

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Section 512 (31 Del.C. §512th)
16 DE Admin. Code 11003

PROPOSED

PUBLIC NOTICE

Child Care Subsidy Program: Determining Technical Eligibility for Child Care

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Social Services is proposing to amend policies in the Division of Social Services Manual (DSSM) regarding the Child Care Subsidy Program, specifically, *Determining Technical Eligibility for Child Care*.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Sharon L. Summers, Policy, Program & Development Unit, Division of Social Services, 1901 North Doyon Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4425 by July 31, 2012.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

SUMMARY OF PROPOSAL

The proposal described below amends policies in the Division of Social Services Manual (DSSM) regarding the Child Care Subsidy Program, specifically, *Determining Technical Eligibility for Child Care*.

Statutory Authority

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

Summary of Proposed Changes

DSSM 11003, ~~Eligibility Requirements~~ *Determining Technical Eligibility for Child Care*: The name of the section is changed to more accurately indicate the content of the policy. This policy section is reformatted and clarifying language is also provided to make the rules easier to understand and follow. Specifically, this regulatory action adds the eligibility requirement that parents/caretakers must be Delaware residents. The applicable federal citation is also added to the policy section.

DSS PROPOSED REGULATION #12-25 REVISION:

11003 Eligibility Requirements Determining Technical Eligibility for Child Care

45 CFR 98.20

PRWORA 401 and 402

~~DSS provides child care services to eligible Delaware families with a children) who resides in the home and who is under the age of 13, or children 13 to under 19 who are physically or mentally incapable of caring for themselves or are active with the Division of Family Services.~~

~~Under Title IV, Sections 401 and 402 of the Personal Responsibility and Work Opportunity Act of 1996, the Division is prohibited from using CCDBG and SSBG funds to pay for child care services for most persons who are not U.S. citizens. At State option, the Division may choose to use State only funds to pay for child care services for such persons. Certain aliens are exempt from this restriction for a period of five (5) years from the date of obtaining status as either a refugee, a sy lee, or one whose deportation is being withheld. In addition, aliens admitted for permanent residence who have worked forty (40) qualifying quarters and aliens and their spouses or unmarried dependent children who are either honorably discharged veterans or on active military duty are exempt from this restriction.~~

~~The Division will provide Child Care services for eligible families where there is at least one U.S. citizen or legal alien in the family. If one member of the family is a U.S. citizen or legal alien and they meet both technical and financial eligibility criteria Child Care Services can be provided. The Division will evaluate non-U.S. citizen cases on an individual basis.~~

~~Non-US citizens referred to the Child Care subsidy program through the Division of Family Services, due to a protective need, are eligible to receive services regardless of their citizenship status.~~

~~A family needs service when parents/ caretakers are required to be out of the home, or are reasonably unavailable (may be in the home but cannot provide supervision, such as a parent works a third shift, is in the home, but needs to rest), and no one else is available to provide supervision.~~

~~A. Parents/caretakers need service to:~~

- ~~1. accept employment,~~
- ~~2. keep employment,~~
- ~~3. participate in a training component, as part of one of the DSS Employment and Training programs, leading to employment,~~
- ~~4. participate in an education component, as part of one of the DSS Employment and Training programs,~~
- ~~5. work and the other parent/caretaker or adult household member is chronically ill or incapacitated,~~
- ~~6. have someone care for the children because of a parent/caretaker special need.~~

~~B. A children) needs service to:~~

- ~~1. provide for a special need (physical or emotional disabilities, behavior problems, or developmental delays, etc.);~~
- ~~2. provide protective supervision in order to prevent abuse or neglect.~~

~~In addition to having an eligible child and a child care need, certain DSS Child Care programs require parents/ caretakers to meet income limits. Under certain other Child Care programs, DSS guarantees child care. These financial requirements along with other technical requirements help determine the parent/caretaker's child care category. Categories relate to the funding sources used by DSS to pay for Child Care services. The following sections discuss the technical requirements for child care services based on category and need.~~

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

1. Parents/Caretakers Must Meet Certain Criteria

To be technically eligible parents/caretakers must have a need that requires them to be out of the home or reasonably unavailable to provide supervision (e.g., a medical condition, needing rest because of working a third shift, etc.).

A. Parents/Caretakers must be Delaware residents

B. Parents/Caretakers need services to meet one of the following:

1. Accept or keep a job
2. Participate in a DSS Employment and Training program
3. Participate in the Transitional Work Program
4. Participate in job search
5. Have a break in education/training
6. Prevent child abuse or neglect as referred by DFS
7. Provide care for the children) when the parents/caretakers have a special need

2. Children Must Meet Certain Criteria

Children may be eligible if they:

A. Live in the home and are under the age of 13

B. Live in the home and are age 13 to 18 **and** are physically or mentally incapable of caring for themselves

C. Are active with and referred by the Division of Family Services

3. Non-Citizens May Qualify for Child Care

Non-citizens may qualify if both parents/caretakers meet technical and financial eligibility criteria and they meet at least one of the following criteria.

A. At least one U.S. citizen or legal alien lives in the household

B. They are aliens admitted as permanent residents who have worked 40 qualifying quarters

C. They, their spouses or unmarried dependent children are honorably discharged veterans or on active military duty.

Qualified aliens may qualify for a period of five years from the date of:

A. Obtaining status as a refugee

B. Obtaining status as a a sy lee

C. Their deportation being withheld

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

10 DE Reg. 1007 (12/01/06)

15 DE Reg. 47 (07/01/12)