

DELAWARE STATE PLAN FOR TANF

Effective October 1, 2011

In fulfillment of the state plan requirements of §402(a) of the Social Security Act, Delaware submits this state plan to renew its status as an eligible state.

This renewal is submitted to the Secretary of the Department of Health and Human Services, through the Director of the Administration for Children and Families, in December 2011.

Delaware's approved amended Work Verification Plan, dated April 20, 2009 describes in detail how TANF work activities are defined, verified, and documented.

The policy changes reflected in this Plan are the result of a process that included development of proposed regulations, distribution of the draft regulations to Delaware stakeholders and the public, and the review and incorporation of appropriate comments in the plan.

Delaware's TANF program requires immediate work activity from caretakers in time-limited families. Those who cannot secure unsubsidized employment immediately are required to participate in other work activities that foster the development of the skills necessary to secure unsubsidized employment and achieve long term self sufficiency.

Attachment A includes certifications by Governor Jack Markell, Delaware's Chief Executive Officer.

GOALS, RESULTS AND PUBLIC INVOLVEMENT

Goals

The goal of Delaware's TANF program is to provide a welfare system based on a philosophy of mutual responsibility. In working toward that goal, the State will strive to place individuals in private or public sector unsubsidized employment that enables them to enter and maintain meaningful jobs. To that end, the TANF program provides individualized supports and programming to assist families to become employed, and expects families to accept responsibility to become self-supporting.

Five key principles form the foundation of TANF:

1. Work should pay more than welfare.
2. Welfare recipients must exercise personal responsibility in exchange for benefits.
3. Welfare should be transitional, not a way of life.
4. Both parents are responsible for supporting their children.
5. The formation and maintenance of two-parent families should be encouraged; and teenage pregnancy and unwed motherhood should be discouraged.

Involvement of Local Governments, the Public, and Private Sector Organizations

Welfare Reform in Delaware has a long history of active involvement and partnership between and among state and local governments and the private sector. Over a multi-year period, Delaware has engaged government, the public and the private sector in dialog about the welfare system and ways to change it.

Since its introduction in January of 1995, in the form of a waiver request, all sectors have had the opportunity to influence Delaware's welfare reform program in a series of public meetings and forums.

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

From 1995 to the present, the TANF collaborative team has involved other stakeholders in a number of ways. Community partner involvement runs the gambit from support letters for TANF-related grants, to participating in the resultant project planning and implementation, to membership on an initiative's advisory/oversight council. Partnerships include: the City of Wilmington's HOPE VI subsidized housing project; the Delaware Ecumenical Council on Children and Families' rural outreach project; the Division of Vocational Rehabilitation's employment efforts with people with disabilities; and the Division of Substance Abuse and Mental Health's Youth Offender Re-entry initiative. Presentations on TANF are ongoing by request to the various Section 8 and Public Housing entities, to non-profits such as the First State Community Action Agency and the

Latin American Community Center and to local churches, healthcare centers, childcare providers, schools and youth centers (e.g., Boys & Girls Club).

The Social Services Advisory Council, consisting of educators, health professionals, religious leaders, representatives of community-based organizations, advocates, and government leaders, all appointed by the Governor, continues to provide advice on improving the delivery of Delaware's social programs. In addition, the Division of Social Services has regularly conducted focus groups with clients in all counties of the State.

The requirement for a 45-day public comment period was accomplished by making the plan available for public review and comment through the following means:

- The State Plan was posted on the Delaware web site at <http://www.dhss.delaware.gov/dhss/dss/> on October 1, 2011.
- Stakeholder groups as represented by the Social Services Advisory Council, the TANF Employer Committee, and TANF program contractors were provided with individual copies of the Plan, and asked for feedback.
- The State Plan was published for public comment in the Delaware Register during October 2011.

Ensuring Accountability

The Division of Social Services (DSS), a division of State of Delaware Department of Health and Social Services (DHSS), administers TANF. While DHSS is the lead agency, program administration is accomplished through a partnership of DSS, Department of Labor (DOL), Delaware Economic Development Office (DEDO), and the Delaware Transit Corp (DTC).

The Delaware Client Information System (DCIS II) is a large scale, client/server, interactive eligibility determination and benefit issuance system. DCIS II automates: client registration, application entry, eligibility determination, benefit calculation, benefit issuance and work programs for more than 100 variations of cash, Medicaid, child care and food benefit programs, administered by the Delaware Division of Social Services. DCIS II provides automated program support and supports the information needs at the state and local office level. DCIS II also incorporates program changes required by P.L. 104-193.

Delaware is participating in the Income and Eligibility Verification System (IEVS) required by section 1137 of the Social Security Act.

In addition, the State operates a fraud control program and will disqualify individuals found to have committed an intentional program violation based on findings of administrative disqualification hearings and findings of prosecution or court actions. Delaware has adopted the penalties for intentional program violations used by the Food Supplement Program: 12 months for the first offense and 24 months for a second instance. An individual committing a third offense is permanently disqualified.

NEEDY FAMILIES

Definition of Needy Families

For program purposes, needy families are a child and or children living in the home of a parent, guardian, custodian, or specified relative whose combined income and financial resources are less than the standards established by the State.

[Civil Unions

During 2011 the Delaware Legislature passed the Civil Union and Equality Act of 2011. This law becomes effective at 10 a.m. on January 1, 2012. The Civil Union and Equality Act of 2011 creates the recognized legal relationship of civil union in Delaware for eligible persons. Parties who enter into a lawful civil union in Delaware, or whose legal union is recognized as a civil union under Delaware law, will have all of the same rights, benefits, protections and responsibilities as married persons under Delaware law. It was not the intent of the Delaware General Assembly to revise the definition or eligibility requirements of marriage under Delaware law. Additionally the law states: “The rights of parties to a civil union, with respect to a child of whom either party becomes the parent during the term of the civil union, shall be the same as the rights (including presumptions of parentage) of married spouses with respect to a child of whom either spouse becomes the parent during the marriage.”]

The following sections describe these standards and how they are applied to applicants and recipients.

Income and Resource Rules for Determining Need

For purposes of determining need Delaware will continue to utilize the established income and resource rules of the TANF program. The following specific features of Delaware's TANF program continue to apply:

- The equity value of real and personal property owned by a family budget group cannot exceed \$10,000.00
- The values of automobiles owned by members of a TANF household are disregarded. An automobile is defined as any motorized vehicle used for transportation via public roadways or to produce income.
- The cash value of a life insurance policy is excluded.
- In addition to the current resource limit, families are allowed to establish special Education and Business Investment Accounts (EBIA) of up to \$5,000.00, including interest.
 - Families will contribute directly to their EBIA's.Funds in such accounts will not be considered as a resource. Withdrawals from such accounts must be for approved purposes, as defined in TANF. If funds are withdrawn for non-approved purposes, the money will be counted as a resource in the month received. Approved reasons for

withdrawal of funds for self-sufficiency needs include, but are not limited to: dependent care expenses, security deposit for an apartment or house, or vehicle repair costs.

- Financial assistance received from school grants, scholarships, vocational rehabilitation payments, JTPA payments, educational loans, and other loans that are expected to be repaid will not be counted as income for TANF program purposes. Also, other financial assistance received that is intended for books, tuition, or other self-sufficiency expenses will be excluded.
- Earnings of dependent children, regardless of student status, will be disregarded in determining the family's eligibility and the amount of TANF benefits.
- A one-time bonus payment of \$50.00 will be paid from TANF funds to eligible teens who graduate from high school by age 19. This bonus, which will be paid directly to the high school graduate, will be disregarded as income.

Income Tests to Determine Eligibility

There are two income tests to determine financial eligibility. The first test is a gross income test, and the second is a net income test.

- Gross income test. Compares the family's income to 185% of the applicable standard of need. Both applicants and recipients must pass this income test.
- Net income test. Compares a family's income, after applying certain disregards, to the applicable standard.
- For applicants, defined as families who have not received assistance in at least one of the four months immediately preceding the application, the net income is compared to the payment standard.
- For recipients, defined as families who have received assistance in at least one of the four months preceding the application or are current recipients, the net income is compared to the standard of need.
- A family's income must be less than the gross and net income limits to be financially eligible for TANF. Once eligibility is established, the grant amount is determined.
- Gross income is the total of the earned and unearned income.
- Wages and self-employment income are examples of earned income.
- Social Security benefits, child support, and stepparent income are examples of unearned income. Stepparent income will be included if the child's natural parent lives in the home.

Exhibit 1 contains the calculation steps for TANF applicants.

Exhibit 1: Determining Applicant Eligibility for TANF Benefits

Step 1) The gross income is compared to 185% of the applicable

TANF standard of need. Assistance is denied if the income exceeds 185% of the applicable TANF standard of need.

Step 2) The standard work deduction (\$90.00) and child care expenses are subtracted from each wage earner's earnings. The applicant's net earned income is added to unearned income to determine the net family income. The net income is compared to the payment standard. Assistance is denied if the income exceeds the payment standard.

If the income is less than the payment standard,

Step 3) The standard work deduction (\$90.00), child care, and the \$30 plus 1/3 disregard (if applicable) are subtracted from each earner's earned income. This net earned income is added to the unearned income to calculate the family's net income. The net income is subtracted from the applicable standard of need to obtain the deficit. The deficit is multiplied by 50%; the number calculated is the remainder. The grant is either the remainder or the payment standard, whichever is less.

Exhibit 2 provides the calculations for TANF recipients.

Exhibit 2: Determining Recipient Eligibility for TANF Benefits

Step 1) The gross income is compared to 185% of the applicable TANF standard of need. Assistance is denied if the income exceeds 185% of the applicable TANF standard of need.

Step 2) The standard work deduction (\$90.00), child care, and the \$30 plus 1/3 disregard (if applicable) are subtracted from each earner's earned income. The net earned income is added to unearned income to calculate the family's net income. Assistance is denied if the income exceeds the standard of need.

If the income is less than the standard of need,

Step 3) The net income is subtracted from the applicable standard of need; the number calculated is the deficit. The deficit is multiplied by 50%; the number calculated is the remainder. The grant is either the remainder or the payment standard, whichever is less.

The TANF standards apply to all benefits and services provided to needy families except for those listed below, for which Delaware has established separate need standards.

- Emergency Assistance, discussed in the section on Diversion Assistance Program and Attachment B
- Services for Working Families in Financial Crisis described in the additional targeted support section
- Child care, described in the Involvement of Local Governments, the Public, and Private Sector Organizations section, the Eligibility for Assistance under the TANF Program section, and the Supportive Services section
- Child Welfare Services

Fill-the-Gap Budgeting

Fill the Gap budgeting will be used for recipient families to determine continued eligibility and the amount of TANF benefits so that families can retain more of their income. By having a standard of need which is greater than the payment standard a "gap" is created. The difference between the family's income and the need standard is called the deficit. The state pays a percentage of the deficit up to a maximum benefit level or payment standard.

- Three standards will be used in financial eligibility calculations: 185% of the standard of need, the need standard and the payment standard. 185% of the standard of need will be used in the gross income test.
- The standard of need used is 75% of the Federal Poverty level. This includes allowances for food, clothes, utilities, personal items, and household supplies.

Diversion Assistance Program

Delaware operates a Diversion Assistance program intended to help a family through a financial problem which jeopardizes employment and which, if not solved, could result in the family needing regular ongoing assistance. The Diversion Assistance payment will not exceed \$1,500 or the financial need resulting from the crisis, whichever is less. Diversion Assistance, which is available to both applicant and recipient families, is not a supplement to regular assistance but is in place of it.

Eligibility requirements for Diversion Assistance are as follows:

- The parent must be living with his/her natural or adopted children.
- The family has not received a Diversion Assistance payment in the past 12 months.
- The Diversion Assistance amount will alleviate the crisis.
- The parent is currently employed but having a problem which jeopardizes the employment or has been promised a job but needs help in order to accept the job.
- The family's income would qualify the family for TANF as a recipient household. (When calculating eligibility for Diversion Assistance the family is given the \$30 plus 1/3 disregard, if applicable, and the family's net income is compared to the Standard of Need.).
- The family's resources would qualify for TANF.

The Diversion Assistance payment may be used for items and/or services, such as but not limited to:

- Transportation (such as vehicle repairs, tires, insurance, driver's license fee, gas).
- Clothing such as uniforms or other specialized clothing and footwear or other employment-related apparel.
- Tools and equipment.
- Medical expenses not covered by Medicaid (e.g., eye glasses).
- Union dues, special fees, licenses or certificates.
- Up-front costs of employment such as agency fees and testing fees.
- Unpaid child care expenses which, if they remain unpaid, preclude the provision of future child care.
- Relocation expenses for verified employment in another county or state. These expenses may include moving equipment rental, gas, and lodging for the days of the move and the first month's rent, rental and utility deposit.

Diversion Assistance payments will be made to a third party vendor, not the parent. When the parent receives Diversion Assistance (s)he agrees to forego TANF cash assistance as follows:

- \$0 through \$500.99 for 1 month.
- \$501 through \$1,000.99 for 2 months.
- \$1,001 through \$1,500 for 3 months.

The once a year limitation on Diversion Assistance and the period of ineligibility can be eliminated when good cause exists. Good cause exists when circumstances beyond the client's control make re-application for Diversion Assistance or TANF necessary. Examples of good cause are the employer lays off the parent or a serious illness forces the parent to stop working.

The family is eligible for TANF related Medicaid in the month in which the Diversion Assistance payment is made. The family would remain eligible for Section 1931 Medicaid (TANF related Medicaid) until the family's income exceeds the standard of need. If the family's income exceeds the standard of need because of increased earnings or loss of the \$30 plus 1/3 disregard and the parent is working, the family may be eligible for Transitional Medicaid.

Diversion Assistance does not count as income in the child care program. Families receiving Diversion Assistance may also be eligible to receive child care under Delaware's working poor child care program if their income does not exceed 200 percent of the federal poverty level. Receipt of Diversion Assistance would not bar receipt of Food Supplement benefits, and food benefit applications will be actively solicited from individuals requesting Diversion Assistance.

Diversion Assistance does not count against the time limit on receipt of assistance.

The family will not have to assign child support to the state. Child support received by the parent or the Division of Child Support Enforcement (DCSE) will belong to the family. DCSE will not use child support to offset or reimburse the Diversion Assistance.

Diversion Assistance is not intended to replace TANF's Emergency Assistance Program or Supportive Services payments, which will continue. The TANF Emergency Assistance Program provides identical benefits that were provided under Delaware's State Plan in effect on August 21, 1996. (See Attachment B) Rather, Diversion Assistance expands the opportunities to access as well as the value of services to support employment.

Child Welfare Services to assist needy families in maintaining children in the home of their parent(s) or a relative caregiver

These services are provided when conditions exist requiring the intervention of the Division of Family Services (DFS). Services or payment for services for the child or family is provided to deal with the conditions that caused the need for the services and the child or family is not eligible for such services under Title IV-E. The services provided are those identified by DFS as needed to meet the needs of the child. These include investigation, case management, community and home based intervention services, foster care maintenance payments for short-term placement of less than 180 days outside of the home as well as foster care payments for temporary absence placements of up to 365 days (see below). Also included are case management services for preventive services, court-related activities, and foster care. Needy families whose combined earned and unearned income is at or below 900% of the federal poverty level during the year services are provided are eligible to receive these TANF or MOE funded services.

As described on page one of Attachment B, Federal funds may be used under the former Emergency Assistance provision (attached) that was in effect on August 21, 1996. In addition, paragraph two describes how State MOE funds may be used to pay for these benefits and services while the child remains in the home of a relative or during a period of temporary absence from the home of up to 12 months, as long as the child is expected to return home during that period of time or a good cause extension has been granted.

ELIGIBILITY FOR ASSISTANCE UNDER THE TANF PROGRAM

Conditions of Eligibility

If the income tests described above are met, a family is eligible to receive TANF assistance subject to the following conditions.

Relationship/Living Arrangements

Children must be living in the home of a parent, guardian, custodian, or a specified relative.

The caretaker of a teen parent who is not a parent must demonstrate valid circumstances why the teen is not living with a parent and must agree to be a party to the Contract of Mutual Responsibility and fulfill the same responsibilities there under as a parent.

Fugitive Felons, Individuals Convicted of Drug Related Felonies

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.

Family Cap Provision

No additional cash benefits will be issued due to the birth of a child, if the birth occurs more than ten (10) calendar months after the date of application for benefits under TANF.

The family cap will not apply to:

- An additional child who was conceived as a result of incest or sexual assault.
- Children who do not reside with their parents.
- Children born prior to the period identified above who return or enter the household.
- A child that was conceived in a month the assistance unit (i.e., the entire family) was not receiving TANF, but this does not apply in cases that close due to being sanctioned.

The family cap will apply to children who are the firstborn of minors included in a TANF grant, except that the family cap does not apply to firstborn children of minors where the child was born prior to March 1997, the date that Delaware began its TANF program.

