

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
DIVISION OF SOCIAL SERVICES**

**8000 Refugee Resettlement Program**

**8000 Basis and Purpose of the Program**

Through a grant provided under Title IV of the Immigration and Nationality Act, DSS administers a program to provide for the effective resettlement of refugees and to assist them to achieve economic self-sufficiency as quickly as possible. The provision of English language training and employment services are national priorities in accomplishing the purpose of this program.

**8005 Definitions**

The following definitions are applicable for purposes of this part:

**"Cuban/Haitian Entrant"** Any individual granted parole status as a Cuban/Haitian Entrant (Status Pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the individual at the time assistance or services are provided.

Individuals having a final, non- appealable, and legally enforceable order of deportation or exclusion entered against them cannot be considered for services under this program.

**"Filing unit"** means an individual or individuals whose needs are taken into account in determining eligibility for, and the amount of, assistance for which Federal reimbursement is claimed.

**"ORR"** means the Federal Office of Refugee Resettlement.

**"Payment levels"** In determining the amount of RCA payment to an eligible refugee who meets the need standards in DSSM 8024 , and applying the consideration of income and resources defined immediately above, DSS must pay according to the benefit calculation in DSSM 8032 .

**"Refugee"** means an individual who is outside any country of such person's nationality and who is unable or unwilling to return to, and is unable or unwilling to avail him/herself of the protection of, that country because of persecution or a well- founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

**"Refugee cash assistance (RCA)"** means cash assistance provided to refugees who are ineligible for TANF or SSI and who have resided in the United States for less than a period of eight months from their initial entry to the U.S.

**"Refugee medical assistance (RMA)"** means medical assistance provided to refugees who are ineligible for Medicaid benefits and who have resided in the United States for less than a period of eight months from their initial entry to the U.S.

**"Sponsor"** means an individual, church, civic organization or other group or organization which has agreed to help in the reception and initial placement of refugees in the United States.

**"Support Services"** means services provided by, or purchased by, a state, which are designated to meet resettlement needs of refugees, for which Federal funding is available.

**"Voluntary Resettlement Agency (VOLAG)"** means one of the national resettlement agencies (or its local affiliate or sub- contractor) that has entered into a grant, contract or cooperative agreement with the U.S. Department of State to provide for the reception and initial placement of refugees in the U.S.

**8006 RCA and SSI Recipients**

A Supplemental Security Income (SSI) recipient cannot receive RCA payments for himself while receiving SSI, but may be a payee for an RCA grant for others. The SSI recipient is not regarded as a member of the family when determining a family's RCA financial eligibility or benefit amount, and none of the SSI recipient's income or resources is counted as income to the family.

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An SSI recipient may elect to receive RCA rather than SSI payments, if otherwise eligible. In such instances, the RCA payment may not be authorized until it has been verified that the SSI payment has ceased.

### 8007 Unaccompanied Minor Case Processing - Foster Care

The Title IV-E Eligibility worker within the Department of Services to Children, Youth and Their Families will determine if the child is eligible for Title IV-E funds. A child could be in foster care for a period of time before the IV-E eligibility determination is made. The child receives State Only Foster Care payments until Title IV-E eligibility is established. The Title IV-E Eligibility Worker will notify the DSS Social Worker when the Title IV-E determination is completed and the starting date for Title IV-E matching funds. The DSS Social Worker will contact the Title IV-E Eligibility Worker (phone number: 633-2517) at each application and redetermination to determine the foster care funding source. If the funding changes from State Only Foster Care to Title IV-E Foster Care, close the child's public assistance grant.

#### 8007.1 RCA and Title IV-E (Foster Care)

If a child is living with a minor parent and the minor parent receives Title IV-E Foster Care, the child cannot be included in an RCA grant.

Instead, the Department of Services to Children, Youth and Their Families will include the child in the minor parent's Title IV-E foster child payment as required by the Omnibus Budget Reconciliation Act (OBRA) of 1987.

#### 8007.2 RCA and State Only Foster Care

If a child is living with a minor parent and the minor parent receives State Only Foster Care payments, the child may receive public assistance. The minor parent cannot be included in the public assistance program.

The minor parent may be an RCA payee if she cares for the child and is capable of handling funds. Contact the minor parent's Child Protective Services worker for this determination.

If someone other than the minor parent cares for the child or if the minor parent is not capable of handling funds, an adult in the household may be payee. If the adult meets the definition of a "specified relative" (Social Services Manual Section 3004 ), that adult may receive TANF for the child. If the adult does not meet the definition of a "specified relative," that adult may receive GA for the child.

The minor parent is not included in the RCA grant and the State Only Foster Care payment is not considered income to the child.

### 8008 Eligibility Criteria

Category	Duration in U.S.	Eligibility Criteria	Payment Level
RCA/RMA	0-8 months	Refugee/entrant status; meets State's income requirements for traditional TANF with 30 + 1/3 earnings disregard, but does not TANF meet TANF categorical requirements (i.e., family composition, age, disability)	

### 8009 Registration for Employment

Refugees meeting the State's normal TANF requirements (i.e., persons who would qualify for TANF regardless of their refugee status) must register for the Employment and Training Program as appropriate (see DSSM 3006 ).

All refugees receiving cash assistance (TANF or RCA) will be referred to the Refugee Social Services Contractor. The contractor will provide case management, English language training, employment Services and other necessary social services to all refugee clients. Any employable refugee, in the RCA program, unwilling to cooperate in this effort will be

sanctioned per rules in DSSM 8010.4 . Staff are to send a list of refugees in the United States less than 5 years to the Refugee State Office.

Inability to communicate in English does not exempt an employable refugee from work registration.

Full-time attendance at an institution of higher education does not constitute an exemption from work registration.

### **8010 Employment and Training Participation**

The Employment and Training Program is designed to assist clients in preparing for and securing employment. Services are offered by DSS to Refugee TANF and RCA clients through contracts with community agencies to provide employment and training activities.

Refugees will be served via the Refugee Social Services contracts.

The following clients will be exempted from E & T registration:

1. All persons under age 16.
2. Children who are:  
16 or 17, and  
attending an elementary, secondary, or vocational or technical school fulltime.
3. Parents or other caretaker relatives of children under age three (3) who are personally providing full-time care for the child with only very brief and infrequent absences from the child. Examples of such absences include, but are not limited to, working part time, attending school part time, and participating in community projects. Children under age three (3) may be absent from the home to attend pre- school or Head Start or be absent for any other allowable reason, and the caretaker remains exempt from participation; - Note: A full-time college student is not exempt from Employment and Training participation even if the student attends school less than 29 hours per week. Only one parent or other relative in a case may be exempt.
4. A person who is ill or incapacitated as determined by medical evidence and the illness and/or injury or incapacity is serious enough to prevent participation in Employment and Training activities. Ill or incapacitated persons must be referred to the Division of Vocational Rehabilitation (VR), if the estimated duration of the incapacity stated on Form 184 is twelve (12) months or more, or indefinite. Refer the person(s) using Form 220, unless they have been referred from another source such as a physician, the Social Security Administration, or self- referral, and this fact is documented in the record. If the estimated duration of the incapacity stated on Form 184 is less than twelve (12) months, the person(s) should not be referred to VR. (NOTE: Workers will need to review the status of a person's incapacity at each redetermination and by the end of the period of stated incapacity.

Set controls to assure that a review is made not later than the stated period of incapacity. If the stated period of incapacity is "indefinite," set the control at the end of six months. When incapacity ends, the client must be referred to the appropriate Refugee Social Services contractor for participation).

5. A Person who is sixty-five (65) years of age or older.
6. Persons whose presence in the home is required because of the illness or incapacity of another member of the household. (This exemption requires a physician's verification.)
7. Persons working 30 hours per week in unsubsidized employment and earning the federal minimum wage in work expected to last 30 days.
8. Pregnant women beginning in the third (3rd) month of pregnancy.

