

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES**  
**DIVISION OF SOCIAL SERVICES**  
Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)

**FINAL**

**ORDER**

**Transitional Resources to Relative Caregivers**

**NATURE OF THE PROCEEDINGS:**

Delaware Health and Social Services (“Department”) / Division of Social Services initiated proceedings to amend the Division of Social Services Manual (DSSM) regarding *Transitional Resources to Relative Caregivers*. The Department’s proceedings to amend its regulations 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 proposed regulation changes pursuant to 29 **Delaware Code** Section 10115 in the June 2012 Delaware *Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced June 30, 2012 at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

**SUMMARY OF PROPOSAL**

The proposal described below amends policies in the Division of Social Services Manual (DSSM) regarding *Transitional Resources to Relative Caregivers*.

**Statutory Authority**

- 31 Delaware Code, Section 356, *Kinship Care Program*
- 45 CFR §205.10, *Hearings*
- Social Security Act §404, Use of Grants

**Background**

The Kinship Care Program provides assistance for relative caregivers during the 180-day transition period when a child first moves into the non-parent caregiver’s home (relative caregivers are non-parental relatives, such as grandparents or aunts and uncles, who take on the responsibility of caring for a relative child). The program assists in meeting immediate needs for clothing, shelter, health, safety, and educational supplies.

Financing of the program is provided by the Delaware General Assembly and is limited to available funds. The program is provided through a partnership between the Division of State Service Centers, the Division of Social Services, and the Division of Services for Aging and Adults with Physical Disabilities.

**Summary of Proposed Changes**

**DSSM 6100 through DSSM 6111**, ~~*Relative Caregivers’ (Non-Parent) Transitional Resource Program Providing Transitional Resources to Relative Caregivers*~~: The name of the section is being changed to more accurately indicate the content of the policy. All policy sections are reformatted and reworded for clarity and ease of readability. Applicable federal and state citations are also added to policy sections.

**SUMMARY OF COMMENTS RECEIVED WITH AGENCY RESPONSE**

The Governor’s Advisory Council for Exceptional Citizens (GACEC) offered the following observations. The Division of Social Services (DSS) has considered each comment and responds as follows.

The Governor’s Advisory Council for Exceptional Citizens (GACEC) has reviewed the Division of Social Services (DSS) proposal to rename and revise the regulations covering the “Kinship Care Program”. We **endorse** the proposed regulation.

The regulations define eligibility, scope of services and appeal rights. In general, the standards appear to be consumer-oriented.

**Agency Response:** DSS thanks GACEC for their endorsement.

**FINDINGS OF FACT:**

The Department finds that the proposed changes as set forth in the June 2012 Register of Regulations should be

adopted.

**THEREFORE, IT IS ORDERED**, that the proposed regulation to amend the Division of Social Services Manual (DSSM) regarding *Transitional Resources to Relative Caregivers* is adopted and shall be final effective August 10, 2012.

Rita M. Landgraf, Secretary, DHSS

## **DSS FINAL ORDER REGULATION #12-36**

### **REVISION:**

#### **6100 ~~Relative Caregivers' (Non-Parent) Transitional Resource Program.~~**

##### **6101 Purpose**

~~The Relative Caregivers' (Non-Parent) Transitional Resource Program is established to assist non-parent caregivers during the transition period when a child initially moves into the non-parent caregiver's home. The child(ren)'s parent cannot reside with the caregiver. This program assists caregivers in meeting the child's immediate need for clothing, shelter, health, safety and educational supplies.~~

##### **6102 Funding Limitations**

~~Funding for the Relative Caregivers' (Non-Parent) Transitional Resource Program is limited to funds appropriated by the General Assembly. Though caregivers may meet the eligibility requirements and have a need for the service, this does not guarantee that DHSS will provide the service. DHSS reserves the right to limit, where appropriate, services based on available resources and funding.~~

##### **6103 Eligibility**

~~Applicants must meet the following eight criteria to receive assistance from the Relative Caregivers' (Non-Parent) Transitional Resource Program:~~