The additional child(ren) is included in the standard of need for purposes of determining eligibility. The income and resources of the child, including child support, is included in determining the family's income and resources. However, the child(ren) is not included in determining the payment standard for the family.

- The additional child(ren) is considered a recipient for all other purposes, including categorical Medicaid coverage, TANF child care, and Food Supplement benefits.
- Child support received for capped children is passed directly through to the family.

Denial of Benefits to Babies Born To and Residing with Unmarried Teen Parents

Cash assistance is not provided to babies born on and after January 1, 1999 to unmarried minor teens. This applies to both applicants and recipients. For all other purposes, these babies will be considered TANF recipients. They may also be eligible to receive food benefits, Medicaid and child care as well as vouchers for the baby's needs. This provision

applies as long as the teen parent resides in the home with the baby, is unmarried or less than eighteen (18) years of age.

Denial of Benefits for Fraudulent Misrepresentation to Obtain Assistance in Two States

Any individual who misrepresents residence to receive TANF, Medicaid, or Food Supplement benefits in two states shall be subject to a ten-year bar if convicted in a state or federal court.

Treatment of Eligible Non-Citizens

Qualified non-citizens who enter the United States before August 22, 1996 are eligible to receive the same benefits and services and are subject to the same conditions and requirements as all other applicants and recipients.

Qualified aliens entering the United States on or after August 22, 1996, who are exempt from benefit restrictions as specified in Federal law, are eligible to receive the same benefits and services and are subject to the same conditions and requirements as all other applicants and recipients.

Qualified non-citizens who enter the United States on or after August 22, 1996 are, after five years, eligible to receive the same benefits and services and are subject to the same conditions and requirements as all other applicants and recipients.

Program Type

Depending on circumstances, families are placed in either the Time-Limited TANF program or the Non Time-limited TANF program.

Delaware's Time-Limited TANF Program has an employment focus. Participants are expected to meet immediate work requirements in order to receive benefits.

Delaware uses State non-maintenance of effort funds to provide benefits to recipients in a solely state funded two-parent program.

TANF eligible families that include a parent or head of household who has presented approved documentation that they are unable to work because of a medical disability will be enrolled in the non-time limited program. These clients may receive benefits through either a solely state funded program or the TANF program. Delaware will use State non-maintenance of effort funds to provide benefits to recipients in the solely state funded medical disability program.

Time-limits for Delaware's Time-Limited TANF Program and the interactions between time-limits and work requirements are described in the sections entitled, Work: Time Limits and Work, and TANF Benefits to Needy Families: Time Limits.

Families with the following status will receive benefits in the Non Time-limited program:

- Families that the agency has determined are unemployable, either because a parent is too physically or mentally disabled to work in an unsubsidized work setting or because the parent is needed in the home to care for a child or a spouse who is disabled.
- Families headed by a non-needy, non-parent caretaker.
- Families headed by a non-citizen parent who is not eligible to receive TANF benefits.
- Families where the agency has determined that the adult caretaker is temporarily unemployable.
- Families in which the adult files a claim or has a claim being adjudicated for SSI or disability insurance under OASDI. In this case, the family must sign an agreement to repay cash benefits received under the Non Time-limited TANF program from their SSI/DI benefits

Contract of Mutual Responsibility requirements and sanctions for noncompliance apply to families in the Non Time-limited TANF program. Delaware will provide benefits utilizing solely state funding (SSF) to families that include a head of household or a spouse of a head of household who have exceeded 60 cumulative months of federally funded TANF assistance and represent more than 20 percent of the TANF caseload.

Contract of Mutual Responsibility/Individual Service Strategy

The caretaker of children in the TANF program enters into a Contract of Mutual Responsibility with the Division of Social Services (DSS) of the Department of Health and Social Services (DHSS). Applicants and recipients have a face-to-face interview. During this interview, the DSS worker explains the Contract of Mutual Responsibility (CMR) and those elements specific to the client.

The Contract lists the responsibilities of the family and the supports the State will provide. The family's responsibilities include, but are not limited to: employment-related activities, school attendance and immunization requirements for children, family planning, parenting education classes, and substance abuse treatment requirements. The State provides supports to families including but not limited to: employment-related activities, training activities, child care, Medicaid, and other services identified during the development of the Contract of Mutual Responsibility developed by DSS workers and the Individual Services Strategy (ISS) developed by Employment Connections (EC) and Keep a Job (KAJ) contractors providing self-sufficiency services to work mandatory clients.

The Contract is designed to be individualized to the specific needs and situation of each family. Therefore, the exact requirements within the Contract may vary from family to family. This document can be revised as the needs and the situation of the family evolve.

Services related to these CMR requirements will be available to the participant. If the services specified in the CMR are not reasonably available to the individual, the participant will not be sanctioned for failure to comply and the Contract will be modified to reflect that the service is currently unavailable.

It is mandatory that all caretakers enter into a Contract of Mutual Responsibility. Contracts are completed for families in the Time Limited TANF program and the Non Time-limited TANF program as well as for teen parents. Both caretakers in an assistance unit and non-needy caretaker payees are required to develop and comply with CMRs. Other family members within the assistance unit may be required to comply with provisions of the Contract, and are subject to sanction for non-compliance.

If the caretaker is a non-needy caretaker, the individual would not be required to participate in employment-related activities but will be required to participate in other Contract activities.

If a caretaker objects to certain aspects of the Contract, the caretaker needs to present these objections up front, at the time of the initial Contract. If good cause can be demonstrated, the Contract can be amended to rectify the objections.

When staff has reason to believe that the family needs other services to become employed or to increase work hours and wages, these services will be identified and specified in the Contract of Mutual responsibility. Needed services will also be identified on the caretaker's ISS developed by EC and KAJ contractors.

The fiscal sanction for not cooperating, without good cause, in development of the Contract will be an initial \$50.00 reduction in benefits. This reduction will increase each month by \$50.00, either until there is compliance or the case is closed. The sanction will end with demonstrated compliance. Sanctions for failure to participate in CMR and ISS activities are described in subsequent sections.

Individuals from Another State

All families meeting the status eligibility requirements set forth above are eligible for TANF benefits using Delaware rules, regardless of how long they have been residents of the State.

Statewideness

All definitions and determinations of need are applied on a statewide basis.

Protection of Privacy of Assisted Families

31 Delaware Code, Chapter 11, Section 1101 provides that public assistance information and records may be used only for purposes directly connected with the administration of public assistance programs. Thus, all information gathered regarding individuals for public assistance purposes is considered confidential and will be safeguarded by DSS. By safeguarding public assistance information, DSS protects its clients from being identified as a special group based on financial needs and protects their right to privacy.

General information regarding expenditures, numbers of clients served, and other statistical information is a matter of public record and may be made available to any interested party. Other than the exceptions noted below, DSS will not release any information regarding a particular individual without the individual's written consent.

- DSS Regional Operations Managers have the authority to disclose the address of a recipient to a Federal, State or local law enforcement officer at the officer's request if the officer furnishes the agency with the name of the recipient and notifies the agency that the recipient:
 1. Is fleeing to avoid prosecution; or
 2. Is a fleeing felon (or in the case of New Jersey is fleeing from conviction of a high misdemeanor); or
 3. Is violating a condition of probation or parole; or
 4. Has information that is necessary for the officer to conduct his or her official duties; and
 5. The location or apprehension of the recipient is within such official duties.
- If a law enforcement officer requests information that does not meet the guidelines indicated above, a subpoena from a court of law is required before the information can be released.
- DSS is required to report to the Division of Family Services in situations where it believes a home is unsuitable because of neglect, dependency, abuse or exploitation of a child.
 1. A Court Appointed Special Advocate (CASA) is given permission to inspect and/or copy any records relating to the child and his or her family guardian without their consent. The CASA has the authority to interview all parties having significant information relating to the child.
 - If information is released under the procedures applying to CASA, pertinent details of the reasons for the release must be documented and written notification of this release must be sent to the last known address of the individual to whom the record refers.
- DSS has the authority to disclose information concerning applicants and recipients provided it pertains to:
 1. An investigation, prosecution, or criminal or civil proceeding conducted in connection with public assistance programs.
 2. The administration of any other federal or federally assisted program that provides assistance, in cash or in kind, or services, directly to individuals on the basis of need. The agency must assure DSS that such information will remain confidential and will be used only to pursue services for the individual. Other means tested programs include the Supplemental

- Security Income Program, School Lunch and Breakfast Program, the Energy Assistance Program, and the Low Income Housing Program.
3. Other agencies (such as Children and Families First, Inc., Catholic Social Services, Legal Aid, etc.) must provide written permission from the recipient before public assistance information may be released.
 4. Other governmental agencies may obtain lists of recipients from DSS if the information will be used to perform services for DSS, and the agency can assure DSS that the lists will remain confidential.

APPEALS PROCESS

DSS will provide timely and adequate notice for actions taken which affect eligibility or benefit level. Adequate notice means a written notice that includes a statement of what action the agency intends to take, the reasons for the intended agency action, the specific regulations supporting such action, explanation of the individual's right to request a fair hearing, and the circumstances under which assistance may be continued if a hearing is requested.

Timely notice means a notice that is mailed no later than 10 days before the date of action (i.e., 10 days before the intended change would be effective). When DSS learns of facts indicating that assistance should be discontinued, suspended, terminated, or reduced because of the probable fraud of the recipient, and, where possible, such facts have been verified through secondary sources, notice of a grant adjustment is timely if mailed at least five days before the action would become effective.

An opportunity for a hearing will be granted to any applicant who requests a hearing because his/her claim for assistance is denied or is not acted upon with reasonable promptness and to any applicant or recipient who is aggrieved by any Agency action.

To be considered by the Agency, a request for a hearing must be a clear expression in writing by the appellant or his/her representative to the effect that (s)he wants the opportunity to present his/her case to higher authority. The freedom to make such a request will not be limited or interfered with in any way and the Division will assist the appellant in submitting and processing his/her request. A hearing need not be granted when either State or Federal law requires automatic grant adjustments for classes of recipients, unless the reason for an individual appeal is incorrect grant computation.

WORK

Goals for Work

Delaware's TANF program is based on the belief that assistance provided is transitional and should not become a way of life. The State maintains that the way for persons to avoid dependency on welfare is for them to find and maintain employment. Thus the primary goal of TANF is to help recipients find private sector work and to help them keep such work by providing them with necessary supports.

To assist families in obtaining and maintaining employment, the State will engage the efforts of the Departments of Health and Social Services, Labor, and Economic Development and Delaware's private sector to provide job readiness and placement opportunities, health and child care, and family services. In turn, TANF recipients who have the capacity to work will be required to accept work, to keep their children in school, to cooperate with child support, to bear the costs of additional children they conceive while on welfare, and to leave the welfare rolls after a defined time period.

State Agencies Involved

Delaware Health and Social Services, Labor, and Economic Development have a unique partnership. All three agencies are responsible for moving welfare clients to work. These three agencies have collaborated in developing Delaware's TANF program, in public information, in implementation, and continue to collaborate in managing the initiative.

The Delaware Transit Corporation (DTC) in the Department of Transportation has joined the TANF collaborative team, and has assisted to develop a statewide transportation system plan for TANF, using vans and other vehicle sources.

Involvement of Community, Education, Business, Religious, Local Government and Non-Profit Organizations to Provide Work

As noted in the discussion on page 2, every sector has been actively involved in the development of Delaware's TANF program and continues to be involved.

A TANF Employer Committee, consisting of representatives of both the public and private sector, assists in placing welfare recipients in unsubsidized jobs and provides advice on direction, policy, and implementation of welfare-to-work efforts. This committee was established through HB 251.

To further promote employer interest in hiring TANF recipients, the Departments of Labor and Economic Development meet with members of the business community at regularly scheduled events like monthly Chamber of Commerce meetings and at special events.

The Social Services Advisory Council was established by executive order. The Governor appoints council members to advise the directors of both the Division of Social Services and the Division of Child Support Enforcement on matters related to public assistance and child support services. Council members represent the community, advocates, non-profit providers, educators, and interested citizens.

DSS and DCSE management regularly meet with the Social Services Advisory Council to discuss TANF and other Social Services and Child Support programs.

Role of Public and Private Contractors in Delivery of Services

Delaware has contracted with private for-profit and non-profit providers and the local community college network to provide job readiness, job placement, and retention services to welfare clients since 1986. These contractual arrangements continue under TANF. Contractors include community and faith-based social services agencies and organizations offering specialized services.

A number of community providers across the state provide academic remediation to TANF recipients.

Who Must Participate

All adult caretakers and other adults in the time-limited assistance unit who are not exempt must participate in TANF employment and training related activities. The three exemptions are: 1) a single custodial parent caring for a child under 12 months of age; 2) an individual determined unemployable by a health care professional; and 3) a parent caring for his or her child or spouse who is disabled.

Services to Move Families to Work

Delaware's goal is to place the adult recipient in unsubsidized employment as quickly as possible. To accomplish this goal, the current menu of potential services includes all the federally acceptable categories of work activities, as shown below. In addition, Delaware offers ongoing case management, work retention, and job enhancement services provided by our Employment Connections (EC) and Keep-A-Job (KAJ) contractors:

- Unsubsidized employment
- Subsidized private sector employment
- Subsidized public sector employment
- On-the-job training
- Job search and job readiness assistance
- Work experience
- Community service programs
- Vocational educational training
- Child care for an individual participating in a community service program
- Job Skills training directly related to employment
- Education directly related to employment for recipients who have not completed secondary school or received a GED
- Satisfactory attendance at secondary school or in a GED program for recipients who have not completed secondary school or received a GED.

Non-exempt TANF participants will participate in the job search program, consisting of job readiness classes and supervised job search activity. Unsuccessful job search participants can be placed in another job search sequence or another work-related activity such as work experience, community service, OJT, or a skills training program.

Clients must keep appointments with the Employment and Training programs, cooperate in the development of the employment activities included in their Contract of Mutual Responsibility and Individual Service Strategy (ISS), and participate in employment and training activities. Individuals who are not in compliance with any of the above client responsibilities will be subject to sanctions as described in "Sanctions: Failure to Comply with the Contract and Imposition of Sanctions" described in a subsequent section of the State Plan.

The State implemented an Employment and Training Management Information System (ETMIS) in July 2005. ETMIS was incorporated into the existing Delaware Client Information System (DCIS). The ETMIS tracks referrals to employment and training programs, hours of participation, work activities, and sanctions. The ETMIS enhances contractor and participant accountability. Additionally it is a valuable tool for the collection and dissemination of statewide program data used for determining program effectiveness and making program design changes.

Work

Families are required to participate in a minimum number of hours of approved employment and training activities each week. The chart below specifies the number of hours required each week by family type. For families with work mandatory individuals, participation in either employment or other activities related to finding work for at least their required hours a week for two consecutive weeks is a condition of eligibility for TANF benefits. Once this condition and other eligibility requirements are met, benefits are retroactive to the first day of the two-week up-front participation period.

Family Type	Required Employment and Training Hours Per Week
One Parent Home	30
One Parent Home with Child(ren) under 6 years old	20
Two Parent Home	40

Job search and structured job readiness activities continue for another two weeks for individuals who do not find unsubsidized employment for at least the required hours. Individuals who do not find employment within the first four weeks of job search are assigned to work experience activities, and/or other employment and training activities.

Single parent households that are participating in work experience are required to participate up to 30 (or 20) hours per week. Work experience hours are determined by dividing TANF and Food Supplement benefits by the Delaware minimum wage. If the hours determined by dividing the grants by the minimum wage exceed 30 hours per week, participants are to complete no more than 30 participation hours. If the maximum

allowable hours are less than 30 hours per week, participants are to complete the FLSA allowed number of work experience hours, but must make up the difference needed to meet their hours of participation requirement with other countable activities.

Two-parent families assigned to work experience must engage in up to 40 hours per week, determined by dividing TANF and Food Supplement benefits by the Delaware minimum wage. If the hours determined by dividing the grants by the minimum wage exceed 40 hours per week, participants are to complete no more than 40 participation hours. If the maximum allowable hours are less than 40 hours per week, participants are to complete the FLSA allowed number of work experience hours, but must make up the difference needed to meet the 40 hour participation requirement with other countable activities.

Delaware's work requirements mandate that the receipt of Time-Limited TANF benefits is contingent on being employment or immediate participation in federally counted work activities.

An individual in a one-parent household enrolled in the TANF Time-Limited Program who, in accordance with the requirements in their Contract of Mutual Responsibility and ISS, participates in unsubsidized employment of at least 30 hours per week is not required to participate in other work-related activities. Two-parent families who, in accordance with the requirements in their Contract of Mutual Responsibility and ISS, participate in unsubsidized employment of at least 40 hours per week are not required to participate in other work-related activities. All families who are meeting their required hours through unsubsidized employment are required to continue providing their employment and training program with verification of their employment.

