

DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
DIVISION OF SOCIAL SERVICES  
Statutory Authority: 16 Delaware Code, Section 512 (16 Del.C. §512)  
16 DE Admin. Code 15110

FINAL

ORDER

Delaware's Temporary Assistance for Needy Families (TANF) State Plan Renewal

Delaware Health and Social Services ("Department") / Division of Social Services (DSS) initiated proceedings to renew Delaware's Temporary Assistance for Needy Families (TANF) State Plan as provided for in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), (P.L. 104-193). 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 October 2011 Delaware *Register of Regulations* requiring written materials and suggestions from the public concerning the proposed regulations to be produced by November 15, 2011 at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations. Additionally, Delaware's TANF State Plan can be viewed on the Department's website at: <http://www.dhss.delaware.gov/dhss/dss/>

NOTICE OF COMMENT PERIOD FOR DRAFT TANF STATE PLAN

As a reminder, this notice is given to provide information of public interest with respect to Delaware's eligibility status for the Temporary Assistance for Needy Families (TANF) Program.

Statutory Authority

Title IV-A of the Social Security Act, Section 402, *Eligible States; State Plan*

Title of Notice

Delaware's Temporary Assistance for Needy Families (TANF) State Plan

Background

The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 (Public Law 104-193) provides funding to states through the Temporary Assistance for Needy Families (TANF) block grant. Section 402 of the Social Security Act requires that States periodically submit to the Secretary of the Department Health and Human Services a TANF state plan to maintain or renew their status as an "eligible State". In general the State plan describes the eligibility rules, the populations served, the programs offered, and the State maintenance of effort spending. States also provide certifications that they will maintain other services such as child support enforcement and foster care services. Delaware's TANF State plan is due December 31, 2011.

The TANF Program is delivered through a collaborative partnership among Delaware's Department of Health and Social Services (DHSS), Department of Labor (DOL), and the Delaware Economic Development Office (DEDO). The Delaware Transit Corporation (DTC) is also a planning partner.

Summary of Notice of Comment Period for Draft TANF State Plan

In order to continue to receive Federal TANF funding, Delaware must file for renewal of the grant with the Department of Health and Human Services (DHHS), Administration for Children and Families (ACF) by December 31, 2011. The State Plan outlines the provisions under which the State will administer the TANF program.

Prior to submission of the plan, States must offer the public a 45 day period to review and comment on the plan. Publication of the State plan creates the opportunity for the public to comment on the proposed TANF State Plan.

Developed in accordance with the requirements of PRWORA, the updated State Plan incorporates changes identified through a collaborative process that included development of proposed regulation, distribution of the draft regulation to Delaware stakeholders and the public, review and incorporation of appropriate comments in the plan, and the ongoing review of the TANF program.

Future amendments to the State Plan will incorporate suggestions and recommendations received during the comment period. The 45-day comment period begins on the date this notice is published in the *Delaware Register of Regulations*. Comments received within 45 days will be reviewed and considered for any subsequent revision of the TANF State Plan.

## 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.

First, on p. 7, the section titled "Eligibility For Assistance Under the TANF Program", subsection "Conditions of Eligibility, Fugitive Felons, Individuals Convicted of Drug Related Felonies", recites as follows:

Fugitive felons and parole violators are ineligible for TANF assistance. In addition, as of August 22, 1996, individuals convicted of drug related felonies are permanently barred from the date of conviction.

The Plan does mention "food benefits" and "Food Supplement Program benefits" on the next page. Given enactment of S.B. 12, DSS may wish to add the following sentence: "Effective with enactment of S.B. 12 in June 2011, individuals convicted of drug related felonies are not barred from receiving Food Supplement Program benefits."

*Agency Response:* While it is correct that the food supplement is mentioned in the section following the discussion of TANF eligibility of drug felons, the reference to the food supplement program is made in regard to the TANF Family cap rules. The family cap rules are independent of the drug felony rules; it could cause confusion to reference in the TANF State Plan the State's treatment of drug felons in the Supplemental Nutrition Assistance Program (SNAP). Therefore a reference to S.B. 12 will not be made in the TANF State Plan.

Second, Attachment "C" refers to the "Department of Public Instruction" and the "Department of Public Safety" and includes a copy of a 1996 MOU signed by these agencies. These agencies obviously no longer exist.

*Agency Response:* The Division of Social Services continues to meet the conditions established in the MOU, but will explore securing a new MOU.

Moreover, Attachment "D" includes an outdated copy of the Delaware Code which omits amendments adopted subsequent to 73 Delaware Laws, including revisions to Title 10 Del.C. §§1041, 1043, and 1045. It also omits Title 10 Del.C. §§1049A-1049F. It would be preferable to secure an updated MOU with current State agencies and to provide a current version of the Delaware Code references.

*Agency Response:* Attachment "D" will be corrected to include a current version of the Delaware Code.

### FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the October 2011 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to renew Delaware's TANF State Plan beginning Federal Fiscal Year 2012 is adopted and shall be final effective January 10, 2012.

Rita M. Landraf, Secretary, DHSS

15 DE Reg. 1045 (01/01/12) (Final)