- ~~1. Relationship-The child is living with a relative within the 5th degree of relationship (DSSM 3004).~~
- ~~2. Age-The child is less than 18 years of age.~~
- ~~3. Residence-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.~~
- ~~4. Time Limitation-The child has been living in caregiver(s)' home less than or equal to 90 days.~~
- ~~5. Income -The income of the caregiver cannot exceed 200% of the Federal Poverty Level based on the household size. The caregiver's household includes the caregiver and his/her children. The income of the child moving in with the caregiver and any siblings (or half-siblings) who also reside in the home is not counted.~~
- ~~6. Resources-Eligibility will be determined without regard to the child or caregiver['s] [(s)'] resources.~~
- ~~7. Citizenship-The child is a citizen or lawfully admitted alien.~~
- ~~8. Need-The child's need is for one or more of the covered services.~~

##### **6104 Verification Requirements**

- ~~1. The following items will be verified:~~
  - ~~a. The identity of the caregiver (s) making application for the Relative Caregivers' (Non-Parent) Transitional Resource Program.~~
  - ~~b. Alien status~~
  - ~~c. The child's income.~~
  - ~~d. Caregivers have the option of presenting estimates from a vendor for the needed services or receipts itemizing the expenditures for the needed service. See 6106 listing conditions for caregiver reimbursements.~~
- ~~2. The following items will be accepted by declaration, the caregiver is not required to provide verification:~~
  - ~~a. The date of birth of the child(ren).~~
  - ~~b. The relationship of family members.~~
  - ~~c. Delaware residency.~~
  - ~~d. Time limitation.~~
  - ~~e. Citizenship.~~

##### **6105 Vendor Payments**

~~When the caregiver elects to verify the cost of needs services by presenting estimates, payments are made by check payable to the vendor of the needed items/services.~~

#### **6106 Reimbursements to Caregivers**

Reimbursement will be made to the caregiver(s) when the following three conditions are met:

- a. The purchase(s) are made after the application for the Relative Caregivers' (Non-Parent) Transitional Resource Program.
- b. The purchases received prior approved by DHSS staff.
- c. The caregiver(s) presents verification of the purchase(s).

#### **6107 Benefit Limitations**

The maximum benefit is \$500 per child per transition period per year. The year starts with the date benefits were provided by Relative Caregivers' (Non-Parent) Transitional Resource Program.

#### **6108 Items/Service Covered**

The Relative Caregivers' (Non-Parent) Transitional Resource Program payment is made to meet the needs arising from the child's moving into the caregiver's residence. Payments may be used for items and/or services such as but not limited to:

1. Clothing for the child.
2. Furniture such as beds, chairs, dressers.
3. Bed linens, blankets, towels.
4. School supplies such as notebooks, pencils, calculators, etc.
5. Items which directly foster child health or safety such as a car seat or infant monitor.
6. Supplies

#### **6109 Items/Service Not Covered**

will not be made for recreational electronic equipment such as personal computers, televisions, or stereos.

#### **6110 Relationship to Other Programs**

1. Emergency Assistance and other programs administered by DHSS

The Relative Caregivers' (Non-Parent) Transitional Resource Program exists in addition to the Emergency Assistance Program and other programs administered by DHSS. Payments made from the Relative Caregivers' (Non-Parent) Transitional Resource Program will not limit Emergency Assistance Program payments or payments made by other programs administered by DHSS. Payment made by the Emergency Assistance Program or payments made by other programs administered by DHSS will not limit Relative Caregivers' (Non-Parent) Transitional Resource Program payments.

2. Child Care Programs

Relative Caregivers' (Non-Parent) Transitional Resource Program payments do not count as income in the child care programs.

3. Food Stamp Program

Relative Caregivers' (Non-Parent) Transitional Resource Program payments do not count as income in the Food Stamp Program.

4. Cash Assistance Program

Relative Caregivers' (Non-Parent) Transitional Resource Program payments do not count as income in the cash assistance programs (TANF, GA).

[When determining eligibility for other programs, DHSS has discretion not to count benefits under the Relative Caregivers' (Non-Parent) Transitional Resource Program.]

#### **6111 Client Notices and Fair Hearing Practice and Procedures**

See Division of Social Services Manual Section 5000.

#### **6100 Providing Transitional Resources To Relative Caregivers**

##### **31 Del.C. §356, SSA §404**

This policy applies when a non-parent relative needs assistance to provide for the needs of a child who has moved into the home within the last 180 days. Payments made by the Program are disregarded for the Emergency Assistance Program, Division of Social Services cash assistance programs, the Food Supplement Program, and the Child Care Subsidy Program.