Delaware law expands the opportunity for TANF recipients to engage in educational activities beyond the federal limits of countable hours for State participation rate purposes. To take advantage of this state regulation individuals participating full-time in educational activities, based on the standards established by the institution, must participate in additional work-related activities, to equal twenty (20) actual participation hours. For most recipients their remaining non-core hours are met through homework time. Homework time for federal participation rate purposes is not to exceed the rate of 1 hour of unsupervised homework time per credit hour or class hour if the educational program requires homework.

Recognizing that Delaware's hourly requirements for participation in work and work-related activities are broader than those prescribed by the current TANF legislation, Delaware may provide some benefits through a solely state funded (SSF) program.

Time limits for Delaware's Time-Limited TANF Program are described in the section entitled, TANF Benefits to Needy Families: Time Limits.

Protecting Current Workers from Displacement

DSS conforms to Section (a)(5) of the Federal Unemployment Tax Act which requires that a job offered cannot be available as a result of a strike or labor dispute, that the job cannot require the employee to join or prohibit the employee from joining a labor organization, and that program participants are not used to displace regular workers.

In addition, DSS ensures that no participants, including but not limited to those placed in a work experience placement, displace regular paid employees of any of the organizations providing the work experience placement. Such assurance complies with State law contained in 31 Delaware Code, Chapter 9, Section 905(b). This assurance also complies with Section 407(f) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), which requires that DSS will not use federal funds under TANF to place individuals in a work activity when:

- Any individual is on a layoff from the same or a substantially equivalent job.
- The employer has terminated any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy created with an adult receiving TANF benefits.

In addition, DSS has established a grievance procedure, in conformance with Section 407(f)(3) of PRWORA, for resolving complaints for any alleged violation of nondisplacement requirements. Employees or their representatives who believe that their jobs are being displaced or infringed upon shall present their complaint to the employment contractor with authority over the placement. If the contractor is unable to resolve the problem within 15 days, the employee or representative may file a formal grievance in writing to the DSS Director's Office, who will hear a formal grievance. The employee will have an opportunity to: present his/her grievance on the record; present evidence; bring witnesses and cross-examine witnesses; be represented by counsel; and receive a written decision.

Grievance hearings will be scheduled within 30 calendar days of receipt of the formal grievance, and a written decision will be issued within 30 days of the hearing. If either party is dissatisfied with the State's written decision, they may appeal the decision to the U.S. Department of Labor within 20 days of receipt of the written decision. The procedures for appeal, which must be sent to the Office of Administrative Law Judges, in the U.S. Department of Labor, will be provided in writing with the decision.

Supportive Services

Delaware recognizes the importance of child care in helping recipients participate in work-related activities, and securing and retaining unsubsidized employment. To that end, the financial resources provided for child care have been significantly increased from the FY95 child care funding level.

Supportive services, such as child care, and TANF provided assistance with other work-related expenses, such as eye examinations and corrective lenses, dental, and physicals not covered by Medicaid, transportation, fees, training, and work-related equipment, uniforms, shoes, and supplies will be available where possible. Services are provided by voucher or directly. In addition, TANF will, on a case-by-case basis, pay fees to purchase certificates, licenses, or testing needed to obtain employment. Medical services are not part of these supportive services. DSS will determine when such services are necessary for a TANF recipient to participate. The services shall include:

- Support provided by contractors to retain employment for up to one (1) year.
- Health care for Delaware citizens through providing:
 - Medicaid coverage to uninsured adults with income at or below 100 percent of the federal poverty level.
 - medical coverage for uninsured children in families with income up to 200% of the federal poverty level, through the Delaware Healthy Children Program/
 - transitional Medicaid via 1931b program effective October 1, 2002, for two years for families with children who exit welfare, at incomes up to 185% of poverty.
- To help individuals retain unsubsidized employment Delaware provides subsidized child-care to low income working families until the family's income exceeds 200 percent of the federal poverty level.
- Job search programs and other assistance from the Department of Labor to find a job.
- Ongoing job retention assistance.

Additional Targeted Support

Assessment of Barriers related to Mental Health, Substance Use, and Domestic Violence

A standardized screening tool is used by Delaware to identify possible issues related to mental health, substance abuse, and domestic violence. Participants who complete the screening answer questions designed to reveal potential problems related to domestic violence, depression, mania, anxiety, substance use, PTSD, and thoughts of self-harm.

Screening occurs during the TANF intake and at redetermination. Additional screening occurs once a client begins participating with the employment and training programs. This process of multiple screenings allows clients the opportunity to reveal difficulties at the time and place they are most ready to do so.

DSS workers report that the screening frequently reveals significant domestic issues that participants need to resolve. By utilizing the screening, workers are able to refer participants for assistance. Further efforts to assist individuals to resolve domestic violence and other abuse situations are described in a later section: Parental Responsibility: Addressing Problems of Statutory Rape and Domestic Violence.

Supporting Teens

Delaware is targeting youth by providing special services. Through the Department of Education, Delaware provides a family literacy program which includes parenting skills training and other services to teen parents and their children to prevent repeat pregnancies.

Funds are allocated to Delaware's Teen Pregnancy Prevention Initiative, Teen Hope, to support activities for at-risk teens primarily in School Based Health Centers (SBHCs). The program, utilizing the Transtheoretical Behavior Change Model, helps youth develop skills to make better sexual and health related decisions. Initial programs have been very successful. In addition, wellness centers located in 27 high schools provide medical, health and counseling services to high school students.

The Division of Public Health directs the abstinence education programming through Section 510, Title V Abstinence Education federal funding which is intended to promote the postponement of sexual involvement by teens by changing norms and teaching teens needed skills. The goals of abstinence education funding are to:

- Increase the number of adolescents who are making choices to remain sexually abstinent.
- Increase the number of adolescents who are informed of the social, psychological and health gains to be realized by abstaining from premarital sexual activity.
- Increase the number of adolescents who are making healthy lifestyle choices to postpone sexual activity by avoiding situations and risk behaviors that would make them more vulnerable to sexual advances and urges.

Delaware has undertaken, through the Alliance on Adolescent Pregnancy Prevention (AAPP), a grassroots community and media outreach campaign to convince teenagers to postpone sexual activity and to avoid becoming or making someone else pregnant. AAPP works directly with parents in this initiative to improve communication between parents and children around sexuality and pregnancy prevention. In addition, AAPP provides preventive education and distributes information on preventing teen pregnancy, utilizing a number of kinds of interventions. For example, two full-time community educators visit schools, community centers, churches, and camps and provide workshops/training to parents and children around sexuality and teen pregnancy prevention. AAPP also maintains a resource center for the community and lends or gives away brochures, videos, curriculum, posters, books, and other communications about teen pregnancy prevention and sexuality.

The Wise Guys initiative is an adolescent male responsibility program that uses an established Wise Guys curriculum over a ten-week period. The program, operating in six high school based health centers, promotes character development and prevention of adolescent pregnancy by teaching young males self-responsibility in several areas.

Delaware's teen pregnancy prevention campaign also uses billboards to convey the message, and statewide conferences to provide assistance implementing prevention activities.

Delaware's TANF program provides a positive incentive to teenagers to graduate high school by age 19 by awarding a one-time \$50 bonus. Additionally, TANF requires teenage mothers currently on welfare to live with their parent(s) or a responsible adult, stay in school, immunize their children and participate in parenting education.

Services to teens are also discussed in the Section entitled Parental Responsibility: Efforts to Reduce Out-Of-Wedlock Births.

Early Childhood Intervention

The Delaware Department of Education is the Lead Agency for the state funded Early Childhood Assistance Program (ECAP). ECAPs are designed on the Federal Head Start model. All programs follow Head Start Performance Standards as the foundation for developing their program's systems and services. ECAP services are comprehensive and include: developmentally appropriate early childhood education, health and nutritional services, parent involvement, family partnerships/services, transportation, services for children with special needs, and transition services.

There are ECAP programs located throughout the state, with multiple grantees in each county. Grantees include Federal Head Start programs, school districts, community early care and education organizations, and a for-profit early care and education program. Services are typically provided following the local school calendars, with some programs operating through the summer. Most of the ECAPs provide full day or wrap-around services to enrolled children. These programs collaborate with CCDF funded subsidized child care or use their own CCDF funds to provide this service to children and their families.

Non-Citizen Households

Families that include legal documented aliens participate in Delaware's TANF program. While these qualified aliens do not receive federal funded assistance, Delaware supports these families in attaining self-sufficiency thus enabling the family to no longer require assistance. Delaware provides State funded medical assistance for these families as well as employment and training assistance. These interventions, in addition to supporting self-sufficiency, have additionally been found to reduce the likelihood of out of wedlock and teen pregnancies.

Low Income Households

Eligible families who owe Delaware State income taxes may claim the State Earned income credit. Eligible tax payers may be forgiven up to an amount that equals 20 percent

of the federal EITC. The State credit, unlike the federal credit, is non-refundable meaning the credit can only be applied to State taxes due.

Services for Working Families in Financial Crisis

Because of the ongoing pressures on the cost of housing, fuel, and food, many families face temporary crises that place them at risk of displacement from their homes and/or at risk of dissolution of their family units. These working families receive a wide range of one time and on going supports in an effort to maintain the family unit and avoid episodes of TANF assistance. Working families at or below 600% FPL are eligible for supportive services and financial assistance determined to reduce the likelihood of dissolution of the family unit or the need for TANF assistance.

Delivery of Services Across State

Delivery of services will be consistent across the State.

TANF BENEFITS TO NEEDY FAMILIES

Computing the Benefit

Eligibility will be determined prospectively. After establishing eligibility, benefits will be computed prospectively. Income per time period will be converted to a monthly income figure by utilizing the following conversion factors:

- Weekly - 4.33
- Bi-weekly - 2.16
- Semi-monthly - 2.00

Example: Given a weekly income of \$85, multiply by 4.33 to arrive at a monthly income of \$368.05.

The benefit amount will be determined by using prospective budgeting and the best estimate of earned and unearned income for the assistance unit. The payment will not be changed until the next eligibility determination, unless the recipient reports a change that would result in an increase in the benefit or there is a significant change in circumstances as defined below.

A significant change is defined as any of the following:

- Change in household size.
- New source of employment.

- Loss of unsubsidized employment or a change in employment status from full time to part time which was beyond the recipient's control.
- An increase of forty (40) hours or more in unsubsidized employment per month.
- Receipt of a new source of unearned income.
- Increases or decreases in existing sources of unearned income totaling \$50.00 or more per month.

The recipient needs to verify all changes in circumstances.

EXAMPLE:

An applicant applies in May. The applicant is employed. The applicant is working 20 hours per week and earns \$7.25 per hour. The best estimate of wages is calculated by multiplying 20 hours times \$7.25 (\$145.00 per week), then multiplying the weekly figure by 4.33 to determine the monthly income of \$ 627.85.

Redeterminations

At least one redetermination is required every twelve (12) months. TANF emphasizes work and work related activity. Mandating face-to-face redeterminations might undermine that goal. Therefore, mail-in redeterminations with a telephone interview are used as an option to encourage recipients to continue participating in employment and training activities or to keep working.

When a redetermination is due, the recipient must complete a new DSS application form or a DSS renewal form. The redetermination could be completing a paper form or participating in an automated interactive interview. A redetermination is complete when all eligibility factors are examined and a decision regarding continuing eligibility is reached.

The assistance case will be closed if a recipient fails, without good cause, to complete the redetermination review. Likewise, the assistance case of a recipient who fails, without good cause, to provide requested information necessary to establish continued eligibility will be closed.

As part of the verification process for continuing eligibility, the person will provide verification that (s)he has carried out the elements of the individual Contract of Mutual Responsibility.

Time Limits

Under TANF, cash benefits are time-limited for households headed by employable adults age 18 or older who are included in the grant. Prior to January 1, 2000, Delaware limited receipt of TANF, for families in the Time-Limited Program, to forty-eight (48)

cumulative months. During the time-limited period, employable adults received full benefits if they met the requirements of their Contract of Mutual Responsibility, including employment-related activities.

Effective January 1, 2000 the time limit for receipt of TANF cash benefits is thirty-six (36) cumulative months.

During the time-limited period, employable adult recipients receive full cash benefits only as long as they meet the requirements of their Contract of Mutual Responsibility, including participation in employment-related activities detailed in their ISS. The ultimate goal of this time-limited period is to support the employable adult's search for, and placement in, an unsubsidized job.

Individuals found eligible for TANF prior to January 1, 2000 will still have a forty-eight (48) month time limit even if they reapply for benefits on or after January 1, 2000.

DSS will track the time remaining before a family's time limits expire and notify families on a quarterly basis of the time they have remaining before the time limits expire. At least two (2) months prior to the end of the 36 or 48 cumulative months in which a family has received assistance, DSS will remind the family that assistance will end and notify the family of the right to apply for an extension.

Extensions are provided only to those families who can demonstrate that:

- the agency substantially failed to provide the services specified in the individual's Contract of Mutual Responsibility; the related extension will correspond to the time period for which services were not provided; or
- despite their best efforts to find and keep employment, no suitable unsubsidized employment was available in the local economy to the employable adult caretaker; the maximum extension under such circumstances will be 12 months.

Extensions may also be granted where other unique circumstances exist. Extensions will not be granted if the adult caretaker received and rejected offers of employment, quit a job without good cause, was fired for cause, or if the adult caretaker did not make a good faith effort to comply with the terms of the Contract of Mutual Responsibility and the ISS.

After the time limit has been reached, benefits will be provided to families that have been granted an extension only for a maximum period of 12 months. Thus, for Time-Limited families the maximum period for receipt of benefits to families enrolled in the Time-Limited TANF Program will be 60 cumulative months for families with a cumulative 48 month time limit and 48 months for families with a 36 month time limit. Delaware will comply with federal regulations regarding families receiving assistance in excess of 60 months of TANF paid through the federal TANF block grant.

Sanctions: Failure to Comply with the Contract and the Imposition of Sanctions

The Contract of Mutual Responsibility encompasses three broad categories of requirements: 1) enhanced family functioning; 2) self-sufficiency; and 3) teen responsibility requirements. In addition, caretakers required to participate in work activities create an Individual Service Strategy (ISS) with their employment and training program that details their expected weekly work activities.

1. Enhanced family functioning requirements of the CMR include, but are not limited to, acquiring family planning information, attending parenting education sessions, ensuring that children are immunized, and cooperation with specialized programming designed to assist parents with documented disabilities that impede or prevent employment. Sanction for non-compliance with these requirements is an initial \$50, which will increase by \$50 every month until there is compliance with the requirement. The initial \$50 reduction is imposed whether the family fails to comply with one, or more than one requirement. Clients must to comply with all requirements before the sanction can end.
2. Self-sufficiency requirements of the Contract of Mutual Responsibility are employment and training, work-related activities, and ensuring school attendance requirements for dependent children under age 16.
 - 2.1. The sanction for non-compliance with work-related activity requirements is, subject to adequate and timely notice, closure of the case due to imposition of an immediate full-family sanction.
 - 2.2. Recipients, whose cases closed for failure to participate, must participate in work related activities for four consecutive weeks at the required hours per week for their case to be re-opened. Payments are not retroactive.
 - 2.3. Households that have received a full family sanction must lose at least one month of cash assistance prior to the sanction being lifted.
 - 2.4. The penalty for individuals who quit their jobs without good cause is an immediate full family sanction. The sanction will last at least one month. Recipients must participate in work related activities for four consecutive weeks at the required number of hours per week for their grant to be re-opened. Payments are not retroactive.
 - 2.5. For dependent children under the age of 16 if the child does not maintain satisfactory attendance an initial \$50 sanction is imposed. The sanction will increase by \$50 every month until there is compliance. The sanction is not imposed if the parent of the child is working with school officials or other agencies to remediate the situation.
3. Teen responsibility requirements for dependent teens 16 and older include maintaining satisfactory school attendance, or participation in alternative activities such as training or employment. The sanction for non-compliance with these requirements is the removal of the teen from the TANF grant. The teen is removed from the TANF grant for at least one month. To cure the sanction the teen must participate in employment and training activities under the supervision of an Employment Connections program for four consecutive weeks, return to school, or work full time.

Failing to comply with both the enhanced family functioning and self-sufficiency requirements will result in combined penalties. For example, both a \$50 reduction and a full family sanction could be assessed for failures to comply in two areas. Demonstrated compliance will not excuse penalties for the period of noncompliance. Sanctions will be imposed for the full period of noncompliance.

Benefit Delivery: Direct Payments and Vouchers

Currently, Delaware uses check issuance as the payment method for TANF. Delaware is exploring other options including direct deposit, debit cards, and electronic benefit transfer. Any or all of these methods will be utilized for the issuance of TANF benefits if they become fiscally and technically viable.