Note: The RCA worker will register all clients for Employment and Training at the time of application for RCA benefits. Registration is accomplished through DCIS.

#### **8010.1 Employment and Training Participation**

The RCA worker will refer all mandatory and voluntary participants by correctly coding the DCIS document. Clients who must participate will be informed of the penalties for failure to participate (DSSM 8010.4 ).

#### **8010.2 Employment and Training - Case Processing Instructions**

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1. All applicants and recipients are registered when they are referred to Employment and Training.
2. At the application interview, mandatory Employment and Training participation and penalties for failing to participate are explained to the client. Participant status (mandatory/exempt) of all unit members as specified in DSSM 8010 are determined.
3. Upon approval of the RCA application, mandatory and voluntary participants are referred to the Employment & Training Program through DCIS for each participant. The Social Service Contractor is responsible for contacting the participant to begin the participation process. Participation must be with the Refugee Social Services contractor. Further referrals will be made by this contractor.
4. Persons who are exempt from participation because of an incapacity expected to last 12 or more months are referred to the Division of Vocational Rehabilitation. Form 220 is used to refer. Form distribution is included on the Form 220.
5. Exempt status of recipients is monitored at and between redetermination periods. At the redetermination interview, mandatory Employment and Training participation and penalties for failing to participate are explained to the client. Participant status (mandatory/exempt) of all unit members as specified in DSSM 8010 are determined. Eligibility staff monitor exempt status between redeterminations in the following manner:
  - Computer lists of persons turning 3 and 65 are reviewed to identify changes in participation status.
  - Recipients who lost exempt status are referred to the Employment & Training Program by correctly coding the DCIS document. The Employment & Training staff is responsible for contacting the participant to begin the participation process.
  - When a mandatory participant becomes exempt, the DSS worker changes the recipient's Employment and Training participation status through DCIS.
6. The Social Services Contractor will inform the DSS worker participant is placed in employment. The DSS worker will then reduce or terminate the RCA grant and notify the Social Services Contractor of the reduction.
7. Never refer a refugee to workfare.

#### **8010.3 Employment and Training Verification Requirements**

1. Referral for Employment & Training participation is verified through DCIS and documented in Case Remarks.
2. Participation exemptions are verified as follows:
  - a. Age and employment are verified for RCA eligibility. No further verification is required.
  - b. School attendance is verified for dependent children, ages 16 or 17, by Form 168.
  - c. Illness or incapacity is verified by Form 184.
  - d. Persons needed in the home to care for another family member who is ill or incapacitated are verified by Form 184.
  - e. Pregnancy is verified by Form 184.
  - f. Absences by a caretaker of children under three (3) is verified by documenting the length and nature of the absence.

#### **8010.4 Employment and Training Sanctions**

When an RCA recipient who is a mandatory participant in the Employment and Training Program has been found to have failed or refused without good cause to participate in the program, the individual will be sanctioned.

Failure to participate without good cause is determined by the Social Services Contractor. Good cause for failure to participate in Employment and Training or refusal to accept employment exists when:

- The individual is the parent or other relative personally providing care for a child under age three (3) and participation in the program or employment would require such individual to participate or work more than 20 hours per week.
- Child care (or day care for any incapacitated individual living in the same home as a dependent child) is necessary for an individual to participate or continue participation in the program or accept employment and such care is not available and DSS fails to provide such care.

- The employment would result in the family of the participant experiencing a net loss of case income.
- Circumstances beyond the participant's control prevent participation, for example:
  - Illness of another household member requiring the presence of the participant; or
  - Court required appearance; or
  - Household emergency; or
  - Unavailability of transportation; or
  - Inclement weather which prevented travel.

The sanctioned individual's needs will not be taken into account in determining the family's need for assistance. The income, with disregards, and resources of the sanctioned individual will be considered available to the assistance unit.

When the sanctioned individual is the only dependent child in the home, the child is considered a dependent child for the purpose of determining eligibility for the family. The parent/caretaker remains technically eligible for assistance.

For the first occurrence of failure or refusal to participate without good cause, the individual will be sanctioned until the failure to comply ceases. For the second occurrence of failure or refusal to participate without good cause, the individual will be sanctioned for three (3) payment months or until the failure to comply ceases, whichever is longer. For the third and subsequent occurrences of failure or refusal to participate without good cause, the individual will be sanctioned for six (6) payment months or until the failure to comply ceases, whichever is longer.

The Employment Contractor must send a reminder at the end of three (3) months to any individual who has been sanctioned. The reminder will state that the individual has the option:

- To end the sanction by participating in the Employment and Training program, if this is the first or second sanction, or
- To end the sanction at the end of six (6) months if this is the third or subsequent sanction.

#### **8010.5 Employment and Training Case Processing Instructions - Sanction**

1. The Employment Contractor will send a written statement to any mandatory Employment and Training participant of the intent to initiate a sanction for failing to participate in the Employment and Training Program without good cause. The client will be given ten (10) days to respond to the provider. If there is a response, the provider will attempt to resolve the non-participation issue.

2. If there is no response to the written statement or the issue cannot be resolved by the end of the ten (10) day period, the contractor will alert the DSS worker who will sanction the individual by removing him/her from the assistance unit as specified in DSSM 8010.4 .

3. The DSS worker will notify the Employment Contractor when the sanction is imposed.

The client is notified of the reduction or termination of RCA benefits via the client notices. The notices clearly indicate that benefits are reduced as a result of Employment and Training non-cooperation. The notice also includes the duration of the Employment and Training sanction period.

4. The DSS worker must send a reminder at the end of three (3) months to any individual who has been sanctioned.

#### **8010.6 Employment and Training Ending a Sanction**

Individuals who have been Employment and Training sanctioned must reapply at the end of the sanction period and participate in Employment and Training before they can be added to the assistance unit.

When the individual successfully participates in Employment and Training, the sanction will be considered to have ended as of the day she agreed to participate or the sanction period ends whichever is later.

The Social Services provider will have thirty (30) days to determine whether or not the individual is participating.

EXAMPLE: Ms. X began her second sanction on August 1. Ms. X reapplies for RCA on November 1. She brings all necessary verifications to the November 1 interview and she states she is willing to participate in Employment and Training. On November 18, the Contractor notifies the RCA worker that Ms. X is added to the RCA grant effective November 1.

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**8011 English Language Training**

All refugee applicants should be informed of the availability of English as a Second Language (ESL) classes in their locale. Such information, if not readily available, can be obtained through the State Office.

**8012 Verification with Resettlement Agencies or Sponsors**

As part of the regular process of determining (or redetermining) a refugee's eligibility for cash or medical assistance, DSS will contact the refugee's sponsor or resettlement agency and inquire as to:

- a) What assistance the sponsor or resettlement agency is providing to the refugee, and
- b) Whether the refugee has refused an offer of employment or has voluntarily quit a job without good cause.

This contact will also serve to notify the sponsor or resettlement agency that this refugee has applied for assistance from DSS.

**8013 Hearings**

Applicants for, and recipients of, assistance and services under the Immigration and Nationality Act must be provided with an opportunity for a hearing to contest adverse determinations using hearing procedures set forth in DSSM 5000 .

If the issue is the date of entry into the United States of an applicant for, or recipient of assistance of services, DSS must provide for prompt resolution of the issue by inspection of the individual's documentation issued by the Immigration and Naturalization Service or by information obtained from INS rather than by hearing.

**8014 Residency Requirements**

Applicants must reside in Delaware to be eligible for benefits. Persons including the homeless (those with no fixed address or not living in a permanent dwelling) who currently live in Delaware and plan to stay, regardless of the length of time they have been here, meet the residency requirement. Verification of residence is required at the time of application, at each subsequent redetermination, and any time an address change is reported.

Persons who reside in Delaware but because of local mailing practices have an out- of- state address are considered residents.

Examples of acceptable verification of residence are a landlord statement, a lease, a utility bill, or a collateral statement.

