

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)
16 **DE Admin. Code** 11003.2.1

FINAL

ORDER

Child Care Subsidy Program, DSSM 11003.2.1, Sanctioning TANF and Transitional Work Program Recipients

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Social Services initiated proceedings to amend the Division of Social Services Manual (DSSM) regarding the Child Care Subsidy Program specifically, *Sanctioning TANF and Transitional Work Program Recipients*. 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 2011 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by April 30, 2011 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

The proposal described below amends policies in the Division of Social Services Manual (DSSM) regarding the Child Care Subsidy Program, specifically, *Sanctioning TANF and Transition Work Program Recipients*.

Statutory Authority

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

Summary of Proposed Change

DSSM 11003.2.1, ~~TANF and Transition Work Program Sanctions~~ Sanctioning TANF and Transitional Work Program Recipients: This rule revision restricts TANF and Transitional Work Program (TWP) recipients to self-arranged care when cooperating to cure a second TANF or TWP sanction. An additional change is proposed to rename this section to better describe its content.

SUMMARY OF COMMENTS RECEIVED WITH AGENCY RESPONSE

No public comments were received. Further analysis by Department and Division staff resulted in adding text to clarify that clients working to cure a second or subsequent sanction must use self arranged child care each time they are sanctioned.

FINDINGS OF FACT:

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

THEREFORE, IT IS ORDERED, that the proposed regulation to amend the Division of Social Services Manual (DSSM) regarding the Child Care Subsidy Program specifically, *Sanctioning TANF and Transitional Work Program Recipients* is adopted and shall be final effective June 10, 2011.

Rita M. Landgraf, Secretary, DHSS

DSS FINAL ORDER REGULATION #11-21

REVISIONS:

11003.2.1 ~~TANF and Transitional Work Program Sanctions~~ Sanctioning TANF and Transitional Work Program Recipients

Recipients who fail without good cause to meet requirements for the TANF Employment and Training or Transitional Work

Program are sanctioned.

When TANF recipients receive a full family sanction or fail without good cause to comply with the Transitional Work Program (TWP), they lose their TANF Child Care. This means their child care case will ~~be closed~~ close. In order to regain TANF Child Care, recipients must work to cure the sanction, ~~meaning they must cooperate~~ by cooperating with their TANF or TWP requirements.

Clients curing their TANF sanction may be eligible for child care under Presumptive Child Care Services (DSSM 11004.8).

Clients working to cure ~~their~~ a second or subsequent] TANF and/or TWP sanction[s] may only use self arranged care. Clients may choose any child care option beginning the month after the sanction is cured.

[NOTE: Clients must use self arranged care each time they are sanctioned. This requirement applies until they cooperate with their TANF or TWP requirements for 12 consecutive months.]

See 11003.2.1 TANF & Transitional Work Program - History

See 11003.7.8 Special Needs

See 3017.1 Transitional Work Program

14 DE Reg. 1373 (06/01/11) (Final)