Delaware directly pays for center-based child care authorized for TANF participants, when the center agrees to accept the Delaware child care reimbursement rate. Some caretakers, however, receive vouchers to self-arrange and pay for their child care. Delaware will reimburse these caretakers, up to the rates published in the Child Care and Development Fund (CCDF) plan, for the cost of child care provided by licensed and license-exempt child care providers.

STAFF TRAINING

TANF training has been incorporated into the Cash Grant training which is required for all new financial services staff. Case Management training has now been incorporated into Interviewing and Coaching training, which is required for all new staff.

PARENTAL RESPONSIBILITY

Adults and minor parent(s) are required to comply with parenting expectations outlined in the Contract of Mutual Responsibility.

Cooperation with The Division of Child Support Enforcement (DCSE)

Participants in TANF must cooperate with the Division of Child Support Enforcement (DCSE) as a condition of eligibility. In addition, all families are required to provide sufficient information to permit Delaware to obtain child support on behalf of the family. Exceptions can be made when the caretaker demonstrates that pursuit of child support would create a danger to the caretaker or the child(ren). It is the responsibility of the client to provide documentation to verify such a good cause claim.

Failure of a caretaker, without good cause, to cooperate with and provide information to the DCSE to permit the State to pursue the collection of child support on behalf of dependent children will result in a full family sanction, until compliance. Applicants who fail to provide information so that Delaware may pursue child support collections will be

denied or closed. To cure the child support sanction, the caretaker will provide sufficient information to permit Delaware to pursue child support collections on behalf of the needy children in the family.

When a child lives with both the natural father and the mother but paternity has not been legally established, the parents will be referred to the DCSE for a voluntary acknowledgment of paternity.

When a child lives with the natural father but paternity has not been legally established, the father will complete a declaration of natural relationship document and will provide acceptable verification of relationship.

When a child lives with a relative of the natural father but paternity has not been legally established, the relative must complete a declaration of natural relationship document and provide acceptable verification of relationship.

In Delaware, DCSE determines non-cooperation with child support requirements. In addition, effective January 1, 1999 DCSE began making the determination of good faith efforts to comply.

Distribution of Child Support Collections to TANF Recipients

Delaware, a fill-the-gap state in 1975, uses fill-the-gap to make sure that families do not experience a net loss of income due to the State retaining Child Support paid by absent parents. A portion of Child Support payments is not counted in calculating the grant.

Efforts to Reduce Out-of-Wedlock Births

Delaware believes that the number of out-of-wedlock births to teens must be reduced significantly to eliminate poverty and dependency. A study by Doble Research Associates commissioned by the Governor's Family Council, in June, 1998, concluded that Delaware's efforts to reduce teen pregnancy, including establishing more after-school programs, strongly enforcing child-support enforcement and the Sexual Predator Act, and making teen mothers ineligible for cash assistance, are solidly supported by public opinion. We are undertaking a number of statewide initiatives to reduce adolescent pregnancy. Many of these initiatives are coordinated through the activities of the Alliance for Adolescent Pregnancy Prevention (AAPP). Ventures include the provision of adolescent health services through school-based health centers and improving teen utilization of our family planning centers.

The AAPP is a statewide public and private partnership charged with the development and implementation of a comprehensive plan to prevent adolescent pregnancy in Delaware. The organizational structure of the Alliance includes a 12 member advisory board appointed by the Governor and a statewide membership of over 200 schools,

agencies, organizations, churches, and individuals concerned with teen pregnancy. Staff and program support for the Alliance is provided through a contract from the Division of Public Health (DPH) to Christiana Care.

Since its inception, the AAPP has awarded mini-grants to non-profit youth organizations to provide community based teen pregnancy programs; implemented a statewide media campaign to increase community awareness; and worked with existing coalitions to establish teen pregnancy prevention programs. AAPP plans and activities include:

- Statewide leadership to develop a visible, viable structure for mobilizing resources needed to impact the problem.
- Data development to develop a methodology to monitor rates in real time.
- Public relations efforts to increase community awareness and involvement.
- Identifying barriers to teen utilization of family planning services and developing solutions.

The Division of Public Health has the lead responsibility in Delaware to implement initiatives to reduce teen pregnancy. Using the strategies and recommendations presented by AAPP, DPH activities include school based health centers, family planning clinics, parenting education, and the peer leadership program. The "teen friendly" services provided at Department of Public Health Units located at State Service Centers have resulted in a significant increase in use. In addition, all clients seen in Sexually Transmitted Disease Clinic sites receive counseling on family planning, as well as pregnancy prevention supplies.

Based on a report by Adolescent Health Survey Research (AHSR), which used a survey and focus groups with youth and their parents conducted early in 1999 to identify top strategies in pregnancy prevention, Delaware implemented a number of initiatives to prevent subsequent births, including:

- Smart Start, an enhanced prenatal program that attempts to decrease low birth weight babies, infant mortality, and maternal mortality, through social service, nutritional, and nursing support to at-risk pregnant women.
- Placing information on our combined Food Supplement/cash assistance/MA/Child Care applications for the following telephone numbers: Planned Parenthood, AAPP and Delaware Helpline, to obtain information on pregnancy prevention/family planning.

In addition, family planning and reproductive health services are provided to adults in eight public health locations in Delaware and similar services are provided to adults by Planned Parenthood of Delaware in five locations in the state. Minority populations are targeted through family planning and reproductive health services available at three Federally Qualified Health Centers in Delaware. In addition, family planning and reproductive health services are available to Delaware State University students through the DSU health center.

These Delaware initiatives to reduce out-of-wedlock births are complemented and strengthened by the policies of TANF which:

- Require adults and minor parent(s) to obtain family planning information from the provider of their choice.
- Provide for a fiscal sanction of an initial \$50 reduction in benefits for failure, without good cause, to obtain family planning information. This reduction will increase each month by \$50, either until there is compliance or the case is closed. The sanction will end when the adult and/or minor parent(s) obtains the family planning information at the provider of his or her choice.
- Eliminate benefit increases for children conceived while a caretaker is receiving TANF, and apply this family cap to children who are the firstborn of minors included in a TANF grant where the children are born after March 1, 1997.
- Treat two parent families the same as single parent families.

The goals for the Division of Public Health teen pregnancy prevention are mirrored in the 'Responsible Sexual Behavior' section of the Healthy Delaware 2010 guidebook. They include:

- a. By 2010, increase the proportion of teens who abstain from sexual intercourse or use condoms if currently sexually active from 79% to 85%.
- b. By 2004, implement an evidence-based media campaign to promote responsible sexual behavior.
- c. By 2010, maintain the proportion of youth that report remaining abstinent before age 13 at 90% .
- d. By 2005, reduce the birth rate for teenagers aged 15 through 17 from 39.2 to 33.3 per 1,000.

Goals a. and c. are measured through the Youth Risk Behavior Survey administered every two years by the Department of Education. Goal b. has been satisfied by the implementation of an ongoing teen pregnancy prevention media campaign managed by the Alliance for Adolescent Pregnancy Prevention through Christiana Health Care under contract by DPH. Goal d. is measured by the Delaware Health Statistics Center.

DSS will see that TANF families receive education about the benefits of marriage and planning to have children when they can be best supported by both parents within the financial management component of their training. Our goal is to reduce the out of wedlock birth rate by 1% each year beginning with FFY 2004.

Initiatives to Promote Two-Parent Families

To provide broad-based support for working families, Delaware was one of the first states to recognize that the special eligibility requirements that applied to two-parent families contributed to both the non-formation and the break up of two-parent households. The six-quarter work history requirement was particularly responsible for non-marriage of teen parents, who had not yet worked enough to meet this qualification. The denial of

benefits to two-parent families if one of the parents was working at least 100 hours a month also contributed to the low work rate of two-parent families that were receiving AFDC.

When Delaware eliminated these special deprivation requirements as part of our welfare reform waiver, the numbers of two-parent families receiving TANF soared, and we believe that, without the TANF change, many of these households would have applied for and been found eligible for benefits as single mother families. These never formed two-parent households would have had profound effects on the ability of the family to exit welfare and on the future success of the children. We have found that the average length of stay on TANF is much lower for two-parent families, reflecting the greater incidence of retained employment when two adults are able to engage in work and share child care duties.

Delaware has always allowed taxpayers to file separately and applied the progressive rate structure to each spouse's income separately, which avoided most tax increases resulting from marriage. However, a marriage penalty could still result from uneven standard deduction amounts. By increasing the standard deduction amount for married taxpayers to exactly twice the single standard deduction beginning January 1, 2000, enactment of HB 411 has effectively eliminated the income tax "marriage penalty" in the State of Delaware.

Eldercare Workforce Development

Delaware does not intend at this time to assist individuals to train for, seek, and maintain employment—

- I. Providing direct care in a long-term care facility (as such terms are defined in §2011 of the Social Security Act; or
- II. In other occupations related to elder care determined appropriate by the State for which the State identifies an unmet need for service personnel.

Addressing Problems of Statutory Rape and Domestic Violence

Statutory Rape

The Sexual Predator Act of 1996 imposes more severe criminal sanctions on adult males who are significantly older than their victims and holds them financially accountable when children are born as a result of violations of this law.

The legislation requires a cooperative agreement as part of a multi-faceted effort to combat teenage pregnancy and reform welfare. Specifically, the law requires the Attorney General's Office, the Department of Health and Social Services, the Department of Services to Children Youth and Their Families, the Department of Public Instruction

and law enforcement agencies statewide to establish a cooperative agreement specifying the various roles of the agencies involved. The Memorandum of Understanding establishing the cooperative agreement, executed on December 10, 1996, and SB 346 are provided as Attachment C.

As a result of this legislation the Department of Health and Social Services and the Department of Public Instruction conducts programs designed to reach state and local law enforcement officials, the education system, and relevant counseling services on the problem of statutory rape. The program provides education and training on the problem of statutory rape so that teenage pregnancy prevention programs may be expanded in scope to include men.

Victims of Domestic Violence

As required under the optional Certification of Standards and Procedures to Ensure that a State Will Screen for and Identify Domestic Violence, DSS will refer identified victims of domestic violence to appropriate services such as shelters and counseling and to Family Court. Under the Protection from Abuse Act (PFA), 10 Delaware Code, Chapter 9, Sections 1041-1048 (Attachment D), Family Court has the power and authority to expeditiously adjudicate all matters related to domestic violence including court ordered restraints, custody, property and financial resources.

Through this strong domestic violence law, Delaware is clearly committed to assisting victims of domestic violence to overcome circumstances which put them in physical, emotional and/or financial jeopardy, and to assist them in seeking redress and a safe environment for themselves and their families. The law is a strong deterrent to domestic violence, according to a study by the National Center for State Courts, released on December 2, 1996. The study reported that 86 percent of those who sought protection under the law, which permits individuals in danger of serious physical abuse to obtain a protection order, were no longer being physically abused.

As a part of barrier screening process, DSS caseworkers and Bridge case management staff use standardized instruments to identify victims of domestic violence. So that we are certain that workers can use this tool to effectively identify domestic violence issues, beginning 1998 all staff members at each of Delaware's 17 field sites receive a full day of Domestic Violence Training, focused on the impact of domestic violence on clients and their ability to abide by the conditions of the Contract of Mutual Responsibility. As part of this training, staff learn how to recognize and assist women who are victims of domestic violence. DSS has continued this training on an ongoing basis and now provides the training not only to field staff but to all staff.

We believe that our methodology of resolving domestic violence situations as quickly as possible, as provided for under a strong statute, is the most appropriate and best course of action to assist current victims and to prevent future violence where possible.

Delaware certifies that the Family Development Profile establishes a procedure that screens for domestic violence and that, pursuant to a determination of good cause, program requirements may be waived if it is determined that compliance would make it more difficult for individuals to escape violence. However, decisions to waive compliance with TANF requirements will be made on an individual, case by case basis, and will not endorse an individual's failure to behave proactively to ameliorate destructive domestic violence situations. For our program to work, domestic violence victims must take actions to recover their lives, using the relief provided by the domestic violence statute and the other resources Delaware makes available.

Addressing Barriers Related to Parental Mental Health and Substance Abuse Problems

The Bridge Program

The Bridge Program assists clients suspected of having problems related to substance abuse, mental health, or domestic violence through screening, assessment, and case management services. The primary role of the Bridge program is to assist clients in accessing appropriate treatment services. The Bridge provider develops a plan with each client that identifies the needed services and develops strategies to ensure compliance with treatment recommendations. The bridge provider may transport clients to appointments and will coordinate with the employment and training vendors to ensure that the client receives credit for their participation in treatment. In their role as case managers and client advocates the Bridge vendor will often assist clients who are facing homelessness or other emergency events resolve these situations.

All adult TANF recipients suspected of having problems related to substance abuse and/or mental health are referred to the Bridge Program. Additionally, Bridge screens all adults for problems related to substance abuse, mental health, and domestic violence as a routine process for adults entering the employment and training programs. A contracted vendor provides the services offered by the Bridge Program. The Bridge vendor is contracted through the Division of Substance Abuse and Mental Health who has collaborated with DSS to provide the Bridge services.

The program was modified in 2008 to make the program more accessible to TANF recipients by locating the Bridge services at the Employment Connections sites. The goal of co-locating the Bridge and Employment Connections (EC) vendors is to ensure that case managers from the Bridge Program and the EC vendors engage in on-going joint case planning and case collaboration. This integration of services ensures a long-term focus on self-sufficiency while being responsive to the need for immediate referral and access to treatment services.

Addressing Child Poverty

During August of 2007, the Delaware Child Poverty Task force was created by executive order. The Task Force is tasked with developing a ten-year plan to reduce the number of Delaware children living in poverty by 50% and to establish recommendations for

prevention and intervention services in order to promote the health, safety and well-being of Delaware's children and their families. The text of the executive order establishing the Child Poverty Task Force is included in Attachment F.

TRIBES

Delaware has no federally recognized tribes.

ADMINISTRATION

Structure of Agency

The Department of Health and Social Services is the cabinet level agency designated by the State as responsible for Delaware's public assistance programs as allowed under Title IV-A of the Social Security Act. Within the Department, the Division of Social Services (DSS) administers these programs. (DSS organizational chart included as Attachment E to State Plan.)

Administrative Spending

Delaware will comply with federal requirements.

Compliance With Participation Rates

Delaware intends to meet the participation rate requirements set forth in the TANF legislation. Recognizing that Delaware's hourly requirements for participation in work and work-related activities are broader than those prescribed by the current TANF legislation, we are prepared to provide some benefits utilizing solely state funding (SSF) if this later becomes necessary in order to continue to meet TANF work participation requirements. Delaware will comply with federal requirements.

Maintenance of Effort

Delaware is aware of and intends to fully comply with the requirements of the law (P.L. 104-193) to maintain a prescribed level of historic state expenditures. Delaware will ensure that expenditures of state funds for benefits and services ("Qualified State Expenditures" as defined in the law) for TANF participants (either in the Part A federally funded program or non-Part A state funded program) who are TANF eligibles will equal or exceed the required annual spending level.

As a 1975 fill-the-gap state, Delaware has opted to continue to use fill-the-gap for the issuance of child support disregards and child support supplemental payments to TANF clients. Delaware considers these payments to be "cash assistance" to eligible families and therefore to be within the definition of "Qualified State Expenditures".

Financial eligibility criteria for MOE-funded and solely state funded assistance or services are the same as for other TANF assistance or services, except that MOE claimed for child care under the provisions of 45 CFR Ch. II § 263.3 will follow the financial eligibility criteria established in the CCDF State Plan and associated State regulations.

Nondiscrimination Statement

State of Delaware agencies administering the TANF Block Grant assure equal opportunity and nondiscrimination in their employment practices and service delivery. No person shall on the basis of sex, age, color, national origin, race, or disability status be excluded from participation in, be denied benefits of or be subjected to unlawful discrimination under any program or activity receiving or benefiting from federal financial assistance and administered by the agencies.

Further, it is the obligation of the agencies to make reasonable accommodations for an applicant or participant so that no limitation—physical, mental or language—prevents his or her complete participation.

State of Delaware
TANF State Plan
For the Period October 1, 2011 through December 31, 2013

Certifications in Support of Delaware's State Plan for Temporary Assistance for Needy Families

The State of Delaware will operate a program to provide Temporary Assistance for Needy Families (TANF) program so that children may be cared for in their own homes or in the homes of relatives; to end dependence of needy parents on government benefits by promoting job preparation, work, and marriage; to prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and to encourage the formation and maintenance of two-parent families.

This program is known as Temporary Assistance for Needy Families (TANF).

The Executive Officer of the State is Jack Markell, Governor.

In administering and operating a program that provides Temporary Assistance for Needy Families with minor children under title IV-A of the Social Security Act,

1a. I certify that the Delaware Department of Health and Social Services is the agency responsible for administering the program, and the Delaware Division of Social Services is the agency responsible for supervising the program;

1b. I assure that local governments and private sector organizations:

(I) have been consulted regarding the plan and design of welfare services in Delaware so that services are provided in a manner appropriate to local populations; and

(II) have had at least 45 days to submit comments on the plan and the design of such services.

