

# DEPARTMENT OF HEALTH AND SOCIAL SERVICES

## DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Section 512 (31 Del.C. §512)

### FINAL

### ORDER

An authenticated version of this regulation - certified by the Office of the Registrar of Regulations to be complete and unaltered, is available at:

<http://regulations.delaware.gov/register/june2007/final/10 DE Reg 1826 06-01-07.pdf> Child Care Subsidy Program; 11006.6 Complaints

#### NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Social Services initiated proceedings to amend policies in the Division of Social Services Manual (DSSM) as it relates to the Child Care Subsidy Program. The Department's proceedings to amend its regulations were initiated pursuant to 29 **Delaware Code** Section 10114 and its authority as prescribed by 31 **Delaware Code** Section 512.

The Department published its notice of proposed regulation changes pursuant to 29 **Delaware Code** Section 10115 in the April 2007 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by April 30, 2007 at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

#### SUMMARY OF PROPOSED CHANGE

##### Statutory Authority

- The Child Care and Development Block Grant (part of Categories 31 and 41) as amended by the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996; and,
- Title XX of the Social Security Act.

##### Summary of Proposed Change

DSSM 11006.6, *Complaints* is revised to clarify the complaint process for the child care program. This revision also adds the requirement to send a copy of the complaint to the Child Care Monitor.

#### SUMMARY OF COMMENTS RECEIVED WITH AGENCY RESPONSE AND EXPLANATION OF CHANGES

The Governor's Advisory Council for Exceptional Citizens (GACEC) and the State Council for Persons with Disabilities (SCPD) offered the following technical observations and recommendation summarized below. DSS has considered each comment and responds as follows.

In the "Client Complaints" section, DSS includes the following sentence: "Forward the complaint to the Office of Child Care Licensing with a copy to the Child Care Monitor." In the "Provider Complaints" section, DSS includes the following sentence: "Send provider complaints regarding DSS provider contracts or payments process to the Child Care Administrator." In both instances, the implication is that the Case Manager would conduct the "forwarding" and "sending". However, as written, this is not explicit. It would be preferable to modify both sentences to recite that "(t)he Case Manager will forward..." and "(t)he Case Manager will send..."

**Agency Response:** Both sentences "Forward the complaint to the Office of Child Care Licensing with a copy to the Child Care Monitor" and "Send provider complaints regarding DSS provider contracts or payments process to the Child Care Administrator" were reviewed. DSS agrees with the Councils that the text could benefit from clarification. DSS thanks the GACEC and the SCPD for their comments and have made the revisions as requested.

## FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the April 2007 *Register of Regulations* should be adopted.

**THEREFORE, IT IS ORDERED**, that the proposed regulation to amend the Division of Social Services Manual (DSSM) as it relates to the complaint procedures for the Child Care Subsidy Program is adopted and shall be final effective June 10, 2007.

Vincent P. Meconi, Secretary, DHSS, 5/11/2007

### Child Care Subsidy Program; 11006.6 Complaints

#### DSS FINAL ORDER REGULATION #07-30

#### REVISIONS:

#### 11006.6 Complaints

##### Client Complaints

~~Clients are informed as to how they~~ may make a complaint when they believe a facility is not meeting the licensing regulations or the provisions of the DSS contract. When a client makes a complaint to a Case Manager, ~~the Case Manager will~~ complete a Client Provider Complaint Information Form (Form 633), ~~and forward it~~ **[Forward the complaint. The Case Manager will forward the complaint]** to the Office of Child Care Licensing ~~or with a copy to the Child Care Monitor for action.~~ Licensing will send results of the investigation to the Child Care Administrator.

##### Provider Complaints

~~Providers may make~~ complaints regarding clients ~~should be forwarded to the Food Stamp Employment & Training Case Manager.~~ The complaint should be in writing.

~~Provider complaints regarding the system must conform to the Miscellaneous Conditions section of the Day Care Contract.~~

~~[Send Clients will send]~~ provider complaints regarding DSS provider contracts or payments process to [their Case Manager. The Case Manager will send the complaint to] the Child Care Administrator.

10 DE Reg. 1826 (06/01/07) (Final)