

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Section 512 (31 Del.C. §512)
16 DE Admin. Code 11004

PROPOSED

PUBLIC NOTICE

Processing Applications for Child Care

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del. C.** §512, Delaware Health and Social Services ("Department") / Division of Social Services (DHSS/DSS) is proposing to amend the Division of Social Services Manual (DSSM), Policy 11004.1 Processing Applications for Child Care.

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, Division of Social Services (DSS), 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to DHSS_DMMA_Publiccomment@Delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on March 4, 2024. Please identify in the subject line: Processing Applications for Child Care

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 PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Social Services (DSS) is proposing to amend the Division of Social Services Manual (DSSM), Policy 11004.1 Processing Applications for Child Care.

Statutory Authority

45 CFR 98.20

Background

DSSM 11004.1 Processing Applications for Child Care explains the requirements for parents and caretakers to apply for childcare assistance, including application methods and verification requirements. Additional language is being added to the existing policy to explain when authorizations for childcare may begin along with examples. The revision also includes a detailed definition of required documentation for a special need and who is authorized to complete the documentation.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to amend policy 11004.1 Processing Applications for Child Care.

Summary of Proposed Changes

Effective for services provided on and after April 11, 2024, Delaware Health and Social Services (DHSS) /Division of Social Services (DSS) proposes to amend the Division of Social Services Manual (DSSM), Policy 11004.1 Processing Applications for Child Care.

Public Notice

In accordance with the state public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DSS gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on March 4, 2024.

Fiscal Impact

This policy is currently in effect and the amendment will not cause any fiscal changes.

11000 Child Care Subsidy Program

11004.1 Processing Applications for Child Care

Statutory Authority

This policy applies to parents and caretakers who submit an application for child care assistance.

1. DSS will provide child care assistance for eligible children when a parent or caretaker:
 - Participates in a TANF or ~~Food-Benefit~~ SNAP Employment and Training (E&T) program;
 - Participates in the TANF Transitional Work Program (TWP);
 - Attends a DSS-approved educational program or job training program;
 - Is employed or accepts an offer of employment;
 - Receives protective services from the Division of Family Services (DFS); or
 - Verifies a special need.
2. A parent or caretaker may apply for child care:
 - In person at any DSS location;
 - Over the phone with a DSS case worker;
 - By mailing, faxing, or emailing a completed application to the local DSS office; or
 - Online through Delaware ASSIST or other online application methods.

3. ~~DSS will interview the applicant and process the signed child care application within two business days. The application filing date will be the effective begin date for assistance.~~
A parent or caretaker selects the date child care services begin.

A. The DSS authorization for child care will begin on the first day the child attends a child care setting. The authorization cannot begin prior to the child attending a child care setting.

B. The DSS authorization for child care may begin before the date of application, but no earlier than the first day of the application month if the child was attending the child care setting.

Example 1: A parent or caretaker applies for child care on March 18. The child was enrolled and started attending the child care setting on March 2. The authorization may start March 2, the day the child started attending the child care setting.

Example 2: A parent or caretaker applies for child care on March 18. The child was enrolled and started attending the child care setting on March 21. The authorization may start March 21, the day the child started attending the child care setting.

Note: The DSS eligibility system will allow authorizations for child care to begin the first day of the month of application

4. A parent or caretaker must verify household income and the need for child care during the application process.
 - A. A parent or caretaker must verify the last 30 days of earned and unearned income received prior to the date of application for DSS to determine financial eligibility.
 - i. Earned income may be verified by:
 - a. Wage stubs;
 - b. A signed employer statement on employer letterhead noting the employee's name, start date, work schedule, earnings, and frequency of pay;

- c. Verification of Employment (Form 170); or
- d. A data match confirming employment and income.
- ii. Unearned income may be verified by:
 - a. Award letters;
 - b. Pension statements;
 - c. Court order documentation;
 - d. Other forms of documentation from sources verifying the gross unearned income amount; or
 - e. A data match confirming unearned income.

- B. A parent or caretaker must verify their need for child care by providing:
 - i. Wage verification or an offer of employment that includes the amount of work hours;
 - ii. A schedule, proof of registration, or statement from an authorized education program verifying the start date, days and hours of attendance, and expected completion date;
 - iii. A schedule, proof of registration, or statement from an authorized training program verifying the start date, days and hours of attendance, and expected completion date;
 - iv. A DFS referral for protective care; or
 - v. Child Care Medical Certification Form ~~(Form 611)~~ (Form 611); or
 - vi. ~~written~~ Written documentation completed by a physician ~~or medical professional that verifies a special need and the required care,~~ licensed psychologist, licensed social worker, school based licensed special education staff, or a specialist who has experience with the child and knowledge in the area of the child's disability.

- C. Presumptive child care may open when a parent or caretaker reports income and a need for child care but has not provided all mandatory verifications in accordance with DSSM 11004.8.

- 5. A parent or caretaker must provide all mandatory verifications, complete an intake interview, and make a provider selection within 30 days from the application date for child care to become effective on the application filing date.
 - A. If information is returned after 30 days of the application date, but before 60 days, child care will begin on the date verifications are received.
 - B. If information is not returned before 60 days from the application date, the parent or caretaker must reapply for child care.
- 6. DSS must inform parents and caretakers of their:
 - Eligibility determination;
 - Monthly parent copayment amount; and
 - Rights and responsibilities for the Child Care Subsidy Program.
- 7. DSS must give parents and caretakers a Subsidized Child Care Client Agreement (Form 626) when child care approval cannot be generated from the eligibility system.

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

25 DE Reg. 280 (09/01/21)

27 DE Reg. 580 (02/01/24) (Prop.)