2. Delaware will operate a Child Support Enforcement program under the State plan approved under part D.

3. Delaware will operate a Foster Care and Adoption Assistance program in accordance with part E, and takes all necessary actions to ensure that children receiving assistance are eligible for medical assistance under the State plan under title XIX.

4. Delaware will provide each member of an Indian tribe, who is domiciled in the State and is not eligible for assistance under a Tribal Family Assistance plan approved under Section 412, with equitable access to assistance under the State program funded under this part attributable to funds provided by the Federal Government.

5. Delaware has established and is enforcing standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism,

conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage.

OPTIONAL CERTIFICATION:

[x] I also certify that Delaware has established and is enforcing standards and procedures to:

- (1) Screen and identify individuals receiving assistance under this part with a history of domestic violence while maintaining the confidentiality of such individuals;
- (2) Refer such individuals to counseling and supportive services; and
- (3) Waive, pursuant to a determination of good cause, other program requirements such as time limits (for as long as necessary) for individuals receiving assistance, residency requirements, child support cooperation requirements, and family cap provisions, in cases where compliance with such requirements would make it more difficult for individuals receiving assistance under this part to escape domestic violence or would unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.

Certified by the Chief Executive Officer of the State

Date

Jack Markell, Governor

Emergency Assistance

Delaware will continue to provide services to families as approved under Parts A and F of Title IV of the Social Security Act as in effect on August 21, 1996. Delaware defined a comprehensive services program under the AFDC-EA service component and intends to continue to fund these services. Federal TANF funds will be used under this provision. The approved plan that was in effect on August 21, 1996, is included on the following eight (8) pages for reference.

State MOE funds may also be used to provide family preservation and non-IV-E foster care benefits or services to relatives and to non-relatives when required to address a child's needs during a period of temporary absence from the TANF eligible family. For MOE-funded services and benefits, the period of temporary absence is defined as 12 months as long as the child is expected to return home within that 12-month period. Under special circumstances that must be documented in the case file or to ensure the safety of the child, a good cause extension of the family reunification plan may be granted for up to an additional 180 days. The types of benefits that may be provided to the child during the period of temporary absence include food, clothing and shelter in a group or foster care setting. Services include information and referral, investigation, assessment, case management, family and individual counseling and therapy, health and mental health treatment, legal, and protective services.

IV-A Section 3
STATE OF DELAWARE

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CITATIONSSECTION 3 EMERGENCY ASSISTANCE TO NEEDY FAMILIES
WITH CHILDREN233.120
406(e)

- A. Emergency assistance to needy families with children under the Age of 21 is provided in accordance with 45 CFR 233.120.

___ No. (Paragraphs B to D. of this Section do not apply)

X Yes, as specified below, coverage is limited to:

1. Must be a family with a child under age nineteen (19).
2. Families with children in receipt of or eligible for Medicaid for emergency A.1. and Assistance B. in Attachment 3-A.
3. Families with:

Children at risk of removal or removed from their home due to, or suspected at risk of, abuse or neglect, or

Children removed from, or at risk of removal from, the community for Emergency A.2. and Services C in Attachment 3-A.

- B. Families of migrant workers are covered.

X No.

___ Yes, on a statewide basis.

___ Yes, but only in the following areas in the State.

IV-A

STATE OF DELAWARE

Section 3

Page 2

C. Other eligibility requirements are in effect.

_____ No.

X Yes, as specified below:

1. An application must be filed, signed and dated by a parent, another member of the family when the parents are unable or unwilling to apply, or a state agency acting on behalf of the child.
2. The child must be living with a specified relative, or was living with a specified relative, within six (6) months prior to the month in which assistance is requested. The child must be, or have been, living in a place of residence maintained by one or more specified relatives as his or their own home.
3. The child is without resources immediately accessible to meet his/her needs.
4. The emergency assistance is necessary to avoid destitution or removal of such child or to provide living arrangements for him in a home.
5. The destitution or need for living arrangements did not arise because the needy child or specified relative refused, without good cause, to accept employment or training for employment.

D The kinds of emergency situations which are covered by this program and the kinds of assistance and services provided to meet the emergency situations are detailed in Attachment 3-A.

IV-A STATE OF DELAWARE

ATTACHMENT 2.2-A
Page 1GROUPS COVERED AND ELIGIBILITY REQUIREMENTS AND
CONDITIONSCITATIONS

233.10 and 233.90

Eligibility Conditions related to Federal Requirements

1. Deprivation of parental support or care

Following are State agency's definition of

a. Continued absences: [45 CFR 233.90 9(c)(1) (i) and (iii)]

Continued absence of a parent from the home constitutes the reason for deprivation of parental support or care when the parent is out of the home, the nature of the absence is such as either to interrupt or terminate the parents functioning as a provider of maintenance, physical care, or guidance for the child and the known or indefinite duration of the absence precludes counting on the parent's performance of his function in planning for the present support or care of the child. If these conditions exist the parent may be absent for any reason and may have left only recently or some time previously. A parent who is a convicted offender but is permitted to live at home while serving a court-imposed sentence by performing unpaid public work or unpaid community service during the workday is considered absent from the home.

b. Incapacity: [45 CFR 233.90 (c) (I) (i) and (iv)]

The physical or mental incapacity of a parent will be held to exist when one parent has a physical or mental defect, illness, or impairment. The incapacity will be supported by competent medical testimony and must be of such a debilitating nature as to reduce substantially or eliminate the parent's ability to support or care for the otherwise eligible child and be expected to last for a period of at least 30 days.

In making the determination of incapacity, the Division will rely upon Form PA-16 or other complete medical documentation. In making the determination of ability to support, the Division will take into account the limited employment opportunities of handicapped individuals. (e.g., person accepted for service by the Division of Vocational Rehabilitation.)

A finding of eligibility for OASDI or SSI benefits, based on disability or blindness is acceptable proof of incapacity of AFDC purposes.

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STATE OF DELAWARE

ATTACHMENT 2.2-A

Page 2

- c. Assistance is continued for a temporary period while the effects of these eligibility conditions are being overcome [45 CFR 233.10 (b) (4)].

Continued Absence

☐ No ☒ Yes, under the circumstances and for the time periods specified below:

Upon release from incarceration, for a period not to exceed 120 days, the child may remain eligible on the factor of deprivation of parental support or care unless the parent returns to employment or another factor of deprivation can be established.

Incapacity

☐ No ☒ Yes, under the circumstances and for the time periods specified below:

For a period not to exceed 120 days after the parent no longer has an incapacitating condition, the child may remain eligible on the factor of deprivation of parental support or care, unless the parent returns to employment or assumes the usual child care and housekeeping responsibilities.

Unemployment

☐ No ☒ Yes, under the circumstances and for the time periods specified below:

For a period not to exceed 120 days after release from involuntary confinement.

For a period of four (4) months if the parent is employed more than one hundred (100) hours per month but otherwise eligible.

2. Living with specified relative in a place of residence maintained by one or more such relatives as his or their own home. [45 CFR 233.90 (c) (1) (v)].

(continued)

TN # AFDC-96-2

Approval Date:

Effective Date 7/1/1996

Supersedes

TN# AFDC-95-4

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STATE OF DELAWARE

ATTACHMENT 2.2-A

Page 2-A

Following is a list of the relatives with whom a child may be living, in conformity with Sec. 406 (a) (I) of the Social Security Act and 45 CFR 233.90 (c) (I) (v) (A):

Any relation by blood, marriage, or adoption who is within the fifth degree of kinship to the dependent child. The appropriate caretaker relative must therefore be a parent (1st degree), grandparent (2nd degree), sibling (2nd degree), great-grandparent (3rd degree), uncle or aunt (3rd degree), nephew or niece (3rd degree), great-great grandparent (4th degree), great-great-great grandparent (5th degree), great-great uncle or aunt (5th degree), or a first Cousin once removed (5th degree). The spouse of any person named in the above groups even if the marriage is terminated by death or divorce is considered a specified relative

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TN# AFD-95-4

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STATE OF DELAWARE

ATTACHMENT 2.2-A

Page 3

3. The relative exercises "day to day care" of the child when the following criteria established by the State are met:

The relative makes decisions regarding the child's education, medical care, and religious upbringing. Additionally, the relative provides physical care of the child on an every day basis.

- 4.a. The relative exercises "care and control" of the child when the following criteria established by the state are met:

The relative case of care and control defines the child wit the following:

The relative:

- makes decisions regarding the child's education.
- makes decisions regarding the child's medical care.
- makes decisions regarding the child's religious upbringing.

- b. The definition of "temporarily absent is:

A child who is temporarily absent from the home to receive medical care, or allege school absentee because of special education needs, such as enrollment in Job Corps or Starck School for the Deaf, or is absent for some other reason as long as the absence is no longer than 120 days, may receive assistance if the following conditions exist:

- The caretaker with whom the child is living continues to have responsibilities for the child's care.
- The caretaker continues to maintain a home for the child, and
- The caretaker plans for the child to return home at the end of the absence.

Note: A child who is absent from the home as a result of a court action is not considered temporarily absent. In such cases, the assistance for the child is terminated.

IV-A STATE OF DELAWARE

ATTACHMENT 3-A

Page 1

EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN

CITATIONS

233.120

A. Kinds of emergencies covered.

1. Emergencies as the result of a circumstance or combination of circumstances which require immediate action in order to avoid the destitution of a child.
2. Situations in which a child has been removed from his/her home into publicly-funded care or supervision, or the risk of such removal, as determined by the Department of Services for Children, Youth and Their Families, or its designee.

B Kinds of assistance provided to meet emergency situations.

1. Rent/Mortgage (includes securing housing)
2. Food for Special Medical/Diet needs
3. Necessary clothing
4. Appliances/Furniture
5. Fuel/Utilities during any period in which coverage is not available under either Title XX or the Low Income Home Energy Assistance Program (LIHEAP)
6. Home Repairs
7. Medical Expenses
8. Transportation
9. Temporary Emergency Shelter payments

C. Kinds of services provided to meet the emergency situations, as determined appropriate and necessary by the responsible state agency officials, or their designee.

1. Information and Referral
2. Case Management, Counseling, Therapy, and Assessment
3. Securing family or child shelter
4. Child care
5. Temporary substitute Care payments for children not covered under Title IV-E
6. Health Related Services not paid for by third parties
7. Mental Health Services not paid for by third parties
8. Protective Services for children such as Homemaker and Foster Grandparent services
9. Legal Services

TN AFDC-95-7

Approval Date:

Effective Date 1/1/1996

Supersedes

TN# AFDC-94-3

10. Parenting Education and Training
11. Support Services to normalize family functioning such as Homemaker Services

Limitations on Assistance

1. Assistance for Emergency A.1. and Assistance B, is authorized during one period of Thirty (30) consecutive days in any twelve (12) consecutive months. The payments may be used to meet current needs or prior needs (under B 1-8), which occurred before the 30-day period.

Temporary Emergency shelter payments (B 9) may extend up to 60 days after the end of the 30-day period, for a total of 90 days.

2. Assistance for Emergency A.2., and Services C., are authorized during one period of Thirty (30) consecutive days in any twelve (12) consecutive months, for a period up to twelve (12) months or until the emergency situation is concluded, whichever is earlier.
3. Assistance for Emergency A.2. and Services C., are provided to the extent that they are determined necessary and appropriate by the responsible IV-A state agency.
4. Emergency Services C. costs provided by the agency staff will be determined by its Approved Cost Allocation Plan.

Assistance for Emergency A.2. and Service C., is provided prior to complete determination of eligibility when facts support a presumption of eligibility, and the state IV-A agency has methods for assuring that federal sharing is claimed only after a final determination that eligibility exists for the period for which such assistance was authorized.

The Department of Services for Children, Youth and Their Family will take the application, assess the need, and verify eligibility factors. In all cases, the Department of Health and Social Services (IV-A state agency) will determine eligibility and authorize reimbursement.

MEMORANDUM OF UNDERSTANDING

The Sexual Predator Act of 1996, Senate Bill 346, was signed into law by Governor Thomas R. Carper on August 1, 1996. In recognition of the fact that illicit sexual activity between adult males and teenage girls is contributing to the high teenage pregnancy rates in Delaware and the nation, this legislation is intended to combat teen pregnancy by imposing more severe criminal sanctions on adult males who are significantly older than their victims and holding them financially accountable when children are born as a result of violations of this law.

This legislation and the cooperative agreement required by it are part of a multi-faceted effort to combat teenage pregnancy and reform welfare in Delaware. All too often, older men prey on young, vulnerable girls. Nationally, two-thirds of the births to teenage mothers are fathered by men 20 and older. In three recent years, over 600 babies were born in Delaware to girls under 16 1/2 years of age. As they are encouraged to postpone sexual activity, the State has an obligation to do all it can to prevent young girls from being exploited by adults. By creating a cooperative effort among schools, social service agencies and law enforcement to target this crime, Delaware has one more weapon in the fight against teenage pregnancy.

The Sexual Predator Act of 1996 requires the Attorney General's Office, the Department of Health and Social Services, the Department of Services to Children, Youth and Their Families, the Department of Public Instruction and law enforcement agencies statewide to establish a cooperative agreement, specifying the various roles each agency will play in making certain our laws governing unlawful sexual intercourse with minors are rigorously enforced. Senate Bill 346 also requires the Department of Public Safety, with cooperation from the above referenced agencies, to report to the Governor and the General Assembly on enforcement efforts pursuant to this Act by June 1, 1998.

SPECIFIC PROVISIONS OF THE LAW

This law increases penalties for adults who have sexual relations with a minor 10 or more years younger, as well as persons who have sexual intercourse with minors under the age of 14. Specifically, the Sexual Predator Act of 1996 doubles the penalty for this class of statutory rape by elevating it from a Class C felony, with a penalty of 0-10 years, to a Class B felony, with a penalty of 2-20 years, if:

- the victim is younger than 16 years of age and the predator is 10 or more years older than the victim; or
- the victim is younger than 14 years of age and the predator is 19 years of age or older.

The Sexual Predator Act of 1996 also requires that in the cast of any conviction of a violation of this law which results in the birth of a child who is in the custody and care of the victim or the victim's legal guardians, the court shall order, as a condition of any probation imposed, that the defendant timely pay any child support ordered by Family Court.

ROLES AND RESPONSIBILITIES

I. Division of Family Services. Department of Children, Youth and Their Families

The Division of Family Services shall:

- expand its role to accept reports of sexual predators, regardless of their relationship to the victim;
- when reports are made to DFS, which meet the definitions of sexual predator, regardless of whether it is intra-familial or extra-familial, immediately report the situation, along with all information collected in the intake process, to the police by the 911 system;
- participate in joint investigations with law enforcement on all intra-familial sexual predator reports;
- maintain statistics for all sexual predator reports received and reported to the police;
- assist in developing an education document(s) about the legislation; and
- work in partnership with other signatories to this Memorandum of Understanding to ensure appropriate practice of this law.

II. Department of Health and Social Services

The Department of Health and Social Service shall:

- publish, through the Bureau of Vital Statistics, a monthly report of all births to young women under 16 years of age, to be distributed to the Division of Family Services and the Division of Child Support Enforcement for informational, investigative and/or child support enforcement purposes; assume responsibility for the collection of child support payments from the non-custodial parent;
- provide relevant information concerning cases involving sexual predators to the Division of Family Services, however, the use of such information shall be limited to the purpose of prevention, investigation and prosecution of violations under the Sexual Predator Act of 1996;
- collaborate with other signatories to this Memorandum of Understanding to identify and target at-risk clients;
- assist in developing an education document(s) about the legislation; and
- work in partnership with other signatories to this Memorandum of Understanding to ensure appropriate practice of this law.

III. Department of Public Instruction

The Department of Public Instruction shall:

- assist in developing an education document(s) about the legislation;
- assist in the dissemination of information about the legislation to parents and the community;
- notify school personnel (specifically principals, counselors, nurses and those identified as liaisons to DFS) of their responsibilities for reporting under this legislation;
- work with the Division of Public Health to notify School Based Wellness Center personnel regarding their responsibility for reporting; and
- work in partnership with other signatories to this Memorandum of Understanding to ensure appropriate practice of this law.

IV. Law Enforcement/Department of Justice

Law Enforcement Agencies statewide and the Department of Justice will vigorously enforce the Sexual Predator Act of 1996 as follows:

- Law Enforcement Agencies shall receive reports of a sexual assault pertaining to the new sexual predator legislation. This information can be brought to their attention via several sources, such as schools, uniform personnel, relatives of alleged victims, or the 911 emergency communication system.
- In all cases, the agency conducting the investigation shall contact the Division of Family Services if they have not already been contacted and provide them with key information.
- All incidents shall be investigated by an assigned investigator and then referred to the Attorney General's Office by means of a scheduled intake for further processing and data collection.
- The Attorney General's Office will periodically provide any available data on reports of these incidents to the Division of Family Services and shall work in partnership with other signatories to this Memorandum of Understanding to ensure appropriate practice of this law.