Do not impose requirements as to duration of residence as a condition of participation in the Refugee Resettlement Program for the provision of assistance of services.

**8014.1 Assistance From Another State**

Before an application for public assistance can be approved, DSS must verify that an applicant who moved to Delaware within three (3) months of the application filing date is not a recipient of assistance in the state where he/she previously resided. The eligibility worker will contact the public assistance agency in that state to verify the client's status with the agency. The client's written notice that benefits have ended is also acceptable verification.

**8014.2 Mailing Address**

Public assistance checks must be mailed to the residence of the recipient, protective, or voluntary payee unless the recipient:

- Lives in an area where home delivery is not available or customary and the situation is verified. These recipients may have their public assistance checks mailed to their own post office box.

OR

- Lives in an area where theft of benefits is prevalent and the theft is documented in the case record by reports to the police or the postal inspector. These recipients may have their public assistance checks mailed to their own post office box or the local DSS office. If a local DSS office is used, the recipient must take steps to obtain their own post office box.

OR

- Is homeless. These recipients may have their public assistance checks mailed to the local DSS office.

#### **8014.3 Temporary Visits Out of State**

Recipients do not lose their residence status because of a temporary visit out of state provided that the visit does not exceed thirty (30) days and the recipients:

1. Intend to return to the State, and
2. Continue to maintain a home in the State.

The assistance case of a recipient who leaves the State with the intent to establish residence in another state must be closed. The recipient may receive one grant payment after leaving the State if he/she is ineligible in the new state until residency is established. No further payments can be made to a client living out of state without the written approval of the DSS Director. To obtain approval, a memo listing the reasons that the grant should continue is sent to the Director.

#### **8014.4 Temporary Absence of a Child**

A child who is temporarily absent from the home to receive medical care, or to attend school elsewhere because of special educational needs, such as enrollment in the Job Corps or Sterck School For the Deaf, may receive assistance if the following conditions exist:

1. The caretaker with whom the child is living continues to have responsibility for the child's care, and
2. The caretaker continues to maintain a home for the child; and
3. The caretaker plans for the child to return to the home at the end of the absence.

The nature and anticipated length of the absence is documented in the case record.

Children absent from the home for any other reasons longer than one hundred twenty (120) days may not continue to receive assistance.

Note: A child who is absent from the home as the result of a court action is not considered temporarily absent. In such cases the assistance for the child is terminated.

#### **8014.5 Absence of an Adult to Receive Medical Care**

An adult who is temporarily absent from the home to receive medical care can receive cash assistance for a period not to exceed 90 days provided that:

1. The adult continues to maintain a home and be responsible for the children for whom assistance is received; and
2. The adult has arranged for a responsible adult to care for any children during the absence; and
3. The adult plans to return to the home at the end of the absence; and
4. The adult continues to meet all other technical and financial eligibility requirements of the category of assistance that he/she receives.

The nature of the adult's health problem and the anticipated length of the absence must be verified by a physician. If the absence continues for more than 90 days, the assistance case must be closed. The adult caring for the children in the assistance unit at the time of the closing may apply for assistance for the children if they are still in need.

#### **8014.6 Other Absences of an Adult**

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In active cases, an adult who is temporarily absent from the home for reasons other than to receive medical care (e.g., to handle a family emergency or seek employment) may continue to receive assistance for a period not to exceed thirty (30) days if the conditions listed in DSSM 3023.4 are met.

The nature and anticipated length of the absence must be documented in the case record. If the absence continues for more than thirty (30) days, the assistance case must be closed. The adult caring for the children in the assistance unit at the time of the closing may apply for assistance for the children if they are still in need.

**8014.7 Grants for Institutionalized Clients**

No grant payment may be authorized or continued for an institutionalized individual. Examples of institutions include veterans' institutions, state mental institutions, hospitals for tuberculosis and prisons.

**8015 Safeguarding and Sharing of Information**

Except for purposes directly connected with, and necessary to, the administration of the Program, do not disclose information about, or obtained from, an individual and in possession of any agency providing assistance or services to such individual, in a form identifiable with the individual without the individual's consent (or, if the individual is a minor, the consent of his/her parent or guardian).

The provision by DSS to a voluntary resettlement agency as defined in DSSM 8012, of information as to whether an individual has applied for or is receiving cash assistance and the individual's address and telephone number is to be considered undertaken for a purpose directly connected with, and necessary to, the administration of the Program during the first 24 months after such individual's entry into the United States.

**8016 Documentation of Refugee Status**

Require from applicants for assistance proof, in the form of documentation issued by INS, that their status is one of the following:

- 1) Paroled as a refugee or asylee under Section 212(d)(5) of the Immigration and Nationality Act;
- 2) Admitted as a conditional entrant under Section 203(a)(7) of the Act;
- 3) Admitted as a refugee under Section 207 of the Act;
- 4) Granted asylum under Section 208 of the Act;
- 5) Admitted as a Vietnamese Amerasian or family member under the Amerasian Homecoming Act;
- 6) Admitted with an immigration status that entitled the individual to refugee assistance prior to enactment of the Refugee Act of 1980; or

- 7) Admitted for permanent residence, provided the individual previously held one of the statuses identified above.

AN APPLICANT FOR ASYLUM IS NOT ELIGIBLE FOR ASSISTANCE UNDER THIS ACT.

A non-refugee child can receive Refugee benefits if his/her filing unit contains one or both of his refugee parents.

A non-refugee child cannot receive Refugee benefits if one parent in the filing unit is a non-refugee.

**8017 Documentation of Cuban/Haitian Status**

1) Any national of Cuba or Haiti granted parole status as a Cuban / Haitian Entrant (Status Pending) or granted any other special status.

2) Any other national of Cuba or Haiti for whom a final, nonappealable, and legally enforceable order of deportation or exclusion has not been entered.

AND WAS

(a) paroled into the U.S. and has not acquired any other status under INA, OR

(b) is the subject of exclusion or deportation proceedings under INA, OR

(c) has an application for asylum pending with INS.

**8018 Refugee Support Services**

The following support (social) services available to citizens are also available to refugees in Delaware:  
Services offered under Social Services Block Grant

For adults: Day Care

Homemaker Services  
Services for the Visually Impaired  
Residential and Foster Care  
Meals for Homebound Adults Respite Care

For children: Day Care

Counseling  
Shelter Services  
Substitute Care  
Diagnosis and Evaluation  
Permanent Placement Services  
Protective Services  
Adolescent Services

General Services: Information and Referral

Community Resource and Assistance Services

NOTE: Refugees utilizing day care services for the purpose of attending ESL or vocational training classes will not be required to pay for any portion of the fee.

Clients desiring child day care services may apply directly with the appropriate county day care unit.

**8019 Effect of Participation in a Strike**

Any individual who participates in a strike is not eligible for cash assistance. If the individual is also the natural or adoptive parent with whom an eligible child is living, the entire family is ineligible for assistance. When participation in a strike begins after the receipt of an assistance grant, the grant for that month must be recovered as an overpayment.

A strike is defined as any concerted work stoppage by employees. This includes a stoppage that results when a collective bargaining agreement expires or any other concerted slowdown or interruption of operations by employees.

Participating in a strike means an employee's refusal in concert with others to work.

Participation in a strike is not considered good cause for leaving employment. It is also not considered good cause for refusing to seek or accept other employment.

EXAMPLES:

1. Mrs. Jones is receiving RCA for herself and three (3) grandchildren. She is employed full time. On August 10th she goes on strike. How is the RCA case affected?

Mrs. Jones is removed from the assistance unit. Her portion of the August grant is recovered as an overpayment. Her portion is a pro rata share of the grant received.

2. The situation is the same as above except Mrs. Jones is the children's mother. How is the RCA case affected?

The case must be closed and the August payment recovered as an overpayment.

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Note: If participation in a strike begins any time after the issuance of a grant, the entire month's grant for the affected individual must be recovered. This is true even if the strike begins on the last day of the month.