Refer clients to the Division of State Service Centers to receive services.

#### **6101 RESERVED**

**6102 RESERVED**

**6103 Determining Eligibility**

31 Del.C. §356, SSA §404

**1. Applicants Must Meet Financial Criteria**

Applicants must meet the following financial criteria.

**A. Income.**

1. The income of the household cannot exceed 200% FPL for the household size. Count only the income of the caregiver and the caregiver's spouse. The household size is the caregiver, caregiver's spouse and the caregiver's children under age 18.
2. Do not count the income of the child moving into the home and any siblings (or half-siblings) who also reside in the home.

**B. Resources are excluded.**

**2. Applicants Must Meet Technical Criteria**

Applicants must meet the following technical criteria.

**A. Relationship.** The child is living with a relative within the 5th degree of relationship, as defined by DSSM 3004.

Exception: The parent cannot live in the home with the caregiver.

**B. Age.** The child is less than 18 years of age.

**C. Residence.** Applicants live in Delaware. Persons who currently live in Delaware and plan to stay, including the homeless, meet the residency requirement.

**D. Time Limitation.** The child has been living in the caregivers home less than or equal to **180 days.**

**E. Citizenship.** The child is a citizen or a lawfully admitted alien.

**F. Need.** The child has need for one or more of the covered services.

**3. Applicants Must Verify Eligibility Factors**

The following eligibility factors must be documented.

**A. Household income.**

**B. The identity of the caregiver(s)**

**C. Alien status of the child**

**D. Cost of needed services.** Caregivers have the option of presenting estimates from a vendor for the needed services or receipts itemizing the expenditures for the needed service. See DSSM 6108 listing conditions for caregiver reimbursements.

The following eligibility factors are accepted by declaration.

**A. Age.** The date of birth of the child(ren).

**B. Relationship.** The relationship of family members

**C. Delaware residency**

**D. Time limitation**

**E. Citizenship of the child**

**6104 RESERVED**

**6105 RESERVED**

**6106 RESERVED**

**6107 RESERVED**

**6108 Making Payments For Covered Services**

31 Del.C. §356, SSA §404

This policy applies to Kinship Care Transitional Resource Program recipients. Payments made by the Program are disregarded for the Emergency Assistance Program, Division of Social Services cash assistance programs, the Food Supplement Program, and the Child Care Subsidy Program.

There is no guarantee services will be provided. DHSS reserves the right to limit services based on available resources and funding.

**1. DSSC May Pay the Vendors**

Caregivers may elect to verify the cost of needed services by presenting estimates to Division of State Service Centers (DSSC) staff. In these instances payments are made by check payable to the vendor.

**2. DSSC May Reimburse the Caregivers**

The caregiver may be reimbursed when the following conditions are met:

- A. The purchase(s) are made after application for the Kinship Care Transitional Resource Program
- B. The purchases were approved in advance by DSSC staff
- C. The caregiver provides verification of the purchase(s).

**3. Benefit Amounts Are Limited**

The maximum benefit is \$500 per child per transition period per year. The year starts with the date benefits were provided by the Kinship Care Transitional Resource Program.

**4. Covered Items/Services Are Limited**

The Kinship Care Transitional Resource Program payment is made to meet the needs arising from the child's moving into the caregiver's home. Payments may be used for items and/or services such as but not limited to:

- A. Clothing for the child.
- B. Furniture such as beds, chairs, dressers
- C. Bed linens, blankets, towels
- D. School supplies such as notebooks, pencils, calculators, etc.
- E. Items which directly foster child health or safety such as a car seat or infant monitor
- F. Supplies

<u>Exception: Recreational electronic equipment such as personal computers, televisions, or stereos is not covered.</u>
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**6111 Fair Hearing Practice and Procedures**

45 CFR 205.10

Applicants and recipients have the right to request a fair hearing if they disagree with any Kinship Care Transitional Resource Program decision made by the Division of State Service Centers. See DSSM section 5000. The Division of Social Services Hearing Office will schedule and conduct the fair hearings.

**16 DE Reg. 211 (08/01/12) (Final)**