V. Department of Public Safety

In addition to its law enforcement role and responsibilities, the Department of Public Safety shall:

- report to the Governor and the General Assembly on enforcement efforts pursuant to the Sexual Predator Act of 1996 by June 1, 1995, with the cooperation of the other signatories to this Memorandum of Understanding; and
- work in partnership with other signatories to this Memorandum of Understanding to ensure appropriate practice of this law.

**KEY INFORMATION TO BE PROVIDED TO THE
DIVISION OF FAMILY SERVICES**

All sexual predator reports made to the Division of Family Services from the community and from employees of-law enforcement agencies, school districts, the Department of Public Instruction, and the Department of Health and Social Services shall include the following key information:

- name, age, and home address of child;
- name, approximate age, and home address of the predator;
- name and home address of the parent, guardian, or custodian;
- time and location of reported abuse; and
- as much of the following as is known by or available to the reporter:
 - ◆ nature and extent of situation; and
 - ◆ other information about the predator, such as mental illness, pending criminal charges, substance abuse.

The monthly report of the Bureau of Vital Statistics shall include such official birth information as it regularly records.

Attachment F

MEMORANDUM OF UNDERSTANDINGDEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIESDEPARTMENT OF HEALTH AND SOCIAL SERVICESDEPARTMENT OF PUBLIC INSTRUCTIONDEPARTMENT OF JUSTICEDELAWARE POLICE DEPARTMENTS

The Department of Services for Children, Youth and Their Families, the Department of Health and Social Services, the Department of Public Instruction, the Department of Justice and the undersigned Delaware Police Departments, wish to improve the services which they provide to children and their families. We are committed to interagency cooperation in an effort to protect children, reduce intervention trauma for the child and the family, and assist the child and family during the investigation, prosecution and treatment.

This memorandum seeks to define and clarify the roles and expectations of each department, to set standards for interagency cooperation and to establish guidelines for collaborative intervention, cross reporting, information sharing, training and problem resolution.

We further agree to distribute a complete copy of the Memorandum of Understanding to our respective employees. This Memorandum of Understanding shall be effective from the date of signature of all parties.

Thomas R. Carper 12/10/96
 Thomas R. Carper Date
 Governor

Michael C. Ferguson 12/10/96
 Michael C. Ferguson Date
 Acting Superintendent
 Department of Public Instruction

Karen L. Johnson 12/10/96
 Karen L. Johnson Date
 Secretary
 Department of Public Safety

M. Jane Brady 12/10/96
 M. Jane Brady Date
 Attorney General
 Department of Justice

Carmen R. Nazario 12/10/96
 Carmen R. Nazario Date
 Secretary
 Department of Health & Social Services

Thomas P. Eichler 12/10/96
 Thomas P. Eichler Date
 Secretary
 Department of Services for Children,
 Youth and their Families

~~§ 1041. Definitions.~~

~~The following terms shall have the following meanings:~~

~~(1) "Abuse" means conduct which constitutes the following:~~

~~a. Intentionally or recklessly causing or attempting to cause physical injury or a sexual offense, as defined in § 761 of Title 11;~~

~~b. Intentionally or recklessly placing or attempting to place another person in reasonable apprehension of physical injury or sexual offense to such person or another;~~

~~c. Intentionally or recklessly damaging, destroying or taking the tangible property of another person;~~

~~d. Engaging in a course of alarming or distressing conduct in a manner which is likely to cause fear or emotional distress or to provoke a violent or disorderly response;~~

~~e. Trespassing on or in property of another person, or on or in property from which the trespasser has been excluded by court order;~~

~~f. Child abuse, as defined in Chapter 9 of Title 16;~~

~~g. Unlawful imprisonment, kidnapping, interference with custody and coercion, as defined in Title 11; or~~

~~h. Any other conduct which a reasonable person under the circumstances would find threatening or harmful.~~

~~(2) "Domestic violence" means abuse perpetrated by one member against another member of the following protected classes:~~

~~a. Family, as that term is defined in § 901(9) of this title, regardless, however, of state of residence of the parties; or~~

~~b. Former spouses, a man and a woman co-habiting together with or without a child of either or both, or a man and a woman living separate and apart with a child in common.~~

~~(3) "Petitioner" means:~~

~~a. A person who is a member of a protected class and files a petition alleging domestic violence against such person or against such person's minor child or an infirm adult;~~

~~b. The Division of Child Protective Services acting in the interest of a minor child and files a petition alleging domestic violence; or~~

~~c. The Division of Adult Protective Services acting in the interest of an infirm adult and files a petition alleging domestic violence.~~

~~(4) "Protective order" means an order issued by the court to a respondent restraining said respondent from committing domestic violence against the petitioner, or a person in whose interest a petition is brought, and may include such measures as are necessary in order to prevent domestic violence.~~

~~(5) "Respondent" means the person alleged in the petition to have committed the domestic violence. (69 Del. Laws, c. 160, § 2; 69 Del. Laws, c. 335, § 1; 70 Del. Laws, c. 186, § 1; 71 Del. Laws, c. 137, § 1.)~~

~~§ 1042. Commencement of action; procedure.~~

~~(a) A request for relief from domestic violence is initiated by the filing of a verified petition by the petitioner, or by the Division of Child Protective Services or the Division of Adult Protective Services, asking the court to issue a protective order against the respondent.~~

~~(b) The petitioner need not reveal an address, place of residence, school or employment or the address or place where the petitioner's child or children receive child care or attend school, if it is alleged that disclosure of this information would endanger the petitioner. However, the Court may require the petitioner to reveal in confidence a current address or place of residence for the purpose of determining jurisdiction or venue.~~

~~(c) A petition for a protective order may be filed in any county where the petitioner resides, the respondent resides, the alleged domestic violence occurred, or where the petitioner is temporarily located away from the residence to avoid domestic violence.~~

~~(d) Forms and instructions for initiating a proceeding under this part shall be available from the Clerk of the Court. Assistance from court staff or court volunteers shall be available during business hours to assist the parties with all papers which may be filed in connection with a proceeding under this part. Any assistance or information provided by court staff or court volunteers under this part does not constitute the practice of law.~~

~~(e) All forms and instructions developed for use by the parties to a proceeding under this part shall contain simple, understandable language. (69 Del. Laws, c. 160, § 2; 69 Del. Laws, c. 335, § 1; 70 Del. Laws, c. 186, § 1.)~~

~~§ 1043. Ex parte orders and emergency hearings.~~

~~(a) A petitioner may request an emergency protective order by filing an affidavit or verified pleading alleging that there is an immediate and present danger of domestic violence to the petitioner or to a minor child of the petitioner or to an infirm adult.~~

~~(b) An emergency protective order may be issued on an ex parte basis, that is, without notice to the respondent, where the petitioner certifies in writing the efforts, if any, which have been made to give notice to the respondent or the reasons supporting the claim that notice should not be required.~~

~~(c) An emergency hearing held on an ex parte basis shall be held the same day that the petition is filed or the next day that the Court is in session. All other emergency hearings shall be scheduled for an expedited hearing within 10 calendar days after the petition is filed.~~

~~(d) In any case in which an ex parte protective order has been issued, a full hearing shall be held within 10 days. The Court may extend an ex parte order as needed, but not to exceed 30 days, to effectuate service of the order where necessary to provide protection.~~

~~(e) If the Court finds by a preponderance of the evidence that the alleged domestic violence has occurred, or if the respondent consents to entry of a protective order, the Court shall grant any appropriate relief, including, but not limited to, the relief set forth in § 1045 of this title.~~

~~(f) In those cases where the respondent is not present for the hearing, or where the hearing is held ex parte, any protective order issued shall be served immediately upon the respondent, in accordance with § 1065 of this title. A certified copy of the order shall also be given to the petitioner after the hearing, before leaving the courthouse. If the order recites that the respondent appeared in person before the Court, the necessity for further service is waived and proof of service of the order is not necessary; in those cases, the respondent shall be given a copy of the order before leaving the courthouse. (69 Del. Laws, c. 160, § 2; 69 Del. Laws, c. 335, § 1.)~~

~~§ 1044. Nonemergency hearings.~~

~~(a) Upon receipt of a petition for a protective order, the Court shall order a hearing within 30 days.~~

~~(b) If the Court finds by a preponderance of the evidence that the alleged domestic violence has occurred, or if the respondent consents to entry of a protective order, the Court shall grant any appropriate relief, including, but not limited to, the relief set forth in § 1045 of this title.~~

~~(e) Service of the protective order, as well as provision of copies to the parties, shall take place in accordance with § 1043(f) of this title. (69 Del. Laws, c. 160, § 2; 69 Del. Laws, c. 335, § 1.)~~

§ 1045. Relief available; duration of orders, modification and termination.

~~(a) After consideration of a petition for a protective order, the Court may grant relief as follows:~~

~~(1) Restrain the respondent from committing acts of domestic violence, as defined in § 1041 of this title;~~

~~(2) Restrain the respondent from contacting or attempting to contact the petitioner;~~

~~(3) Grant exclusive possession of the residence or household to the petitioner or other resident, regardless of in whose name the residence is titled or leased. Such relief shall not affect title to any real property;~~

~~(4) Order that the petitioner be given temporary possession of specified personal property solely or jointly owned by respondent or petitioner, including but not limited to, motor vehicles, checkbooks, keys and other personal effects;~~

~~(5) Grant temporary custody of the children of the parties to the petitioner or to another family member. Either party may request visitation at any time during the proceeding. The Court may provide for visitation by separate interim visitation order pursuant to Title 13, which order shall be binding upon and enforceable against both parties. Such interim visitation order may include third party supervision of any visitation, if necessary, in accordance with Chapters 7 and 19 of Title 13;~~

~~(6) Order the respondent to pay support for the petitioner and/or for the parties' children, in accordance with Chapter 5 of Title 13, including temporary housing costs;~~

~~(7) Order the respondent to pay to the petitioner or any other family member monetary compensation for losses suffered as a direct result of domestic violence committed by the respondent, including medical, dental and counseling expenses, loss of earnings or other support, cost of repair or replacement of real or personal property damaged or taken, moving or other travel expenses and litigation costs, including attorney's fees;~~

~~(8) Order the respondent to temporarily relinquish to the sheriff, constable or to a police officer the respondent's firearms and to refrain from purchasing or receiving additional firearms for the duration of the order;~~

~~(9) Prohibit the respondent from transferring, encumbering, concealing or in any way disposing of specified property owned or leased by parties;~~

~~(10) Order the respondent, petitioner and other protected class members, individually and/or as a group, to participate in treatment or counseling programs;~~

~~(11) Grant any other reasonable relief necessary or appropriate to prevent or reduce the likelihood of future domestic violence.~~

~~(b) Relief granted under this section shall be effective for a fixed period of time, not to exceed 1 year, except that such order may be extended or modified by a further order of the Court as described in subsections (c) and (d) of this section.~~

~~(c) An order issued under this part may be extended, for up to 6 months, or terms of the order modified, upon motion of either party. Hearings on such motions shall be scheduled within 30 days after proof of service on the respondent is filed. Such motions may be heard on an emergency basis if filed in accordance with § 1043 of this title. Orders may be extended only after the Court finds by a preponderance of the evidence that domestic violence has occurred since the entry of the order, a violation of the order has occurred, if the respondent consents to the extension of the order or for good cause shown.~~

~~(d) Only the Court shall modify an order issued under this part and the reconciliation of the parties shall have no effect on the validity of any of the provisions of such an order. The protective order may be modified or rescinded during the term of the order upon motion, after notice to all parties affected and a hearing.~~

~~(e) Any subsequent support, custody or visitation order entered by the Court in any proceeding brought pursuant to Title 13 shall supersede any relevant provisions regarding those issues which are included in a protection from abuse order, without the need to modify such protective order. (69 Del. Laws, c. 160, § 2; 69 Del. Laws, c. 335, § 1; 71 Del. Laws, c. 137, §§ 2-4.)~~

~~§ 1046. Enforcement; sanctions for violation of order.~~

~~(a) The Court may direct that pleadings and orders filed or issued under this part be served upon the respondent by the Sheriff or the Sheriff's deputy or by any person authorized by statute or court rule to serve process.~~

~~(b) A copy of a protective order granted under this part shall be entered into the Delaware Justice Information System by the Court on or before the next business day. Entry into the Delaware Justice Information System constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county of the State.~~

~~(c) A law enforcement officer shall arrest, with or without a warrant, any individual whom the officer has probable cause to believe has violated a protective order issued under this part or a valid foreign protection order under~~

~~Part E of this subchapter and who has notice or knowledge of the protective order. Presentation of a protective order that identifies both the protected person and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a protective order exists. The protective order may be either in tangible form or stored in DELJIS or other electronic medium if it is retrievable in perceivable form. Probable cause for arrest may be established by a good faith reliance on information contained in DELJIS. If a protective order is not presented, the law enforcement officer may consider other information in determining whether there is probable cause to believe that a protective order exists.~~

~~(d) If a law enforcement officer determines that an otherwise valid protective order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.~~

~~(e) The individual arrested shall be taken immediately before the Family Court. If the Family Court is not in session, the arrested person shall be taken before the nearest justice of the peace. In determining the amount of any bail, the justice of the peace or judicial officer shall take into consideration whether the defendant has previously violated a protective order.~~

~~(f) A law enforcement officer is immune from civil and criminal liability for an act or omission arising out of the enforcement of a protective order or the detention or arrest of an alleged violator of a protective order if the act or omission was done in a good faith effort to comply with this part or in good faith reliance on information contained in DELJIS.~~

~~(g) The provisions of this section apply to the enforcement of foreign protection orders under Part E of this subchapter.~~

~~(h) All protective orders issued under this part shall state that violations may result in:~~

~~(1) A finding of contempt;~~

~~(2) Criminal prosecution; and~~

~~(3) Imprisonment or fine or both.~~

~~(i) It shall be unlawful for a respondent to knowingly violate a protective order. Violations shall be punishable as a class A misdemeanor. Nothing in this subsection shall preclude the filing of a civil contempt petition by the petitioner for violations of a protective order issued under this part. (69 Del. Laws, c. 160, § 2; 69 Del. Laws, c. 335, § 1; 70 Del. Laws, c. 186, § 1; 72 Del. Laws, c. 63, §§ 3, 4; 73 Del. Laws, c. 367, § 2.)~~

~~§ 1047. Nonpreclusion of remedies.~~

~~Nothing in this part shall preclude a petitioner or law enforcement officer from filing criminal charges when probable cause exists. (69 Del. Laws, c. 160, § 2; 69 Del. Laws, c. 335, § 1.)~~

~~§ 1048. Jurisdiction.~~

~~The Family Court shall have jurisdiction of proceedings under this part. (69 Del. Laws, c. 160, § 2; 69 Del. Laws, c. 335, § 1.)~~

~~§ 1049. Title.~~

~~This part may be cited as the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act. (73 Del. Laws, c. 367, § 1.)~~

[§ 1041. Definitions.

The following terms shall have the following meanings:

(1) "Abuse" means conduct which constitutes the following:

a. Intentionally or recklessly causing or attempting to cause physical injury or a sexual offense, as defined in § 761 of Title 11;

b. Intentionally or recklessly placing or attempting to place another person in reasonable apprehension of physical injury or sexual offense to such person or another;

c. Intentionally or recklessly damaging, destroying or taking the tangible property of another person;

d. Engaging in a course of alarming or distressing conduct in a manner which is likely to cause fear or emotional distress or to provoke a violent or disorderly response;

e. Trespassing on or in property of another person, or on or in property from which the trespasser has been excluded by court order;

f. Child abuse, as defined in Chapter 9 of Title 16;

g. Unlawful imprisonment, kidnapping, interference with custody and coercion, as defined in Title 11; or

h. Any other conduct which a reasonable person under the circumstances would find threatening or harmful.

(2) "Domestic violence" means abuse perpetrated by one member against another member of the following protected classes:

a. Family, as that term is defined in § 901(12) of this title, regardless, however, of state of residence of the parties; or

b. Former spouses; persons cohabitating together who are holding themselves out as a couple, with or without a child in common; persons living separate and apart with a child in common; or persons in a current or former substantive dating relationship. For purposes of this paragraph, neither a casual acquaintanceship nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a substantive dating relationship. Factors to consider for a substantive dating relationship may include the length of the relationship, or the type of relationship, or the frequency of interaction between the parties.

(3) "Petitioner" means:

a. A person who is a member of a protected class and files a petition alleging domestic violence against such person or against such person's minor child or an adult who is impaired;

b. The Division of Child Protective Services acting in the interest of a minor child and files a petition alleging domestic violence; or

c. The Division of Adult Protective Services acting in the interest of an adult who is impaired and files a petition alleging domestic violence.