A striker who subsequently quits his job is no longer a striker and the strike provisions explained above no longer apply. In such cases, the DSS worker will verify that the individual has quit his job before any case changes are made.

**8020 Application for Social Security Numbers**

Every applicant who does not have a valid Social Security Number (SSN) must apply for one before a public assistance application can be approved. Applicants who do not have a SSN are referred to the appropriate SSA District Office or branch office to apply for one via Form 122. Each person referred to the SSA to apply for a SSN is instructed to return verification of the number to DSS when the number is received.

In the case of newborn children, the mother of the child must apply for a card for the child by the first day of the second month following the month the mother is discharged from the hospital.

EXAMPLE: A child is born on May 25th and the child's mother is discharged from the hospital on May 28th. The mother must apply for a SSN and provide DSS with verification of the application by July 1.

Benefits must be denied to any person who refuses to furnish or apply for a SSN. In the case of a minor child, if a parent refuses to cooperate in applying for a SSN for the child, the parent(s), the child and all eligible siblings are ineligible for assistance.

**8020.1 Procedures for Enumeration**

Each applicant that does not have a SSN will be referred to the SSA to apply for a number as outlined below:

1. The worker informs the applicant at Intake that in order to be eligible for assistance, each family member must provide a Social Security Number or apply for a Social Security Number and report the assigned number to the agency.

2. The worker will complete Form 122 for clients who do not have a Social Security Number. The client is instructed to take the form to the SSA when applying for numbers, and is informed that SSA requires two (2) forms of identification for each person making application for a number, one of which must be a birth or baptismal certificate. Workers must emphasize that assistance cannot be approved until applications for missing numbers have been made and the completed Form 122 returned to DSS. A carbon or photocopy of the Form 122 is retained in the case record until the original is returned.

3. At intake, the worker allows the client thirty (30) days from the application filing date to apply for a Social Security Number and return a completed Form 122. In ongoing cases, the worker will give the client a deadline of not later than ten (10) days to apply for a Social Security Number and return the completed Form 122. If the client returns the Form 122 marked "The applicant was in to apply but no application has been made ....." the worker will not authorize assistance.

4. The above procedures apply to Social Security Numbers reported as missing on BENDEX report C35F1107 at redetermination, or at any other time it is discovered that a client does not have a Social Security Number and has not applied for one.

5. Clients who must apply for a Social Security Number are instructed to report the number to DSS as soon as it is received. Numbers will be verified through IEVS. See DSSM 2013.

**8021 Assistance Units**

The assistance unit is defined as the total number of persons who are eligible for a separate grant under the particular category.

**8021.1 Mandatory Composition of Assistance Units**

In RCA, the assistance unit will always include:

1. The dependent child; and
2. The dependent child's blood- related or adoptive siblings who are under 18 and who are also dependent children; and

3. The dependent child's natural or adoptive parent(s). If both parents live in the home, both parents must be included in the unit regardless of the parents' marital status. In a case where paternity has not been legally established, the putative father must acknowledge paternity as a condition of eligibility.

Note: In 2 and 3 above, the child or parent must also reside in the home and be otherwise eligible. Examples of persons who are not otherwise eligible include, but are not limited to SSI recipients, Employment and Training sanctioned individuals, and individuals ineligible due to receipt of lump sum income.

**EXAMPLE:** In RCA, where children who live in the home include the caretaker's own children and a child who is related in some other manner (e.g., niece or nephew), establish two assistance units. One will include the caretaker and his/her children, and the other will include the other related child with the caretaker as payee only. When more than one such child lives in the home, each child will be placed in a separate assistance unit unless the children must be considered together as specified in 1 and 2 above.

### **8021.2 Optional Composition of Assistance Units**

1. In RCA the dependent child, and if residing in the home and otherwise eligible, the child's blood- related or adoptive minor siblings, and the child's natural or adoptive parent(s) must be included in the unit. When both parents of the dependent child are in the home, both parents must be included in the unit regardless of their marital status. In a case where paternity has not been legally established, the putative father must acknowledge paternity as a condition of eligibility.

A Refugee non- parent needy caretaker relative may be included in the unit if the caretaker so chooses.

2. In RCA married couple cases, where each adult has children from previous relationships that are eligible for RCA, include the family in one RCA unit. If the couple has children in common who are also eligible for RCA, include these children in the unit also.

3. In RCA unmarried couple cases where each adult has children from previous relationships who are eligible for RCA, there will be two RCA grants - one for each adult and that adult's child(ren). If the couple has children in common, who are eligible for RCA, the couple, their child and the children from previous relationships will be placed in one RCA unit.

4. The newborns are added to the unit, and a supplemental grant is effective the date of its birth if the birth is reported within five (5) days. If the birth is not reported within five (5) days, the child is added to the unit and the grant is effective as of the date of the report. The child's father, if he is otherwise eligible, is also added using these guidelines. Procedures for completing supplemental applications for newborns are outlined in DSSM 2000.6.

### **8021.3 Age as a Condition of Eligibility**

For purposes of determining eligibility for cash grants, persons 18 years old and over are considered adults.

An individual is not eligible for RCA as a child the month of his/her 18th birthday if their birthdate is the 1st day of the month. If such children are RCA recipients, they will be removed from the assistance unit the last day of the month prior to the month of their 18th birthday.

An individual is eligible for RCA as the child the month of his/her 18th birthday if their birthday is the 2nd - 31st day of the month. If such children are TANF recipients, they will be removed from the assistance unit effective the last day of the month he/she turns 18.

An individual 18 years of age or older may still receive RCA as an adult.

### **8021.4 Eighteen Year Old Students**

An 18 year old student who is still a full-time student in high school, GED, or equivalent program and will graduate prior to his/her 19th birthday may receive RCA as a child. The 18 year old would be removed from the assistance unit effective the last day of the month he/she graduates.

Example: Teen A will turn nineteen on October 3, 1994. Teen A will graduate from high school on June 14, 1994. Change Teen A's RCA Employment and Training code to J or K. When Teen A graduates on June 14, 1994, remove Teen A from the grant, effective June 30, 1994.

If the 18 year old originally scheduled to graduate prior to his/her 19th birthday but due to a change will *now graduate after turning 19 years old*, remove the 18 year old from the assistance unit.

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Example: Teen C will turn nineteen on December 3, 1994. Initially, the school reported that Teen C would graduate on June 4, 1994. On March 4, 1994, we learn that Teen C will not graduate until June 4, 1995. Close Teen C in RCA, effective March 31, 1994.

**8021.5 Minor Parent**

An unmarried parent, under the age of 18, and the dependent child(ren) in his or her care is to reside in the household of a parent, legal guardian, other adult relative, or in an adult supervised supportive living arrangement to receive RCA benefits. The non-parent caretaker of a teen parent must show good cause why the teen is not living with his or her parent.

Emancipated minors are considered adults for the purpose of establishing eligibility for assistance. An eligible emancipated minor may receive an assistance grant in his/her own name.

Emancipation must be documented in the case record. Acceptable documentation includes:

- 1) Court records; or
- 2) The minor's valid marriage license; or
- 3) Written statements from the Division of Family Services verifying the minor's emancipation.

If the minor parent and his or her children reside in an adult supervised supportive living arrangement, the Division of Family Services, within the Department of Services for Children, Youth and Their Families, must approve the living arrangement by the next redetermination. If the adult supervised supportive living arrangement is not approved by the next redetermination, RCA payments should be stopped.

Assistance is to be provided in the form of a protective payment to the minor parent's parent, legal guardian, other adult relative, or adult in the supervised supportive living arrangement.

**8022 Cooperation With Quality Control Case Review**

A family is ineligible if it refuses to cooperate in any subsequent review of its eligibility as part of a Quality Control (QC) review. If the family is terminated for refusal to cooperate with a QC reviewer, the family may reapply but will not be determined eligible until it cooperates with the QC reviewer.

