

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

FINAL

ORDER

Child Care Subsidy Program

Determining Income Eligibility

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 the Child Care Subsidy Program, specifically, *Determining Income Eligibility*. 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 the Child Care Subsidy Program, specifically, *Determining Income Eligibility*.

Statutory Authority

45 CFR §98.20, *A child’s eligibility for child care services*

Summary of Proposed Changes

DSSM 11003.6, ~~Income Limits~~ *Determining Income Eligibility*: The name of the section is being changed to more accurately indicate the content of the policy. This policy section is reformatted and clarifying language is also provided to make the rules easier to understand and follow. Specifically, this regulatory action adds the statement that families that are referred by and active with the Delaware Division of Family Services (DFS) are exempt from the income requirements. This exemption has long been in practice and is also found in DSSM 11003.9.2. The applicable federal citation is also added to the policy section.

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 proposal to revise the “income eligibility” standard in its child care subsidy regulation. This changes the heading of the section and clarifies that “(f)amilies referred by and active with the Division of Family Services do not have to meet the income limit.”

We did not identify any concerns with the revised standards; therefore, we endorse the proposed regulation.

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 the Child Care Subsidy Program, specifically, *Determining Income Eligibility* is adopted and shall be final effective August 10, 2012.

Rita M. Landgraf, Secretary, DHSS

REVISION:

11003.6 Income Limits ~~Limit~~ Determining Income Eligibility

45 CFR 98.20

~~To be eligible for child care services, a family is to have gross income equal to or less than 200 percent of the current federal poverty level for a family of equal size. This income requirement typically applies to all income eligible child care programs. Refer to the most current Cost of Living Adjustment Administrative Notice for current rates.~~

This policy applies to applicants for and recipients of child care assistance.

1. Gross Income Is Capped

Gross monthly income must be equal to or less than 200% of the Federal Poverty Limit for the family size.

2. Income Requirement

The income requirement applies to all income eligible child care programs.

<u>Exception: Families referred by and active with the Division of Family Services do not have to meet the income limit.</u>
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15 DE Reg. 1674 (06/01/12)

16 DE Reg. 213 (08/01/12) (Final)