(4) "Protective order" means an order issued by the court to a respondent restraining said respondent from committing domestic violence against the petitioner, or a person in whose interest a petition is brought, and may include such measures as are necessary in order to prevent domestic violence.

(5) "Respondent" means the person alleged in the petition to have committed the domestic violence.

69 Del. Laws, c. 160, § 2; 69 Del. Laws, c. 335, § 1; 70 Del. Laws, c. 186, § 1; 71 Del. Laws, c. 137, § 1; 76 Del. Laws, c. 47, § 1; 78 Del. Laws, c. 179, § 23.;

§ 1042. Commencement of action; procedure.

(a) A request for relief from domestic violence is initiated by the filing of a verified petition by the petitioner, or by the Division of Child Protective Services or the Division of Adult Protective Services, asking the court to issue a protective order against the respondent.

(b) The petitioner need not reveal an address, place of residence, school or employment or the address or place where the petitioner's child or children receive child care or attend school, if it is alleged that disclosure of this information would endanger the petitioner. However, the Court may require the petitioner to reveal in confidence a current address or place of residence for the purpose of determining jurisdiction or venue.

(c) A petition for a protective order may be filed in any county where the petitioner resides, the respondent resides, the alleged domestic violence occurred, or where the petitioner is temporarily located away from the residence to avoid domestic violence.

(d) Forms and instructions for initiating a proceeding under this part shall be available from the Clerk of the Court. Assistance from court staff or court volunteers shall be available during business hours to assist the parties with all papers which may be filed in connection with a proceeding under this part. Any assistance or information provided by court staff or court volunteers under this part does not constitute the practice of law.

(e) All forms and instructions developed for use by the parties to a proceeding under this part shall contain simple, understandable language.

69 Del. Laws, c. 160, § 2; 69 Del. Laws, c. 335, § 1; 70 Del. Laws, c. 186, § 1.;

§ 1043. Ex parte orders and emergency hearings.

(a) A petitioner may request an emergency protective order by filing an affidavit or verified pleading alleging that there is an immediate and present danger of domestic violence to the petitioner or to a minor child of the petitioner or to an adult who is impaired.

(b) An emergency protective order may be issued on an ex parte basis, that is, without notice to the respondent, where the petitioner certifies in writing the efforts, if any, which have been made to give notice to the respondent or the reasons supporting the claim that notice should not be required.

(c) An emergency hearing held on an ex parte basis shall be held the same day that the petition is filed or the next day that the Court is in session. All other emergency hearings shall be scheduled for an expedited hearing within 10 calendar days after the petition is filed.

(d) In any case in which an ex parte protective order has been issued, a full hearing shall be held within 10 days. The Court may extend an ex parte order as

needed, but not to exceed 30 days, to effectuate service of the order or where necessary to continue protection.

(e) If the Court finds by a preponderance of the evidence that the alleged domestic violence has occurred, or if the respondent consents to entry of a protective order, the Court shall grant any appropriate relief, including, but not limited to, the relief set forth in § 1045 of this title.

(f) In those cases where the respondent is not present for the hearing, or where the hearing is held ex parte, any protective order issued shall be served immediately upon the respondent, in accordance with § 1065 of this title. A certified copy of the order shall also be given to the petitioner after the hearing, before leaving the courthouse. If the order recites that the respondent appeared in person before the Court, the necessity for further service is waived and proof of service of the order is not necessary; in those cases, the respondent shall be given a copy of the order before leaving the courthouse.

69 Del. Laws, c. 160, § 2; 69 Del. Laws, c. 335, § 1; 77 Del. Laws, c. 442, § 1; 78 Del. Laws, c. 179, § 24.;

§ 1044. Nonemergency hearings.

(a) Upon receipt of a petition for a protective order, the Court shall order a hearing within 30 days.

(b) If the Court finds by a preponderance of the evidence that the alleged domestic violence has occurred, or if the respondent consents to entry of a protective order, the Court shall grant any appropriate relief, including, but not limited to, the relief set forth in § 1045 of this title.

(c) Service of the protective order, as well as provision of copies to the parties, shall take place in accordance with § 1043(f) of this title.

69 Del. Laws, c. 160, § 2; 69 Del. Laws, c. 335, § 1.;

§ 1045. Relief available; duration of orders, modification and termination.

(a) After consideration of a petition for a protective order, the Court may grant relief as follows:

(1) Restrain the respondent from committing acts of domestic violence, as defined in § 1041 of this title;

(2) Restrain the respondent from contacting or attempting to contact the petitioner;

(3) Grant exclusive possession of the residence or household to the petitioner or other resident, regardless of in whose name the residence is titled or leased. Such relief shall not affect title to any real property;

(4) Order that the petitioner be given temporary possession of specified personal property solely or jointly owned by respondent or petitioner, including but not limited to, motor vehicles, checkbooks, keys and other personal effects;

(5) Grant temporary custody of the children of the parties to the petitioner or to another family member. Either party may request visitation at any time during the proceeding. The Court may provide for visitation by separate interim visitation order pursuant to Title 13, which order shall be binding upon and enforceable against both parties. Such interim visitation order may include third party supervision of any visitation, if necessary, in accordance with Chapters 7 and 19 of Title 13;

(6) Order the respondent to pay support for the petitioner and/or for the parties' children, in accordance with Chapter 5 of Title 13, including temporary housing costs;

(7) Order the respondent to pay to the petitioner or any other family member monetary compensation for losses suffered as a direct result of domestic violence committed by the respondent, including medical, dental and counseling expenses, loss of earnings or other support, cost of repair or replacement of real or personal property damaged or taken, moving or other travel expenses and litigation costs, including attorney's fees;

(8) Order the respondent to temporarily relinquish to the sheriff, constable or to a police officer the respondent's firearms and to refrain from purchasing or receiving additional firearms for the duration of the order;

(9) Prohibit the respondent from transferring, encumbering, concealing or in any way disposing of specified property owned or leased by parties;

(10) Order the respondent, petitioner and other protected class members, individually and/or as a group, to participate in treatment or counseling programs;

(11) Issue an order directing any law-enforcement agency to forthwith search for and seize firearms of the respondent upon a showing by the petitioner that the respondent has possession of a firearm, and

a. Petitioner can describe, with sufficient particularity, both the type and location of the firearm or firearms; and

b. Respondent has used or threatened to use a firearm against the petitioner, or the petitioner expresses a fear that the respondent may use a firearm against them;

(12) Grant any other reasonable relief necessary or appropriate to prevent or reduce the likelihood of future domestic violence.

(b) Relief granted under this section shall be effective for a fixed period of time not to exceed 1 year, except that relief granted under paragraphs (a)(1) and (a)(2) of this section may be entered for a fixed period of time not to exceed 2 years, unless a longer period of time is ordered pursuant to subsection (c) or (f) of this section.

(c) An order issued under this part may be extended, for up to 6 months, or terms of the order modified, upon motion of either party. Hearings on such motions shall be scheduled within 30 days after proof of service on the respondent is filed. Such motions may be heard on an emergency basis if filed in accordance with § 1043 of this title. Orders may be extended only after the Court finds by a preponderance of the evidence that domestic violence has occurred since the entry of the order, a violation of the order has occurred, if the respondent consents to the extension of the order or for good cause shown.

(d) Only the Court shall modify an order issued under this part and the reconciliation of the parties shall have no effect on the validity of any of the provisions of such an order. The protective order may be modified or rescinded during the term of the order upon motion, after notice to all parties affected and a hearing.

(e) Any subsequent support, custody or visitation order entered by the Court in any proceeding brought pursuant to Title 13 shall supersede any relevant provisions regarding those issues which are included in a protection from abuse order, without the need to modify such protective order.

(f) Notwithstanding any provision of this section to the contrary, upon a finding that aggravating circumstances exist, the Court may grant no contact relief pursuant to paragraphs (a)(1) and (a)(2) of this section for as long as reasonably necessary to prevent further acts of abuse or domestic violence, up to and including the entry of a permanent order of the Court. An order entered pursuant to this subsection may only be modified or amended upon motion of a party for good cause shown. For purposes of this subsection, aggravating circumstances shall mean physical injury or serious physical injury to the petitioner caused by the respondent; the use of a deadly weapon or dangerous instrument against the petitioner by the respondent; a history of repeated violations of prior protective orders by the respondent; prior convictions for crimes against the petitioner by the respondent; the exposure of any member of the petitioner's family or household to physical injury or serious physical injury by the respondent; or any other acts of abuse which the Court believes constitute an immediate and ongoing danger to the petitioner or any member of the petitioner's family or household.

69 Del. Laws, c. 160, § 2; 69 Del. Laws, c. 335, § 1; 71 Del. Laws, c. 137, §§ 2-4; 76 Del. Laws, c. 195, § 1; 77 Del. Laws, c. 352, §§ 1, 2.;

§ 1046. Enforcement; sanctions for violation of order.

(a) The Court may direct that pleadings and orders filed or issued under this part be served upon the respondent by the Sheriff or the Sheriff's deputy or by any person authorized by statute or court rule to serve process.

(b) A copy of a protective order granted under this part shall be entered into the Delaware Justice Information System by the Court on or before the next business day. Entry into the Delaware Justice Information System constitutes notice to all law-enforcement agencies of the existence of the order. The order is fully enforceable in any county of the State.

(c) A law-enforcement officer shall arrest, with or without a warrant, any individual whom the officer has probable cause to believe has violated a protective order issued under this part or a valid foreign protection order under Part E of this subchapter and who has notice or knowledge of the protective order. Presentation of a protective order that identifies both the protected person and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a protective order exists. The protective order may be either in tangible form or stored in DELJIS or other electronic medium if it is retrievable in perceivable form. Probable cause for arrest may be established by a good faith reliance on information contained in DELJIS. If a protective order is not presented, the law-enforcement officer may consider other information in determining whether there is probable cause to believe that a protective order exists.

(d) If a law-enforcement officer determines that an otherwise valid protective order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.

(e) The individual arrested shall be taken immediately before the Family Court. If the Family Court is not in session, the arrested person shall be taken before the nearest justice of the peace. In determining the amount of any bail, the justice of the peace or judicial officer shall take into consideration whether the defendant has previously violated a protective order.

(f) A law-enforcement officer is immune from civil and criminal liability for an act or omission arising out of the enforcement of a protective order or the detention or arrest of an alleged violator of a protective order if the act or omission was done in a good faith effort to comply with this part or in good faith reliance on information contained in DELJIS.

(g) The provisions of this section apply to the enforcement of foreign protection orders under Part E of this subchapter.

(h) All protective orders issued under this part shall state that violations may result in:

(1) A finding of contempt;

(2) Criminal prosecution; and

(3) Imprisonment or fine or both.

(i) It shall be unlawful for a respondent to knowingly violate a protective order. Violations shall be punishable as a class A misdemeanor. Nothing in this subsection shall preclude the filing of a civil contempt petition by the petitioner for violations of a protective order issued under this part.

69 Del. Laws, c. 160, § 2; 69 Del. Laws, c. 335, § 1; 70 Del. Laws, c. 186, § 1; 72 Del. Laws, c. 63, §§ 3, 4; 73 Del. Laws, c. 367, § 2.;

§ 1047. Nonpreclusion of remedies.

Nothing in this part shall preclude a petitioner or law enforcement officer from filing criminal charges when probable cause exists.

69 Del. Laws, c. 160, § 2; 69 Del. Laws, c. 335, § 1.;

§ 1048. Jurisdiction.

The Family Court shall have jurisdiction of proceedings under this part.

69 Del. Laws, c. 160, § 2; 69 Del. Laws, c. 335, § 1.;

§ 1049. Title.

This part may be cited as the "Uniform Interstate Enforcement of Domestic Violence Protection Orders Act."

73 Del. Laws, c. 367, § 1.;

§ 1049A. Definitions.

In this part:

(1) "Foreign protection order" means a protection order issued by a tribunal of another state.

(2) "Issuing state" means the state whose tribunal issues a protection order.

(3) "Mutual foreign protection order" means a foreign protection order that includes provisions in favor of both protected individuals seeking enforcement of the order and the respondents.

(4) "Protected individual" means an individual protected by a protection order.

(5) "Protection order" means an injunction or other order issued by a tribunal under the domestic violence or family violence laws of the issuing state to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to another individual. The term includes an injunction or other order issued under the antistalking laws of the issuing state.

(6) "Respondent" means the individual against whom enforcement of a protection order is sought.

(7) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band that has jurisdiction to issue protection orders.

(8) "Tribunal" means a court, agency or other entity authorized by law to issue or modify a protection order.

(9) "Court" means the Family Court of the State of Delaware.

73 Del. Laws, c. 367, § 1.;

§ 1049B. Judicial enforcement of order.

(a) A person authorized by the law of this State to seek enforcement of a protection order may seek enforcement of a valid foreign protection order in the Court. The Court shall enforce the terms of the order, including terms that provide relief that the Court would lack power to provide but for this section. The Court shall enforce the order whether the order was obtained by independent action or in another proceeding if it is an order issued in response to a complaint, petition or motion filed by or on behalf of an individual seeking protection. In a proceeding to enforce a foreign protection order, the Court shall follow the procedures of this State for the enforcement of protection orders.

(b) The Court may not enforce a foreign protection order issued by the tribunal of a state that does not recognize the standing of a protected individual to seek enforcement of the order.

(c) The Court shall enforce the provisions of a valid foreign protection order which govern custody and visitation if the order was issued in accordance with

the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing state.

(d) A foreign protection order is valid if it:

(1) Identifies the protected individual and the respondent;

(2) Is currently in effect;

(3) Was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing state; and

(4) Was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order, or in the case of an order ex parte, the respondent was given notice and had an opportunity to be heard within a reasonable time after the order was issued, consistent with the rights of the respondent to due process.

(e) A foreign protection order valid on its face is prima facie evidence of its validity.

(f) Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.

(g) The Court may enforce provisions of a mutual foreign protection order which favor a respondent only if:

(1) The respondent filed a written pleading seeking a protection order from the tribunal of the issuing state; and

(2) The tribunal of the issuing state made specific findings in favor of the respondent.

73 Del. Laws, c. 367, § 1.:

§ 1049C. Nonjudicial enforcement of order.

Pursuant to the provisions of § 1046 of this title, a law-enforcement officer of this State, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a court of this State. Registration or filing of an order in this State is not required for the enforcement of a valid foreign protection order.

73 Del. Laws, c. 367, § 1.:

§ 1049D. Registration of order.

(a) Any individual may register a foreign protection order in this State. To register a foreign protection order an individual shall present a certified copy of the order to the Court.

(b) Upon receipt of a foreign protection order, the Court shall register the order in accordance with this section. After the order is registered, the Court shall furnish to the individual registering the order a certified copy of the registered order.

(c) The Court shall register an order upon presentation of a copy of a protection order which has been certified by the issuing State. A registered foreign protection order that is inaccurate or is not currently in effect must be corrected or removed from the registry in accordance with the law of this State.

(d) An individual registering a foreign protection order shall file an affidavit by the protected individual stating that to the best of the protected individual's knowledge, the order is currently in effect.

(e) A foreign protection order registered under this part may be entered in any existing state or federal registry of protection orders in accordance with applicable law.

(f) A fee may not be charged for the registration of a foreign protection order.

73 Del. Laws, c. 367, § 1.;

§ 1049E. Immunity.

This State or a local governmental agency or a law-enforcement officer, prosecuting attorney, clerk of court or any state or local governmental official acting in an official capacity is immune from civil and criminal liability for an act or omission arising out of the registration or enforcement of a foreign protection order or the detention or arrest of an alleged violator of a foreign protection order if the act or omission was done in good faith in an effort to comply with this part.