**8023 Cooperation With Audit and Recovery Management (ARMS) - Investigations of Current Eligibility**

A family is ineligible if it refuses to cooperate in any investigation of current eligibility conducted by the Audit and Recovery Management Services (ARMS). If the family is terminated for refusal to cooperate in an ARMS investigation, the family may reapply but will not be determined eligible until it cooperates with the ARMS investigation of current eligibility. Assistance will not be terminated for refusal to cooperate with ARMS investigations of past eligibility.

**8024 Determination of Financial Need**

The Delaware Code allows for aid to "needy persons" and charges DSS with the responsibility of providing needy persons with sufficient income to meet basic living requirements.

Need is measured in terms of money and is the difference between the person's available income and resources as defined by the Division, and the standard of need set forth in Division Policy. Each person must be in financial need before assistance is received and for as long as assistance continues.

In all categories of Public Assistance, the grant is an unrestricted cash payment that the client is free to spend as he desires, unless the payment is made as a protective payment.

Any family whose available resources in any month exceed \$1,000 is not eligible for cash assistance. See DSSM 8026.2 for a complete definition of available resources.

A family is not eligible for cash assistance in any month that its total gross income is in excess of 185% of the RCA standard of need. A table follows. Gross income does not include Public Assistance payments, the step-parent disregards listed in DSSM 8029.2, excluded income listed in DSSM 8030, and the first \$50.00 of child support collected each month.

Family Size	185% of RCA Standard of Need
1	\$ 371
2	\$ 499
3	\$ 625
4	\$ 752
5	\$ 878
6	\$1,006
7	\$1,132

Over 7 in the budget add \$127 to the total for the standard for a family of 7 for each additional member.

### **8025 Family Budget Group**

Family budget group is the total number of persons whose needs and income are budgeted together. This will always include the following:

1. Married and civil union couples if they live together and are both eligible for a grant.
2. Couples who do not have legally recognized marriages/civil unions but who live together as husband and wife or spouses and are both eligible for a grant.

NOTE: In RCA, couples will be considered as living together as husband and wife if:

- a. They say they are joined by a civil union or marriage even if the marriage/civil union cannot be verified, or
  - b. They are recognized as parties to a civil union, spouses, or husband and wife in the community, or
  - c. One partner uses the other's last name, or
  - d. They state they intend to marry/join in a civil union, or
  - e. They jointly hold resources.
3. Parents and their eligible children.

Family budget groups will consist of more than one assistance unit when all budget group members are not placed in the same assistance unit. In those instances, the need standard for the family cannot exceed the RCA need standard for the budget group size as specified in Section 8031.1 (See DSSM 8021)

In households that include a caretaker, the caretaker's children and other children that are the caretaker's responsibility, the caretaker's needs and income and those of his/her children are always budgeted together. The needs and income of any other children in the home will be considered separately. In these situations, the separate budget groups can be combined to form a single family budget group only when the following conditions are met:

1. Assistance would be denied to any of the recipients by maintaining separate budget groups.
- 2.. The caretaker understands the implications of combining the budget groups (i.e., lower assistance payments, increased Medicaid coverage, etc.) and chooses to have his/her needs and income and those of his/her children considered with the needs and income of any other children in the home.

**15 DE Reg. 1498 (04/01/12)**

### **8026 Resources**

#### **8026.1 Potential Resources**

Potential resources are resources that a client has claim to, but that the client does not directly possess. Examples of potential resources include a pending claim for RSDI, UC, or insurance benefits, an inheritance that has not been through probate, or a pending property settlement that is the result of a divorce action.

The following individuals must apply for Unemployment Compensation (UC):

- Individuals whose hours are reduced by their employers; or
- Individuals laid off by their employers.

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These individuals must cooperate with the Department of Labor to determine if they are eligible for UC. Usually, the individual must keep two (2) appointments with DOL before their UC claim is processed.

When the Division learns that a client has a potential resource, the eligibility worker will establish when the resource will become available and set a control to monitor its availability. As a condition of eligibility, it is required that applicants and recipients accept the resource when it becomes available.

When the potential resource becomes available to the client, DSS will redetermine financial eligibility and make appropriate case changes.

All potential resources and the time of their future availability must be documented in the case record.

Interest or dividends from a potential resource that is not yet available is counted as income.

Accrued vacation and/or sick leave is treated as a potential resource when an applicant or recipient requests a leave of absence from employment for a specific period of time. The eligibility worker must request verification of the availability of payment for accrued leave time and require that the client take steps to receive the payment if it is available. The income when received will be treated as earned income if it is paid as a wage. It will be treated as unearned income if it is paid as a disability benefit through an insurance company.

**8026.2 Available Resources**

Any income or resource which a client actually has on hand for immediate use is an available resource. Cash on hand, checking accounts, any form of savings or bank accounts, State and Federal Income Tax Refunds, and the cash value of life insurance are examples of available resources.

NOTE: The cash value of life insurance is a resource for the person who owns the policy, not the individual for whom the insurance was purchased. For example, if Mary Smith owns an insurance policy for her daughter, Susan, that has a cash value of \$500, the \$500 is a resource for Mary.

If no owner is declared on an insurance policy, that policy automatically becomes the resource of the insured (e.g., the child) the month the insured/child becomes 18 years of age. If an owner (e.g., the parent/caretaker) is declared, that policy remains the resource of the owner until changed by the owner.

A family budget group is not eligible for cash assistance if its available resources exceed \$1,000.

Available resources must be documented in the case record. Resources remaining in the applicant's country of origin are not considered available resources.

**8026.3 Jointly Held Resources**

The entire value of a jointly held resource is attributable to the public assistance applicant or recipient, unless the applicant or recipient can verify that the resource is not accessible to him/her.

EXAMPLE: A car is registered under the names of a husband and wife. If the couple separate and one partner keeps the car, the car is not accessible to the other partner.

This does not apply to bank or other financial accounts in which two names appear on the account, but one is held in trust for another.

**8026.4 Resources Held on Behalf of Others**

Resources held in the name of a client as the legal guardian, legal representative, next of kin of a minor child (other than his own or adopted child), or as holding power of attorney for another will not be considered as a resource to the client provided that the resource is so listed as to indicate that he is acting on behalf of another person.

**8026.5 Excluded Resources**

The equity value of real and personal property owned by a family budget group cannot exceed \$1,000.00. Resources excluded from the \$1,000.00 resource limitation are:

1. The home which is the usual residence of the family budget group.

2. One automobile, the equity value of which does not exceed \$1,500.00. The equity value is the difference between the automobile's fair market value and the amount still owed for it. The equity value in excess of \$1,500.00 is counted towards the \$1,000.00 resource limitation. The entire equity value of other automobiles owned by the individual is counted as a resource.

NOTE:The fair market value of an automobile is determined by finding the car's trade- in value in the NADA Used Car Guide. If the client disagrees with this valuation, he/she may obtain a statement of the car's value from a automobile dealer.

The increased value of a motor vehicle specially equipped with devices for the handicapped is not counted. Farm vehicles that are used to produce income are excluded from consideration as a resource.

EXAMPLE: A client owns a car which has a fair market value of \$5,000.00. The client owes \$3,000.00 on it. The car's equity value is \$2,000.00. Its resource value for financial assistance purposes is \$500.00 (\$2,000.00 - \$1,500.00).

3. One burial plot for each member of the assistance unit.

4. Bona fide funeral agreements (e.g., pre- paid burial contracts) up to a total of \$1,500.00 for each member of the budget group.

NOTE:If a funeral agreement valued in excess of \$1,500.00 includes both prepaid burial expenses and a burial plot, the worker will require that the client provide an itemized statement of the estimated value of the plot and the expenses. The value of the burial plot is an excluded resource and will be considered separately from the value of the prepaid expenses.

5. Basic maintenance items essential for day-to-day living such as clothes, furniture, and other similarly essential items.

