's Pilot Phase of the Family Support Program during the calendar years 1990, 1991 and 1992 shall be grandfathered onto this program.

(b) Such cases shall be added effective January 1, 1993 when funding from the Developmental Disabilities Council ends.

(Effective November 30, 1995)

Sec. 17b-616-18. Waiting list and termination of funding in the event of inadequate appropriation

(a) The Family Support Grant Program is not an entitlement program. Funding shall be provided within available appropriations. The Department has established a waiting list as follows:

(1) The initial waiting list consists of a randomly ordered list of all persons who submitted their names to the Department as of June 30, 1992, and were not selected for the program.

(2) Thereafter, additional names will be submitted by the district offices in writing, or by any other person either orally or in writing, to the Bureau of Field Operations and will be added to the waiting list as received.

(b) In the event that the Commissioner determines that there is not sufficient funding to provide grants throughout the fiscal year on behalf of families who are receiving assistance under the program, the Commissioner may elect to:

(1) Remove families in order of greatest income from the program so that the program may operate through the remainder of the year or;

(2) Maintain all families on the program as long as funding is available and terminate the program for the current fiscal year when funding is exhausted.

(c) Families denied assistance due to the lack of sufficient funding pursuant to this subsection shall not be entitled to a Fair Hearing pursuant to Section 17b-616-26.

(Effective November 30, 1995)

Sec. 17b-616-19. Application filing

(a) Application forms shall be available at the Department's district offices and shall be mailed to the next family applicant on the waiting list as funds become available.

(b) Upon request of the family applicant, a Department worker shall assist with the application and arrange for a social study at the same time. If no assistance has been requested, a Department worker shall, upon receipt of the completed application form, contact the family applicant and arrange for a home visit in order to prepare a social study.

(c) A properly completed and signed application form and other documents as may be necessary to determine eligibility shall be submitted to enable the Department to conduct a thorough review of the family applicant's eligibility for family support under this program.

(Effective November 30, 1995)

Sec. 17b-616-20. Elements of the application

(a) The Family Support Program application shall include, but is not limited to, the following information:

(1) Nature of the child's disabling condition;

(2) A statement of the diagnosis and medical needs signed by the child's health care professional; including verification that the child does not have mental retardation;

(3) Verification of Income: wage stubs for the last six (6) weeks, and a complete copy of the I.R.S. Federal Income Tax Return for the previous calendar year; and

(4) Expected use of the family grant including information as to the ongoing extraordinary financial expenses.

(b) The Department shall conduct a social study in order to evaluate the home and family situation and to determine eligibility. The elements of the social study shall include but not be limited to: family members and relationships, description of the child with a disability, financial information and a description of the home environment.

(Effective November 30, 1995)

Sec. 17b-616-21. Application review, notification and funding

(a) Within forty five (45) days of the receipt of a completed application as described in Section 17b-616-20 (a) and other supplementary material, the Department shall determine the eligibility of the family applicant and notification of acceptance or non-acceptance into the program shall be mailed to the family applicant.

(b) It shall be the responsibility of the recipient to notify the district office within fifteen (15) days of any change in circumstances affecting eligibility. Failure to do so may be cause for discontinuance from the program.

(c) Funding shall be provided within available appropriations at the rate of \$250 per month.

(Effective November 30, 1995)

Sec. 17b-616-22. Family support payments

(a) Family Support payments shall be used to pay for disability-related expenses incurred on behalf of the child with a disability.

(b) The Department shall require a written participant agreement between the Department and the family applicant accepted into the program. The terms of the participant agreement shall include:

(1) The recipient must reside in the same household and have primary responsibility for the continuous care of a child, who has a developmental disability other than mental retardation. The child must be under the age of eighteen (18).

(2) The recipient must agree to provide information about the expenditures made with the Family Support Grant to the Department.

(3) The recipient must notify the Department within fifteen (15) days of any change in income or any other circumstances which affect eligibility.

(4) The Department will redetermine eligibility at least semi-annually.

(5) Upon full execution of the participant agreement the Department shall provide the family applicant with a monthly check for the agreed upon amount of family support.

(Effective November 30, 1995)

Sec. 17b-616-23. Department review

(a) All conditions of eligibility shall be subject to review semi-annually. Semi-annual review shall include verification of expenditures of the Family Support Grant received for the previous six months. Failure to provide such verification may be cause for discontinuance from the program. Prior to discontinuance of the Family Support Grant a recipient shall be given thirty (30) days written notice.

(b) If the Department's worker finds, at the time of review or at any other time that a child who was initially found eligible for the program is thereafter diagnosed as having mental retardation, that child shall be discontinued from the program upon thirty (30) days written notice to the recipient. A referral will be made to the Department of Mental Retardation which administers a similar program for families with children who have mental retardation.

(Effective November 30, 1995)

Sec. 17b-616-24. Recordkeeping and verification of service

The recipient shall maintain records verifying that the Family Support Grant payments from the Department have been expended for the care of the child with a disability.

(Effective November 30, 1995)

Sec. 17b-616-25. Overpayment recovery procedure

(a) Program recipients and former recipients are obligated to reimburse the Department for any overpayment received.

(b) The Commissioner may waive recoupment of an overpayment if in his/her judgment the imposition of recoupment measures would result in unnecessary hardship for the recipient's family.

(c) Prior to the Department initiating any recoupment process, the recipient shall be notified of the amount of the overpayment, the reason the overpayment occurred, the time period covered by the overpayment, the proposed method for recovering the overpayment and the process for appealing the recoupment action in accordance with Section 17b-616-26.

(d) Method of Recoupment:

(1) The Department shall attempt to recover overpayments from recipients and former recipients by the lump-sum recoupment method.

(2) If the recipient or former recipient who owes the overpayment is unable to make a lump sum repayment, the Department will attempt to recover the money through the installment recoupment method. Recipients may agree to the grant reduction recoupment method in lieu of installment recoupment.

(3) In cases where the recipient who owes the overpayment fails or refuses to make a lump sum payment, sign an installment agreement, or comply with the provisions of an installment agreement, the Department may utilize the grant reduction recoupment method by reducing each subsequent payment made to the recipient by up to 25% of the total amount owed until such overpayment is recovered.

(4) When there is failure to agree to an appropriate repayment plan, the Commissioner shall take whatever action he/she deems appropriate to recover such overpayment including referral to the office of the Attorney General.

(Effective November 30, 1995)

Sec. 17b-616-26. Fair hearings

An aggrieved person shall be given an opportunity for a fair hearing in accordance with the Connecticut General Statutes Sections 17-603 and 17-604, as same may be amended. The Department of Human Resources fair hearing procedures are governed by applicable provisions of the Uniform Administrative Procedures Act and the agency's separate fair hearing regulations.

(Effective November 30, 1995)