

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Section 512 (31 Del.C. §512)

FINAL

DSSM: 11003.2.1, TANF and Transitional Work Program Sanctions

Nature of the Proceedings:

Delaware Health and Social Services ("Department") / Division of Social Services initiated proceedings to provide information of public interest with respect to the Child Care Subsidy Program regarding *TANF and Transitional Work Program Sanctions*. The Department's proceedings were initiated pursuant to 29 Delaware Code Section 10114 and its authority as prescribed by 31 Delaware Code Section 512.

The Department published its notice of public comment pursuant to 29 Delaware Code Section 10115 in the February 2010 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by March 2, 2010 at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

Summary of Proposed Change

The proposed change described below amends Child Care Subsidy Program policies in the Division of Social Services Manual (DSSM) regarding *TANF and Transitional Work Program Sanctions*.

Statutory Authority

45 CFR §98.14, *Plan process*

Summary of Proposed Change

DSSM 11003.2.1, *TANF and Transitional Work Program Sanctions*: The policy on TANF Sanctions is updated to include sanctions that may be applied as a result of noncompliance with the Transitional Work Program. It also corrects policy to indicate that TANF E&T sanctions are full family sanctions which close the case.

Summary of Comments Received with Agency Response and Explanation Of Changes

The Governor's Advisory Council for Exceptional Citizens (GACEC) and the State Council for Persons with Disabilities (SCPD) offered the following observation and recommendation summarized below. DSS has considered the comment and responds as follows.

The Governor's Advisory Council for Exceptional Citizens (GACEC) and State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Social Services' (DSSs) proposal to amend its TANF regulation to clarify that recipients who fail to comply with employment or training requirements lose their eligibility for TANF child care. The proposed regulation was published as 13 DE Reg. 1048 in the February 1, 2010 issue of the *Register of Regulations*.

SCPD recommends inserting "without good cause" in the second sentence between the words "fail" and "to". This would conform with the first sentence.

Agency Response: DSS agrees with your recommendation to insert "without good cause" between the words "fail" and "to" in the second sentence. DSSM 11003.2.1 has been amended to reflect the change.

Findings of Fact:

The Department finds that the proposed changes as set forth in the February 2010 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend the Child Care Subsidy Program policies regarding *TANF and Transitional Work Program Sanctions* is adopted and shall be final effective April 10,

2010.

Rita M. Landgraf, Secretary, DHSS

**DSS FINAL ORDER REGULATION #10-19
REVISION:**

11003.2.1 TANF and Transitional Work Program Sanctions

See Administrative Notice: ~~[A-7-99 Child Care Issues]~~

Recipients who fail without good cause to meet requirements for the TANF Employment and Training or Transitional Work Program are sanctioned. ~~A sanction means that the recipient's needs are not considered in determining the family's need for assistance and the recipient loses her/his share of the TANF grant.~~

When ~~these~~ TANF recipients receive ~~a full family~~ sanctions, or fail **[without good cause]** to comply with the Transitional Work Program (TWP), they lose their TANF Child Care. ~~This means their child care case will be closed. In order to retain regain TANF Child Care, the recipients will have to must cure the sanction, meaning they will have to must cooperate with their TANF or TWP requirements, or they will have to become exempt.~~

Clients curing their TANF sanction may be eligible for child care under Presumptive Child Care Services (DSSM 11004.8).

13 DE Reg. 1337 (04/01/10)