6. For a period not to exceed six months, real property that is not used as a residence (see DSSM 8026.6 ).

7. Tools and equipment necessary to produce income in a self- employment enterprise, even if the owner is not engaged in business currently, but plans to continue it at a future date.

8. Federal major disaster and emergency assistance provided to individuals and families and comparable disaster assistance provided by State, local governments, and disaster assistance organizations under P.L. 100- 707.

**"Emergency"** means any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.

**"Major Disaster"** means any natural catastrophe...which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance to supplement the efforts of available resources of states, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

9. All federal income tax refunds, including Earned Income Tax Credits (EITC).

The refund is disregarded regardless of whether the refund is a result of a refundable credit, over withholding, or both.

Federal tax refunds received during the previous 12 month period by any case member are disregarded.

10. A sponsor's resources cannot be considered available solely because the person is serving as a sponsor.

11. Cash value of Life Insurance Policies.

**14 DE Reg. 1366 (06/01/11)**

**8026.6 Disposal of Real Property**

Real property that is not used as a residence is excluded as a resource for a period not to exceed six months if the following conditions are met:

1. The family is making a good faith effort to sell the property. This effort must be documented in the case record. Examples of acceptable documentation include a current newspaper sales advertisement, or a current sales contract with a real estate firm; and

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2. The family signs Form 212, an agreement to dispose of the property and to repay the assistance received during the exemption period.

The amount of assistance that must be repaid after the property is sold is determined as follows:

1. Compare the net proceeds of the sale plus the value of other countable resources available at the time the exemption period began to the \$1,000 resource limit.

2. If the amount is less than \$1,000, there is no overpayment.

3. If the amount is more than \$1,000, the amount of the proceeds that is in excess of \$1,000 is recovered as an overpayment. Note: The amount recovered cannot exceed the assistance that was received. Any proceeds in excess of the amount to be recovered are considered as an available resource to the family.

4. If the property is not sold within six months, the assistance case must be closed. All the assistance payments are overpayments.

5. If the assistance case is closed for some other reason during the six- month exemption period and the property has not been sold, all payments are overpayments.

NOTE: The exemption period runs for six calendar months. If the assistance case closes and the client reapplies during this period, the exemption will continue for the remainder of the initial six- month period.

**8026.7 Transfer of Resources**

Any individual who transfers a resource valued at more than \$500 without fair market consideration is ineligible for RCA for two (2) years from the date of the transfer.

**8027 Income**

Income is any type of money payment that is of gain or benefit to a family. Income is either counted or excluded in the budgeting process.

A family's countable income less disregards is subtracted from the applicable standard of need to determine the amount of the assistance grant. If a mandatory member of an RCA unit is sanctioned by removal from the assistance unit because he/she failed without good cause to cooperate with the Employment & Training Program, the individual's income is considered available to meet the needs of the remaining members of the RCA unit. The gross income without any deductions or disregards is subtracted from the needs of the remaining unit members to determine the amount of the grant.

All countable income must be documented in the case record. (Information obtained through IEVS on UC and RSDI benefits is verified. No other documentation is needed in the case record. See DSSM 2013 . See DSSM 2013.5 regarding special processing instructions for applicants claiming RSDI benefits.)

**8027.1 Casual and Inconsequential Income**

Income which is casual and inconsequential will not be considered as available income. Casual or inconsequential income is defined as income which is under \$30 per recipient per calendar quarter, non- recurrent, and usually unpredictable, such as a holiday, birthday, or graduation gift. The income from a gift can be divided among the members of the budget group if the recipient of the gift claims it was intended for all of the group members.

EXAMPLE: Mr. & Mrs. Jones receives a \$150 Christmas gift. The gift is intended to be used for Mr. & Mrs. Jones and their four (4) children who receive RCA. All of this income can be disregarded since it does not exceed \$30 per recipient when divided among the RCA budget group members.

**8027.2 Budgeting Income of a Payee Only Parent**

All of the income of a parent who lives in the home and who is not a recipient of TANF, GA, or SSI, but whose child receives TANF or GA is attributable to the child and budgeted. No disregards are deducted from the parents' income.

## **8028 Earned Income**

Earned income is the money an individual receives in return for work he/she performs. Earned income entitles the earner, who is a member of an assistance unit, to deductions that are not allowed for unearned income.

### **8028.1 Sources of Earned Income**

1. Wages - Gross earnings paid to the employee before deductions for taxes, FICA, insurance, etc. are counted. Sick pay or vacation pay is considered as a wage as long as it is paid as a wage. If sick pay is paid through an insurance company as disability pay, it is considered unearned income.

NOTE: Earnings paid to employees under contract are averaged over the number of months covered by the contract.

EXAMPLE: A teacher is under contract for a full calendar year, but may choose to collect his pay during the school year. His wages for public assistance purposes are budgeted over the full year.

2. Self-employment - Gross earned income from self-employment is determined by subtracting business expenses (supplies, equipment, etc.) from gross proceeds. The individual's personal expenses (lunch, transportation, income tax, etc.) are not deducted as business expenses but are deducted by using the standard allowance for work connected expenses (See DSSM 8028.2 and DSSM 8028.3).

### **Self-Employment Standard Deduction for Producing Income**

The cost for producing income is a standard deduction of the gross income. This standard deduction is a percentage of the gross income determined annually and listed in the Cost-of-Living Adjustment (COLA) notice each October.

The standard deduction is considered the cost to produce income. The gross income test is applied after the standard deduction. The earned income deductions are then applied to the net self-employment income and any other earned income in the household.

The standard deduction applies to all self-employed households with costs to produce income. To receive the standard deduction, the self-employed household must provide and verify they have business costs to produce income. The verifications can include, but are not limited to, tax records, ledgers, business records, receipts, check receipts, and business statements. The self-employed household does not have to verify all their business costs to receive the standard deduction.

Self-employed households not claiming or verifying any costs to produce income will not receive the standard deduction.

The self-employment standard deduction will be reviewed annually to determine if an adjustment in the percentage amount is needed.

**9 DE Reg. 1237 (02/01/06)**

### **8028.2 Earned Income Disregards in RCA**

The following disregards are deducted from gross earned income in the RCA budgeting process. Disregards are applied to each earner's wages.

1. Standard allowance for work connected expenses - \$90.00.

2. The \$30 plus 1/3 disregard. This disregard allows the deduction of \$30 plus 1/3 of the remaining earned income after the standard allowance for work connected expenses is subtracted.

The \$30 plus 1/3 disregard is applied to earned income for four (4) consecutive months. If TANF benefits end or employment ends before the fourth month, the earner is eligible for the disregard for four (4) additional months upon reapplication or re-employment.

When a case suspends for one (1) month because the earner received an extra paycheck, the month of suspension does not count as one of the four (4) consecutive months. The count picks up when the case is reinstated.

EXAMPLE: A case is budgeted in May and June with \$30 plus 1/3 disregard. In July, the case is suspended because of an extra paycheck. In August, the case is reinstated and the \$30 plus 1/3 disregard is again applied. August is the third month of the four (4) consecutive months.

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When an earner's wages are so low (\$90 or less in the month) that the income is zero before any part of the \$30 plus 1/3 disregard can be applied, that month does not count as one of the four (4) consecutive months of the \$30 plus 1/3.

EXAMPLE: A case is budgeted in May and June with the \$30 plus 1/3 disregard. In July, the client earns \$75. In August, the client earns \$120. August is the first month of the four (4) consecutive months of the \$30 plus 1/3.

3. The \$30 disregard. After the \$30 plus 1/3 disregard has been applied for four (4) consecutive months, the 1/3 disregard is removed from the budget. The \$30 disregard continues to be deducted from earned income for the eight (8) months. The \$30 disregard is not repeated if an individual stops working or TANF benefits end before the completion of the eight (8) months. If benefits end and the client reapplies, the \$30 disregard from earned income is continued until the end of the original eight (8) months.

