

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Chapter 5, Section 512
(16 Del.C., Ch. 5, §512)

PROPOSED

PUBLIC NOTICE

Child Care Subsidy Program

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Social Services is proposing to amend Child Care Subsidy Program policies in the Division of Social Services Manual (DSSM) regarding *Review/Determination*.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Sharon L. Summers, Policy, Program & Development Unit, Division of Social Services, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4425 by April 30, 2010.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

Summary of Proposed Change

The proposed change described below amends Child Care Subsidy Program policies in the Division of Social Services Manual (DSSM) regarding *Review/Determination*.

Statutory Authority

45 CFR §98.1, *Goals and purposes*

Summary of Proposed Change

DSSM 11004.11, *Review/Determination*: This manual revision implements new policy regarding child care eligibility requirements. The Division of Social Services (DSS) intends to adopt rules: 1) to extend the six month review period to a twelve month review period; and, 2) to add language referencing the return of the interim report. Child care assistance cases will remain open continuously for twelve months and a child care/food benefit case will close if the parent/caretaker fails to complete a review or return the six month interim report. These revisions promote the well-being of children by providing consistency of care. Additional changes are proposed to reformat and reorganize original text to simplify language and improve readability.

**DSS PROPOSED REGULATION #10-14
REVISION:**

11004.11 Review/Determination

45 CFR 98.1

~~Authorizations remain effective for the entire authorization period as long as parents/caretakers continue to meet the requirements for service (such as the parent/caretaker remains a Food Stamp Employment & Training (FS E&T) participant, keeps employment, remains income eligible, etc.). At least once every six months and just prior to the end of each authorization period, review/redetermine the circumstances of each parent/caretaker to see if child care services can continue.~~

~~It will not always be necessary to schedule parents/caretakers for a face-to-face interview or to repeat the~~

application process. As long as parents/caretakers provide some proof that they remain employed, a Food Stamp or TANF Employment & Training (FS E&T) participant or, remain an employed TANF recipient, and verify income or special needs and remain income eligible, they remain eligible for child care services. However, at least once per year, schedule parents/caretakers for a face to face interview.

If parents/caretakers fail to show for a recertification interview or fail to provide necessary documentation, close the Child Care case. If the parents/ caretakers provide good cause for their failure to act, and the case has not closed, continue service. If the case has closed complete the redetermination and backdate to the first day of the month the authorization would have begun.

Good cause can be anything believed to be reasonable, but generally includes things such as:

1. illness;
2. court required appearance;
3. a household emergency (fire, heating problem, family crisis, etc.);
4. lack of transportation; or
5. bad weather.

Do not allow an authorization to end or close a case without first ensuring the parents/caretakers were given timely and adequate notice.

Parents/caretakers whose child care case closes because of their failure to keep a redetermination interview or provide verification of need and income may request a fair hearing.

In the event the agency errs in not completing a redetermination before a parent/caretaker's current authorization expires (such as change of Case Manager causes no redetermination letter to go out), still do a redetermination authorization, backdated to the first day of the month the new authorization would have begun had the agency not erred.

Parents/caretakers whose child care cases close because they failed to keep a redetermination or provide verification, can reapply for service. However, if DSS is in a "wait list" situation, these parents/caretakers will be subject to DSS' priority service order (see Section 11004.3.1).

9 DE Reg. 572 (10/01/05)

All childcare applicants and recipients are continuously eligible for child care services for twelve months. This means that the applicants and recipients remain eligible for child care services unless:

- A. The child moves out of or is removed from the parent's/caretaker's home, or
- B. The child moves out of state, or
- C. The child is deceased, or
- D. The parent/caretaker does not cooperate with child support requirements

In the event of any of the above, close the child care case.

Additionally, the child care parent fee will **not** change during the authorization unless the parent/caretaker in a single parent home loses his or her job or one or both parents in a two parent home loses his or her job. (See DSSM 11004.12.1 Continuing Child Care after Loss of Need.)

Complete a review/redetermination of the circumstances of each parent/caretaker at least once every twelve months and just prior to the end of each authorization period.

Close the child care case if parents/caretakers fail to complete a review or return the six month interim report. Only child care/food benefit cases will receive an interim report. If the parents/caretakers provide good cause for their failure to complete or return the report, the case should be processed.

Good cause can be anything believed to be reasonable, but generally includes things such as:

1. illness;
2. court required appearance;
3. a household emergency (fire, heating problem, family crisis, etc.);
4. lack of transportation; or
5. bad weather.

Parents/caretakers whose child care cases close because they failed to complete a redetermination or provide verification, can reapply for service. However, if DSS is in a "wait list" situation, these parents/caretakers will be subject to DSS' priority service order (see Section 11004.3.1).

13 DE Reg. 1279 (04/01/10)