

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF SOCIAL SERVICES

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

FINAL

ORDER

Food Supplement Program: DSSM 9068 & 9085 - Certification Periods Reporting Changes

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Social Services initiated proceedings to amend the Food Supplement Program policies in the Division of Social Services Manual (DSSM) related to *Certification Periods* and *Reporting Changes*. 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 December 2009 Delaware Register of Regulations, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by December 31, 2009 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 amends the Division of Social Services Manual (DSSM) regarding the Food Supplement Program (FSP).

Statutory Authority

7 CFR §273.10(f), *Certification Periods*; and,
7 CFR §273.12, *Requirement for Change Reporting Households*

Summary of Proposal

The purpose of the proposed amendments at DSSM 9068, *Certification Periods* and DSSM 9085, *Reporting Changes* is to extend the food benefit certification periods from 6 and 12 months to **12 and 24 months**. The changes allow DSS to give simplified reporting households a 12-month certification period, with a 6-month interim report; and, elderly or disabled households with no earned income a 24-month certification period with a 12th month interim report.

These changes will benefit households by allowing more time between applications and reducing staff workload. The households are required to submit an interim report in month 6 and month 12 of their respective certification periods in order to continue benefits for the 12 and 24 month periods. Failure to return the interim reports will result in the food benefit case closing.

Also, removed language requiring clients to report changes that occur between the interview and before their certification notice is received. This no longer applies due to simplified reporting.

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 observations and recommendations summarized below. The Division of Social Services (DSS) has considered each comment and responds as follows.

The Councils endorse the proposed regulation subject to two recommendations.

Agency Response: DSS appreciates your endorsement of the proposed changes.

First, in §9085, first line, DSS may wish to delete or modify the outdated reference to “food stamp”.

Agency Response: DSS agrees. Correction made to the final order regulation.

Second, while recognizing that the federal regulations [e.g. 7 C.F.R. 273.10(f)] explicitly use the term “elderly or disabled”, DSS may wish to consider whether it could adopt conforming standards while using “people-first” language in §§9068.1 and 9068.2.

Agency Response: DSS reviewed your second recommendation and feel we need to keep the references to ‘elderly or disabled’ consistent throughout the whole FSP policy manual. Food and Nutrition Service uses the terms elderly or disabled through their regulations. Their definition of disabled for certification purposes is defined as someone who receives certain disability payments as defined in 7 CFR 271.2. No change to the regulation was made as a result of this comment.

Findings of Fact:

The Department finds that the proposed changes as set forth in the December 2009 Register of Regulations should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend the Food Supplement Program policies in the Division of Social Services Manual (DSSM) regarding *Certification Periods* and *Reporting Changes* is adopted and shall be final effective February 10, 2010.

Rita M. Landgraf, Secretary, DHSS

DSS FINAL ORDER REGULATION #10-06

REVISIONS:

9068 Certification Periods

[7 CFR 273.10(f)]

~~Certification periods means the period of time within which a household shall be eligible to receive benefits. At the expiration of each certification period, entitlement to food stamp benefits ends. Further eligibility will be established only upon a recertification based upon a newly completed application, an interview and verification. Under no circumstances will benefits be continued beyond the end of a certification period without a new determination of eligibility. The first month of the certification period will be the first month for which the household is eligible to participate.~~

~~The certification periods for all households shall not exceed 12 months.~~

~~DSS approves eligible households for a defined number of months called a certification period. The certification period is the period of time that DSS determines a household is eligible to receive benefits.~~

~~At the end of the certification period, entitlement to food benefits expires. DSS will not issue any further food benefits until the household completes a new application, is interviewed and provides all necessary verifications.~~

~~The first month for which the household is eligible to participate starts the first month of the certification period. DSS will assign certification periods according to each household's circumstances.~~

~~The certification periods for all households shall not exceed 12 months, except households listed in DSSM 9068.2.~~

9068.1 Certification Period Length

~~DSS will assign the longest certification period possible according to each household's circumstances.~~

- ~~• DSS will assign households subject to simplified reporting requirement a six-month certification period, except for elderly or disabled households with no earned income.~~
- ~~• DSS will assign households where all members are elderly or disabled with no earned income a 12-month certification period.~~
- ~~• DSS can assign a shorter certification period of no less than 4 months on a case-by-case basis if the household's circumstances warrant it.~~

9068.1 12-Month Certification Periods

Assign households subject to simplified reporting, except the elderly or disabled households per DSSM 9068.2, a 12-month certification period.