Unlike the \$30 plus 1/3 disregard which is dependent upon the client having sufficient earned income and being a TANF recipient, the \$30 disregard is for a specific time period. This time period begins when the \$30 plus 1/3 disregard ends and is not dependent upon the client having earned income or receiving TANF.

NOTE: When an earner has received the \$30 plus 1/3 disregard in four (4) consecutive months and the \$30 deduction has been available for eight (8) additional months, neither disregard can be applied to earned income until the individual has not received TANF benefits for twelve (12) months.

4. Dependent care expenses as paid up to \$200 per month per dependent child under age two (2) and up to \$175 per month per dependent child or incapacitated adult. The dependent child or incapacitated adult must be living in the home and receiving TANF for the earner to receive this deduction.

### **8028.3 Earned Income Disregards - Reducing Employment**

Earned income disregards (the standard allowance for work expenses and dependent care costs), are not deducted from earnings when a recipient quits a job without good cause, or reduces earnings without good cause.

Good cause for reducing earnings includes circumstances beyond the individual's control such as, but not limited to illness, illness of another family member requiring the wage earner's presence, a household emergency, the unavailability of transportation, or the lack of adequate child care.

Good cause for terminating employment includes those circumstances listed above. It also includes:

1. Discrimination by an employer based on age, race, sex, handicap, religious belief, national origin, or political belief.
2. Work demands or conditions that are unreasonable such as working without being paid on schedule.
3. Acceptance of other employment or enrollment at least half- time in a school, training program or college.
4. Resignations by persons under the age of 65 which are recognized by the employer as retirement.
5. Leaving a job in connection with patterns of employment in which workers move from one employer to another as in migrant farm labor or construction work.

### **8028.4 Earned Income Tax Credit (EITC)**

All EITC payments received by an RCA applicant or recipient are disregarded as income for eligibility and payment purposes. EITC payments are also excluded when determining a family's eligibility under the 185% gross income test.

EITC payments are not defined as earned income in the RCA Program even though advance EITC payments are made by the employer.

### **8028.5 Minor Student Earned Income**

Exclude the earnings of a full time student from both the 185% gross income test and the net income test for six (6) months per calendar year. This exclusion is based on the child's full time student status, not the type of earnings. The income exclusion applies to both applicant and recipient full time students.

For applicants in which the six (6) month income exclusion time period has ended, the earned income of a child who is a student is included in determining the RCA assistance unit's financial eligibility. If the unit is financially eligible, the students' earned income is disregarded in determining the amount of the grant.

For active cases in which the six (6) month income exclusion time period has ended, the earned income of a child who is a student is included in the 185% gross income test. If the RCA unit's income is less than the 185% gross income limit, the student's earned income is disregarded in all further budget calculations.

A minor student is defined as a child who attends a school or a vocational training course full time. Student status is also extended to a child who attends school part time if the child is not a full time employee. Part-time school attendance is defined as carrying at least half of a full time schedule. Full-time employment is defined as working more than thirty (30) hours per week.

NOTE: The earned income a minor receives as a participant in the WIA sponsored Summer Youth Employment is disregarded in all income tests. (See DSSM 8030).

### **8029 Unearned Income**

Unearned income is income received without performing work-related activities. Unearned income is counted as paid without the application of any disregards in the RCA program.

Unearned income includes but is not limited to:

- RSDI benefits
- Unemployment Compensation
- Workman's Compensation
- Union benefits
- Veteran's benefits
- Military Allotments
- Annuities
- Pensions
- Funds received from the resettling agency for living expenses

#### **8029.1 Child Support Payments in RCA Program**

In the RCA Program, the first \$50.00 of child support received in a month is disregarded in determining financial eligibility. Child support in excess of \$50.00 is counted as unearned income. If a unit is determined financially eligible, child support is disregarded in determining the amount of the grant.

For active cases, child support is collected and retained by the Division of Child Support Enforcement. The first \$50.00 of child support that is collected each month by DCSE is paid to the RCA payee as a bonus check. If the amount of support collected is less than \$50.00, the bonus check will equal the amount collected.

Bonus checks are paid the month following the month that the DCSE collects support. They are disregarded in determining RCA financial eligibility and grant amounts; however, they are counted as unearned income in the Food Stamp Program.

In the month of application if support is received prior to approval of an RCA grant, the support received minus the \$50.00 child support disregard is budgeted as unearned income. Support received after approval of the grant is subject to collection by the DCSE.

EXAMPLE: A woman applies for RCA for herself and her children on 2/15. She reports that she received a \$100.00 support payment on 2/10 and expects to receive an additional \$100.00 on 2/24. She is found eligible for RCA on 2/15. In February, \$50.00 of child support is included in the RCA budget as unearned income. (\$100.00 received prior to approval of the grant - \$50.00 disregard = \$50.00 budgetable.) The recipient will receive a \$50.00 bonus check in March based on the \$100.00 payment collected by the DCSE on 2/24.

#### **8029.2 Step Parent Income in RCA Program**

In the RCA Program, a step-parent who resides with his/her step-children is considered responsible for supporting those children. A portion of the step-parent's income is used to determine the step-children's financial eligibility and the amount of assistance the children receive. To determine the amount of the step-parent's income that is deemed to the assistance unit, follow the steps listed below:

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NOTE: The assistance unit must include the step- child, the step- child's natural or adoptive parent, and siblings who are also living in the home and who are otherwise eligible.

1. Determine the step- parent's gross income.
2. Deduct \$90.00 from earned income.
3. Deduct the RCA standard of need (See DSSM 8031.1 ) for the family size that includes the step- parent and those individuals who
  - a. live in the step- parent's home
  - b. are the step-parent's dependents for income tax purposes
  - c. are not members of the RCA assistance unit.

(These individuals cannot include a person who is removed from the RCA unit because he/she failed without good cause to cooperate with DCSE or the First Step Program and is being sanctioned.)

4. Deduct amounts paid by the step- parent to individuals who are not living in the home, but who are claimed as dependents for income tax purposes.
  5. Deduct child support or alimony payments made to individuals not living in the home.
- The remainder is unearned income used to determine the assistance unit's financial eligibility and grant amount.

Summary - Total Income

- \$90.00 from earned income
- Standard of Need
- Payments to dependents
- Countable Income

The resources of a step- parent are not considered in determining the financial eligibility of the assistance unit. Resources held jointly by the step- parent and the step- parent's spouse are considered available in their entirety to both partners. If the spouse is a member of the assistance unit, these resources are considered in determining the unit's eligibility.

Step- parent budgeting is used to determine the financial eligibility of a step- child even if the step- child's natural parent does not reside in the home.

NOTE: If the step- parent is included as a member of the RCA unit, his/her income is budgeted in accordance with rules governing the income of RCA applicants and recipients.

### **8029.3 Income of a Minor Parent's Parent or Legal Guardian in RCA Program**

To determine the financial eligibility of an RCA unit that consists of a dependent child and the child's minor parent (under age 18), the income of the minor parent's parent(s) or legal guardian must be considered if the minor parent and his parent or legal guardian live in the same home. The portion of the parent's or guardian's income that is counted as unearned income to the assistance unit is determined by following the procedures for budgeting step- parent income.

In a case where both parents of the minor child reside in the home and each parent has earned income, each parent is entitled to a \$90.00 deduction from wages.

The resources of a minor parent's parent or legal guardian are not considered in determining the financial eligibility of the assistance unit.

### **8030 Excluded income**

The following kinds of income are disregarded in determining financial eligibility and grant amounts in RCA:

- The value of USDA donated foods.
- The value of food benefits.
- Foster care payments made on behalf of foster children residing in the home.
- Payments made directly to a third party on behalf of a recipient.

EXAMPLE: A friend pays a recipient's electric bill. The payment is made directly to the electric company. This payment is not considered as income to the assistance unit.