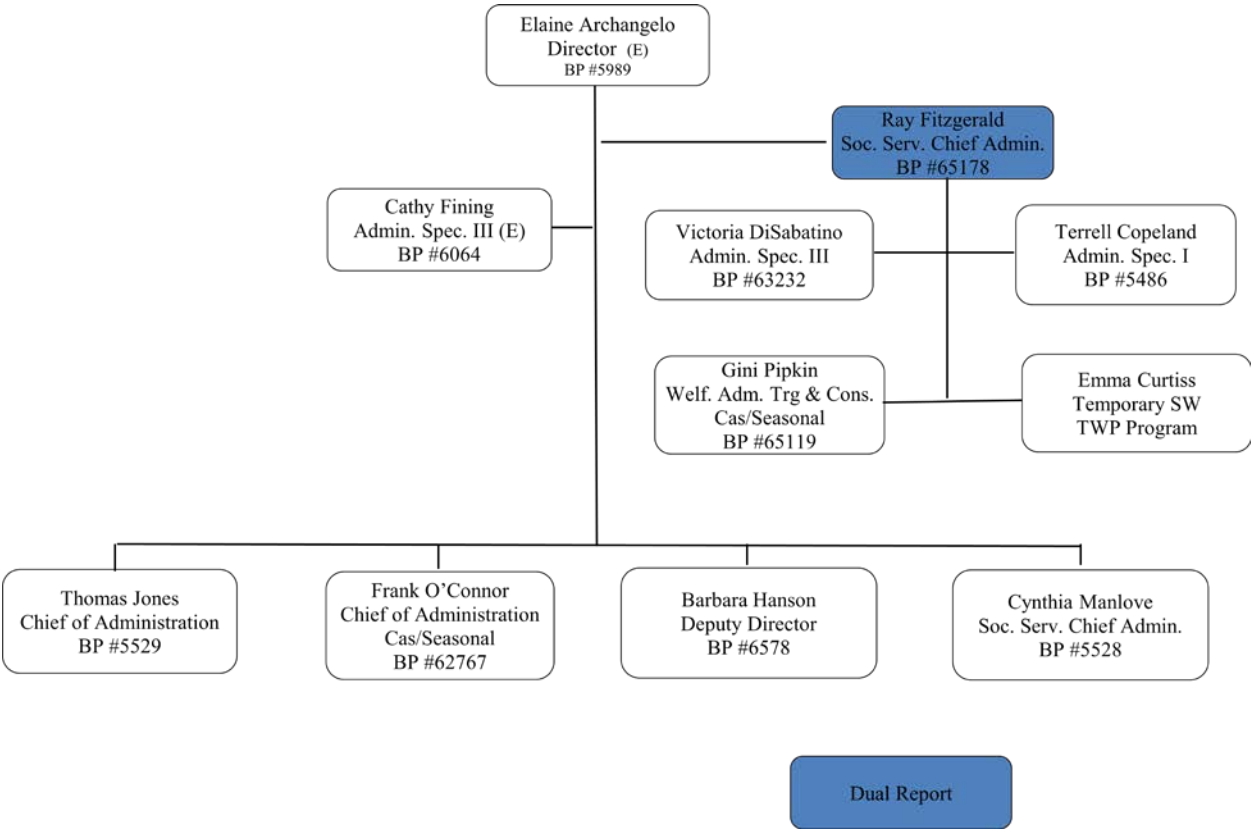
73 Del. Laws, c. 367, § 1.;

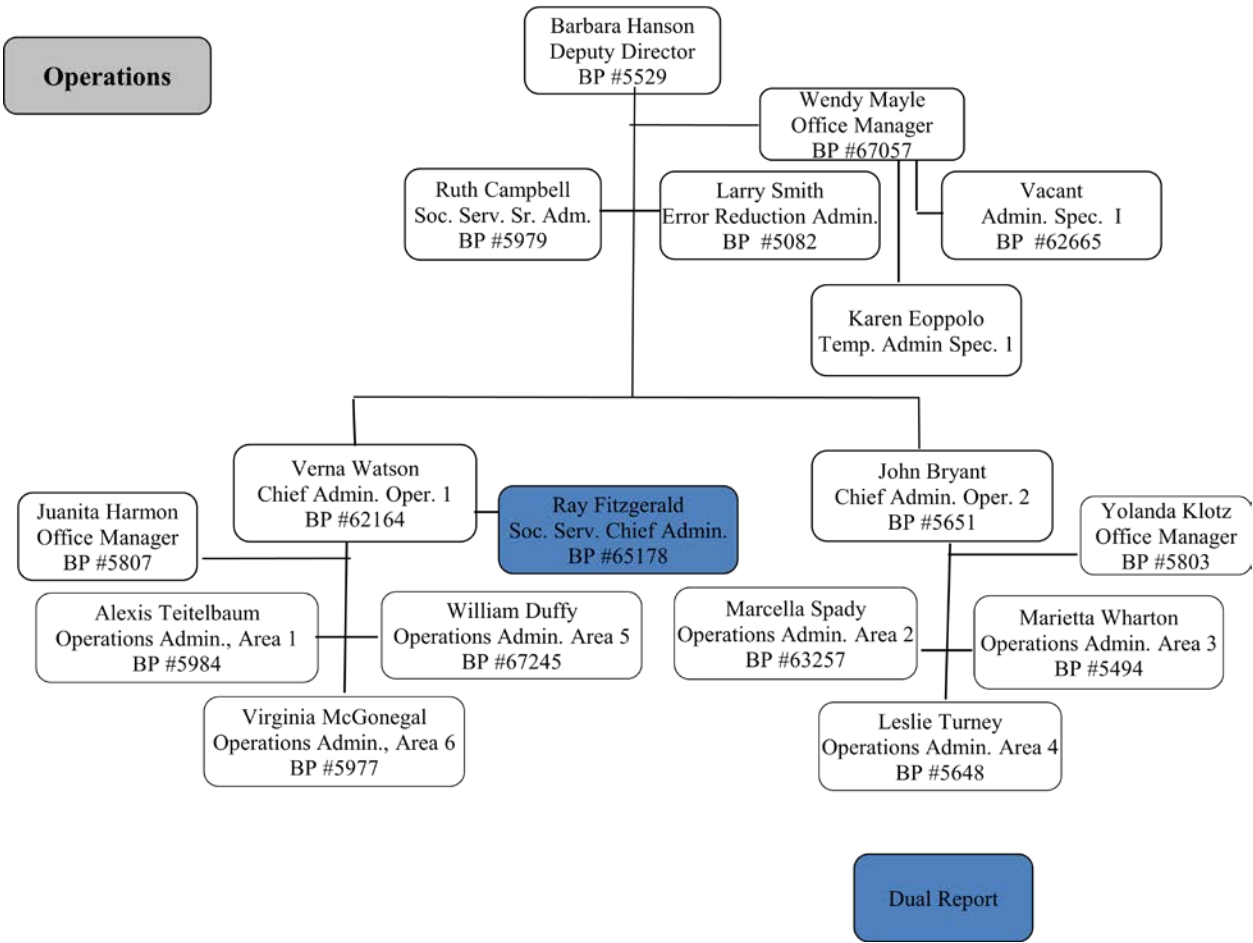
§ 1049F. Other remedies.

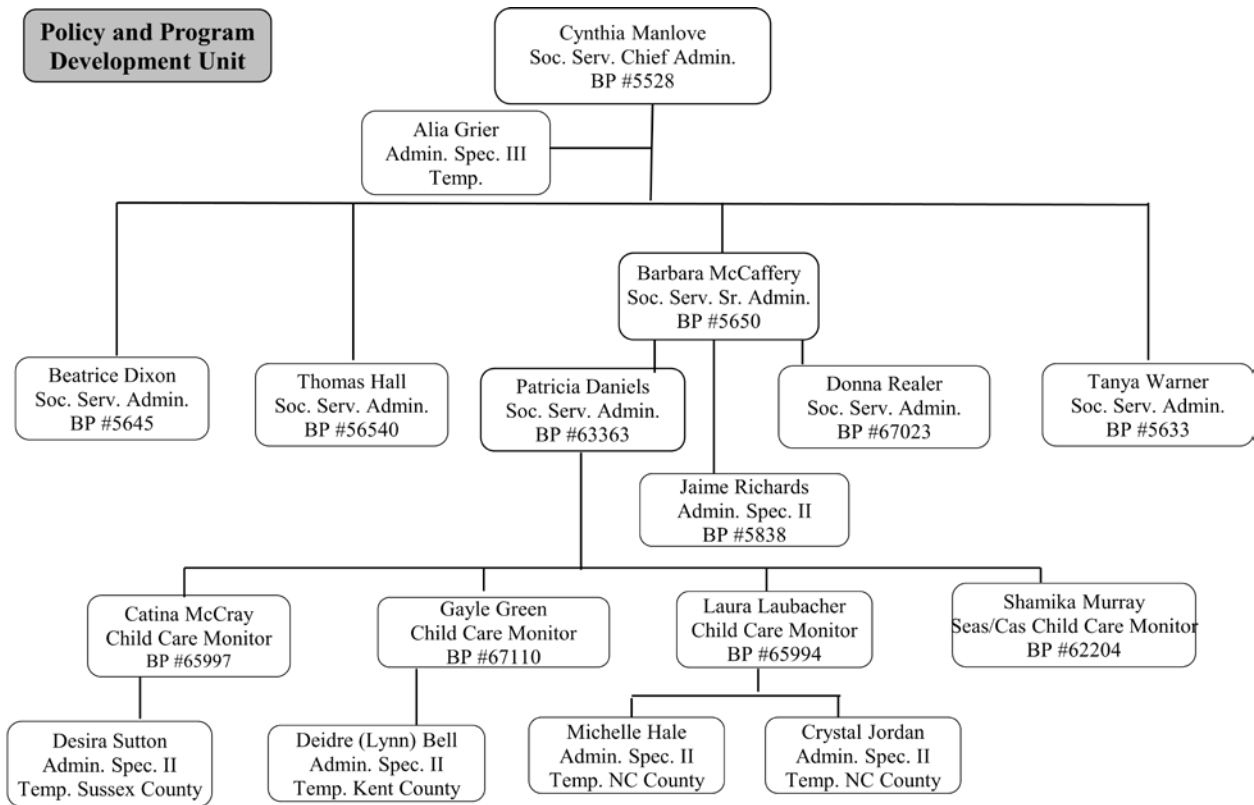
A protected individual who pursues remedies under this part is not precluded from pursuing other legal or equitable remedies against the respondent.

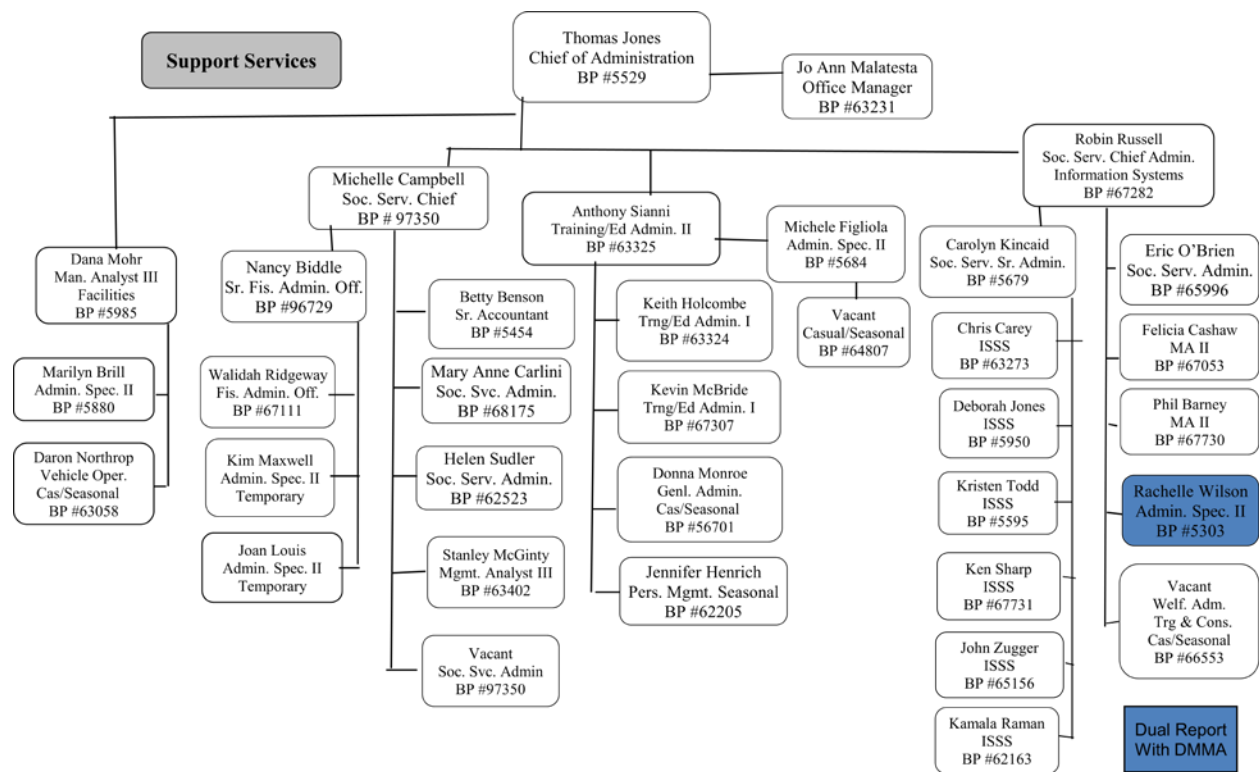
73 Del. Laws, c. 367, § 1.;

Division of Social Services
5/31/2011









Executive Order Number One Hundred-One Establishing The Child Poverty Task Force

WHEREAS, the United States of America has the highest child poverty rate of the seventeen wealthiest countries in the world; and

WHEREAS, although the State of Delaware made progress towards reducing child poverty in the 1990's, the poverty rate in Delaware has risen since 2002; and

WHEREAS, children who live in poverty are subjected to a number of harsh realities that include, but are not limited to, a substantially greater likelihood to die from infectious diseases and to drop out of school prior to obtaining a high school diploma; and

WHEREAS, the United Kingdom reduced the child poverty rate in Great Britain from 19% in 2000 to 11% in 2006 through its commitment to reduce child poverty by 50% within ten years; and

WHEREAS, the States of Connecticut, California, and Minnesota, as well as the cities of New York and Milwaukee, have made similar commitments to reduce the child poverty rate by 50% within ten years; and

WHEREAS, the State of Delaware recognizes the moral and economic interest in reducing child poverty, and appreciates the productivity that would result from a substantial decrease of child poverty in Delaware.

NOW, THEREFORE, I, RUTH ANN MINNER, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. The Child Poverty Task Force (the "Task Force") is hereby established.
2. The Task Force shall consist of twenty-five (25) members as follows:
 - a. The Secretary of the Department of Education or his/her designee;
 - b. The Secretary of the Department of Health and Social Services or his/her designee;
 - c. The Secretary of Labor or his/her designee;
 - d. The Secretary of the Department of Services for Children, Youth and Their Families or his/her designee;
 - e. The Executive Director of the Delaware State Housing Authority or his/her designee;
 - f. The Chief Judge of the Delaware Family Court or his/her designee;

- g. The four Co-Chairs of the “Kid’s Caucus” in the State Legislature;
 - h. The Child Advocate or his/her designee;
 - i. The Governor’s Policy Advisor for Health;
 - j. The Governor’s Policy Advisor for Education;
 - k. Three members of the Delaware non-profit community whose organizations serve children and families, to be appointed by the Governor;
 - l. A representative of the University of Delaware’s Center for Community Research and Service;
 - m. A KIDS COUNT Delaware Board member or Data Committee Member or his/her designee;
 - n. A member of the business community appointed by the State Chamber of Commerce;
 - o. The President of the Metropolitan Wilmington Urban League or his/her designee;
 - p. A representative from the City of Wilmington, designated by the Mayor of the City of Wilmington;
 - q. One at-large member appointed by the President *Pro Tempore* of the Delaware Senate; and
 - r. One at-large member appointed by the Speaker of the Delaware House of Representatives.
3. The Task Force shall develop a ten-year plan to reduce the number of Delaware children living in poverty by 50% and to establish recommendations for prevention and intervention services in order to promote the health, safety and well-being of Delaware’s children and their families. The plan shall include:
- a. Identifying and analyzing the occurrence of child poverty in Delaware; and
 - b. Identifying the risk factors for and underlying etiologies of child poverty; and
 - c. Reviewing scholarly research that identifies the best practices for prevention and intervention of child poverty; and
 - d. Analyzing the long-term effects of child poverty on children, their families and their communities; and
 - e. Assessing the costs of child poverty to municipalities and to the State; and

- f. Creating an inventory of existing state-wide public and private programs that address child poverty; and
 - g. Calculating the percentage of the target population served by such programs and the current funding levels, if any, for such programs; and
 - h. Identifying and analyzing any deficiencies or inefficiencies of such programs; and
 - i. Establishing the procedures and priorities for implementing strategies to achieve a 50% reduction in child poverty in the State of Delaware by June 30, 2017.
4. The chairperson of the Task Force, who shall be appointed by the Governor from among its members, shall lead the administration of the Task Force by:
- a. setting a time, date and place for the initial organizational meeting;
 - b. ensuring the proper preparation and distribution of meeting notices, agendas, minutes, correspondence, and reports of the Task Force;
 - c. ensuring the Task Force identify any staffing requirements necessary to properly execute the functions of this order, and allow the representatives from among the various state agencies to distribute those responsibilities within those agencies; and
 - d. ensuring the final report of the Task Force is submitted to the Governor with copies submitted to the Speaker of the House of Representatives, the President *Pro Tempore* of the Senate, the Director of the Division of Research of Legislative Council and the Delaware Public Archives;
5. The Task Force shall submit its report on “Recommendations to Reduce Child Poverty” to the Governor, Speaker of the House and President *Pro Tempore* within one year of the effective date of this order.

Approved: August 29, 2007