Households assigned a 12-month certification period are required to complete and return an interim report in the 6th month of the certification period.

2 DE Reg. 2271 (6/1/1999)

8 DE Reg. 114 (7/1/2004)

12 DE Reg. 462 (10/01/08)

9068.2 Shortening Certification Periods

~~Do not end a household's certification period earlier than its assigned recertification period unless DSS receives information that the household has become ineligible. Loss of cash assistance or change in employment status is not sufficient in and of itself to shorten a certification period. Close or adjust the household's benefits according to DSSM 9085 in response to reported changes. Do not use the Notice of Expiration to shorten a certification period.~~

9068.2 24-Month Certification Periods for Elderly or Disabled Households

Assign a 24-month certification period to households where all members are elderly or disabled and have no earned income.

Households assigned a 24-month certification period are required to complete and return an interim report in the 12th month of the certification period.

9068.3 Lengthening Certification Periods

~~A household's certification period may be lengthened after it has been assigned as long as the total months of certification does not exceed 12 months.~~

~~Households whose certification is lengthened must be informed of the new certification ending date with a notice containing the same information as the notice of eligibility.~~

9068.3 Length of Certification Periods

Assign each household the longest certification period possible based on its circumstances.

Households with unstable circumstances can be assigned a certification period consistent with their circumstances, but no less than 4 months.

9068.4 Shortening Certification Periods

Households certification periods will not be terminated before the assigned certification periods end except for the following reasons:

- DSS receives information that the household has become ineligible, or
- The household fails to respond to a Request for Contact to resolve unclear information.

Households certification periods will not be shortened due to loss of cash assistance or change in employment status.

Close or adjust households benefits in response to reported changes according to DSSM 9085.

Do not use the Notice of Expiration to shorten a certification period.

9068.5 Lengthening Certification Periods

When needed, lengthen a household's certification period after it has been assigned as long as the total months of certification do not exceed 12 months.

Inform households whose certification is lengthened of the new certification ending date with a notice containing the same information as the notice of eligibility.

(Break in Continuity of Sections)

9085 Reporting Changes

[7 CFR 273.12]

Certified food stamp households are required to report the following changes in circumstances:

Simplified Reporting Requirements

The following reporting requirements are for all households:

- Households are required to ~~only~~ report income changes only when the monthly income exceeds 130 percent of the poverty income guideline for the household size that existed at the time of the certification or recertification.
- When a household's monthly income exceeds ~~the~~ 130 percent of the poverty income guideline, the household is required to report that change within ten days after the end of the month that the household determines the income is over the 130 percent amount.
- Households will not have to report any changes in the household composition, residence and resulting changes in shelter costs, acquisition of non-excluded licensed vehicles, when liquid resources exceed \$2000.00 ~~and~~ or changes in the legal child support obligation.

Additional reporting requirement for ABAWD individuals:

- Adults living in a home without any minor children, who are getting food ~~stamps~~ benefits because they are working ~~over more than~~ 20 hours a week, must report when they start working less than 20 hours a week.

An applying applicant household must report all changes related to its food ~~stamp~~ benefit eligibility and benefits at the certification interview. ~~Changes, listed above, which occur after the interview but before the date of the notice of eligibility, must be reported by the household within ten (10) days of the date of the notice.~~

Households assigned a 12-month certification period are required to complete and return an interim report in the 6th month of the certification period. DSS will close the food benefit case when a household fails to complete and return the interim report.

Households assigned a 24-month certification period are required to complete and return an interim report in the 12th month of the certification period. DSS will close the food benefit case when a household fails to complete and return the interim report.

Only the reporting requirements in this Section ~~and no other reporting requirements~~ can be imposed by the Division.

10 DE Reg. 560 (09/01/06)

12 DE Reg. 462 (10/01/08)

13 DE Reg. 1086 (02/01/10) (Final)