- Earnings received by children under the Summer Youth Program of the Job Training Partnership Act of 1982 for a period not to exceed six (6) months.
- A cash payment made to the RCA unit responsible for household bills by a non- unit member for his or her share of the common household expenses.
- Any bona fide loan including loans for current living expenses. The following criteria must be met to ensure that the loan is bona fide:
  1. Written agreement between the client and the individual or establishment engaged in the business of making loans to repay the money within a specified time.
  2. If the loan is obtained from an individual or establishment not normally engaged in the business of making loans, obtain one of the following:
    - a. Borrower's acknowledgement of obligation to repay; or
    - b. Borrower's expressed intent to repay either by pledging real or personal property or anticipated income; or
    - c. A written statement detailing borrower's plans to repay the loan when future anticipated income is received.
      - Income received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
      - Incentive payments or reimbursement for training- related expenses derived from participation in Institutional and Work Experience Training or special work projects under the Work Incentive Program (First Step).
      - Benefits received under the nutrition program for the elderly or the Women, Infants, and Children Nutritional Program.
      - All payments received under the VISTA program unless the value of the payment when adjusted to reflect the number of hours worked are equal to or greater than the minimum wage currently in effect under the Fair Labor Standards Act of 1938. In that case the income is treated as earned income and disregards applicable to the category of assistance are deducted from it.
      - Payments distributed per capita to or held in trust for members of any Indian tribe under Public Law 92- 254, P.L. 93- 134, or P.L. 94- 540.
      - Federal major disaster and emergency assistance provided to individuals and families and comparable disaster assistance provided by State, local governments, and disaster assistance organizations under P.L. 100- 707.

**"Emergency"** means any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.

**"Major Disaster"** means any natural catastrophe...which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance to supplement the efforts of available resources of states, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

- Payments of supportive services or reimbursement of out- of pocket expenses made to individual volunteers serving as foster grandparents, senior health aides, or senior companions, and to persons serving in services corps of retired executives and active corps of executives, and any other program under Title II and III pursuant to Section 418 of P.L. 93- 113.
- Housing subsidies provided under Section 8 of the U.S. Housing Act.
- Benefits paid to eligible households under the Home Energy Assistance Act of 1980.
- Home energy assistance based on need, such as, but not limited to home energy assistance from the following agencies:
  - Kingswood Community Center
  - Peoples' Settlement Association
  - Catholic Social Services, Inc.
  - Neighborhood House, Inc.

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Community Housing, Inc.  
Jewish Family Service of Delaware  
Salvation Army  
Community Action (Sussex County)

- Assistance from other agencies and organizations provided that no duplication exists between such other agency and that provided by DSS. To assure that non- duplication exists, determine that the aid granted by another agency is for a different purpose. For example, vocational rehabilitation provides cash allowances (usually \$25 per week) to reimburse clients for costs such as transportation related to their participation in a training program.
- All federal tax refunds, including Earned income tax credits (EITC).
- Income of an individual acting as a refugee's sponsor.
- Income received from the Census Bureau from April 1, 2000 through December 31, 2000.

**14 DE Reg. 1366 (06/01/11)**

**8030.1 Excluded Income - Grants and Loans to Students**

Grants and loans to undergraduate students for educational purposes that are made or insured by programs administered by the United States Commissions of Education are disregarded. These include Basic Educational Opportunity Grants (BEOG), Supplemental Education Opportunity Educational Grants (SEOG), National Direct Student Loans (NDSL), Guaranteed Student Loans (GSL), all funds provided under the National Defense Education Act, and earnings from federally financed college work study.

For other grants, loans, or unearned income that is contingent upon attending a school, college, university, or course of vocational training, that part that is available for current living expenses is counted as income. To determine the amount that is available, subtract expenses for tuition, books, fees, equipment, special clothing needs, transportation to and from school, and child care necessary to attend school from the amount of the loan, grant, or other benefit. Divide the balance by the number of months the income is intended to cover to determine budgetable monthly income.

**NOTE:** When a student's financial aid package includes both loans and grants that are completely disregarded and those that are countable after expenses are deducted, determine countable income as follows:

1. Compare expenses to disregarded loans or grants.
2. If expenses are less than or equal to disregarded funds, all other grants and loans are budgeted as unearned income.

**EXAMPLE:**

Pell Grant	\$442.00	disregarded
De. Post Secondary Grant	234.00	countable
Minority Scholarship	<u>166.00</u>	countable
	842.00	
Tuition and books	409.00	allowable expenses

Expenses (\$409) are less than disregarded grant (\$442). Budgetable income is all other grants, loans or benefits (\$234 + \$166 = \$400)

3. If expenses exceed disregarded funds, budgetable income is determined by finding the difference between disregarded funds and allowable expenses and subtracting that amount from all other funds.

**EXAMPLE:**

Pell Grant	\$442.00	disregarded
De. Post Secondary Grant	234.00	countable
Minority Scholarship	<u>166.00</u>	countable
	\$842.00	

Tuition, books, and day care	\$450.00	allowable expenses
Allowable expenses (\$450.00) exceed disregarded funds (\$442.00) by \$8.00		
Countable grants	\$400.00	(\$234 + \$166)
Difference	<u>8.00</u>	
Budgetable Income	\$392.00	

### **8031 RCA Standard of Need/Payment Standard**

The Standards of Need that follow include allowances for food, clothing, utilities, personal items, and household supplies.

Delaware's payment standard is 100% of the applicable standard of need.

A family or individual is not eligible to receive assistance if income, after disregards are subtracted, exceeds the applicable standard.

The amount of the assistance grant is determined by subtracting countable income from the applicable standard. Grants are not issued in amounts less than \$10.00.

#### **8031.1 Standard of Need Chart**

Number in Budget	Basic Personal Needs, Including Shelter and Utilities
1	\$201.00
2	270.00
3	338.00
4	407.00
5	475.00
6	544.00
7	612.00

Over 7 in budget add \$69.00 per person to total for items for family of seven.

### **8032 Determining Financial Eligibility and Grant Amounts in RCA**

The two tests for financial eligibility are the gross and net income tests. Comparing the family's income to 185% of the applicable standard of need is the gross income test. Comparing the family's income after certain disregards to the applicable standard of need is the net income test. The net income test is different for families receiving RCA or having received RCA in the past four (4) months and families who have not received RCA in the past four (4) months. A family's income must be less than both the gross and net income limits to be financially eligible. Once financial eligibility is established, determine the grant amount.

Gross income is the total of the earned income and unearned income. Wages and self-employment income are examples of earned income (DSSM 8028.1). Social Security benefits, child support minus the first \$50, and step-parent income are examples of unearned income (DSSM 8029 - 8029.3.) Include step-parent income even when the step-child's natural parent does not live in the home. Section 8 housing subsidies, foster care payments, and the value of food stamps are examples of excluded income (DSSM 8030).

#### **GROSS INCOME TEST**

Compare gross income to 185% of the applicable RCA standard (DSSM 8031.1). Deny assistance if income exceeds 185% of the applicable RCA standard.

#### **NET INCOME TEST**

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Net income test for applicants who have not received assistance in the past four (4) months.

- From earned income, subtract the standard allowance for work- connected expenses.
- From remaining earned income, subtract payments for dependent care.
- Add remaining earned income to the unearned income.
- Compare the sum to the applicable RCA standard of need. Deny assistance if the income exceeds the RCA standard.

Net income test for applicants who have received assistance in the past four (4) months or recipients.

- From earned income, subtract the standard allowance for work- connected expenses.
- From remaining earned income, subtract payments for dependent care.
- Add remaining earned income to the unearned income.
- Compare the sum to the applicable RCA standard of need. Deny assistance if the income exceeds the RCA standard.

**BENEFIT CALCULATION**

- From earned income, subtract the standard allowance for work- connected expenses.
- From remaining earned income, subtract payments for dependent care.
- From unearned income, subtract support retained by the Division of Child Support.
- Add remaining earned income to the remaining unearned income.

Subtract this income from the applicable RCA standard of need.