

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SOCIAL SERVICES
Statutory Authority: 31 Delaware Code, Section 512 (31 Del.C. §512)

PROPOSED

PUBLIC NOTICE

Child Care Subsidy Program; Prioritizing Service Needs

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, *Prioritizing Service Needs*.

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 DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4425 by July 31, 2014.

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, *Prioritizing Service Needs*.

Statutory Authority

45 CFR §98.20, *A child's eligibility for child care services*
45 CFR §98.44, *Priority for child care services*

Background

Delaware Health and Social Services ("DHSS")/Division of Social Services ("DSS") is designated as the lead agency with primary responsibilities for the planning and administration of child care subsidies funded with the Child Care Development Fund.

The Child Care and Development Fund ("CCDF") Block Grant Act of 1990, as amended, 42 USC § 9858b (b)(1)(A), (the "Act") requires the Lead Agency to "administer, directly, or through other governmental or non-governmental agencies" the funds received. The regulations at 45 CFR 98.11 provide that, in addition to retaining "overall responsibilities" for the administration of the program, the Lead Agency must also (among other things) promulgate all rules and regulations governing the overall administration of the CCDF program.

Summary of Proposed Changes

DSSM 11004.3.1, ~~*Service Priorities*~~ *Prioritizing Service Needs*, is amended and updated to clarify priority for subsidized child care services to include teen parents enrolled in or attending middle school or high school and parent/caretakers enrolled in and participating in a General Education Diploma (GED) program.

Additionally, the following changes are made:

- the section title is changed to more accurately reflect the content of the policy;
- the applicable federal citations are added to the policy section;
- the outdated term (acronym) "Food Stamp (FS)" is removed and replaced with the current term (acronym) "Food Supplement Program (FSP)";
- the term "Family Services" is removed and replaced with the more precise term "Division of Family Services"; and,
- this section is relettered and renumbered to accommodate the new format.

DSS PROPOSED REGULATION #14-23

REVISION:

11004.3.1 ~~Service Priorities~~ *Prioritizing Service Needs*

45 CFR 98.20

45 CFR 98.44

~~In addition to the eligibility questions in Section 11004.3, determine if the applicant meets a priority for service. If the applicant has a need, but is not a service priority, services may be delayed. Delay services by placing non-service priority applicants on a waiting list while authorizing service for those who are a priority. The following families qualify for priority service:~~

- ~~A. TANF recipients who are Workfare mandatory and not working (Category 11);~~
- ~~B. TANF recipients who are working; (Category 12);~~
- ~~C. Individuals receiving FS who are mandatory E&T participants; (Category 21);~~
- ~~D. Families in Category 31 with the following need for service:~~

- ~~1. teen parents who attend high school or ABE or GED programs,~~
- ~~2. special needs parent/caretaker or child, and~~
- ~~3. homeless families as defined in Section 11003.7.2;~~
- ~~4. families who meet the 40% of FPL criteria in Section 11004.7~~

~~protective children as referred by Family Services up to the number agreed upon between DSS and Family Services.~~

~~Parents/caretakers in the above circumstances will continue to receive child care services as long as they meet the service need and they continue to meet program requirements, e.g., they continue in Food Stamp Employment & Training (FS E&T).~~

This policy applies to all Child Care Assistance applicants who may experience a delay in service due to a wait list. DSS Requires When There Is A Wait List That Certain Groups Be Given Priority.

Applicants Will Be Referred To A Waitlist If Their Need For Child Care Does Not Meet One (1) Of The Requirements.

Parents/Caretakers on the list below will continue to receive Child Care Assistance as long as they meet all eligibility requirements.

A. The following groups are given priority:

- 1. TANF applicants and recipients who are Employment and Training (E&T) Mandatory and not working (Category 11);
- 2. TANF recipients who are working (Category 12);
- 3. Individuals receiving Food Benefits (FB) who are mandatory E&T participants (Category 21);
- 4. Teen parents who are attending middle school or high school;
- 5. Parent/Caretakers or child with special needs as defined in DSSM 11003.7.8;
- 6. Homeless families as defined in DSSM 11003.7.2;
- 7. Families who meet the 40% of FPL criteria as defined in DSSM 11004.7;
- 8. Division of Family Services (DFS) may refer children to DSS for protective Child Care up to the number agreed upon by both Divisions.

18 DE Reg. 19 (07/01/14) (Prop.)