

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

FINAL

ORDER

DSSM: 11003.7 Child Care Subsidy Program Income Eligible Child Care

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, *Income Eligible Child Care*. 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 2012 Delaware *Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by April 30, 2012 at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

SUMMARY OF PROPOSAL

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

Statutory Authority

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

Summary of Proposed Changes

DSSM 11003.7, ~~Income Eligible Child Care~~ RESERVED: This regulatory action removes this policy as most of the content is no longer relevant. What is relevant is redundant and is covered in the following sections of the Division of Social Services Manual (DSSM):

DSSM 11002.4, *Persons Eligible*

DSSM 11002.6.2, *Federal Law/Regulation*

DSSM 11002.8, *Seamless Services*

DSSM 11003, *Eligibility Requirements* and,

DSSM 11003.6, *Income Limits*.

SUMMARY OF COMMENTS RECEIVED WITH AGENCY RESPONSE

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

The GACEC and the SCPD have reviewed the Department of Health and Social Services/Division of Social Services' (DSS) proposal to amend its Child Care Subsidy Program Income Regulation. The proposed regulation was published as 15 DE Reg. 1435 in the April 1, 2012 issue of the *Register of Regulations*. Specifically, DSS proposes to delete a single regulation since the content is covered by other regulations. We have compared the provisions in the deleted regulation to the balance of the regulations and believe the content of the deleted regulation is covered by the other regulations.

GACEC and SCPD endorse the proposed regulation.

Agency Response: DSS thanks the Councils for their endorsement.

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the April 2012 *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, *Income Eligible Child Care* is adopted and shall be final effective June 10, 2012.

**DSS FINAL ORDER REGULATION #12-23
REVISION:**

11003.7 ~~Income Eligible Child Care~~ RESERVED

~~DSS provides child care to families who are financially eligible to receive care because the family's gross income is equal to or under 200 percent of the federal poverty level and they have a need for care as outlined below. These families are considered income eligible. DSS has two funding streams, CCDF and SSBG, that cover income eligible individuals.~~

~~DSS programmed the DCIS II Child Care Sub-system to identify the need and include all the child care needs into one category, Category 31. DSS also programmed the DCIS II Child Care Sub-system so that it could make the policy distinctions needed to make payments from the appropriate funding source for each child in care. Though Case Managers will not have to make these distinctions, it is helpful to know them.~~

~~They are:~~

~~1. CCDF Child Care will include:~~

- ~~a. parents/caretakers who need child care to accept or keep a job, and/or~~
- ~~b. participate in education or training as outlined in section 11003.7.4 and 11003.7.5, or~~
- ~~c. children who receive or need to receive protective services.~~
- ~~d. parents/caretakers who are homeless and need care to accept or keep a job or participate in education or training as outlined in section 11003.7.4 and 11003.7.5.~~

~~It will also include parents/caretakers who need care because of a special needs child. It will always coincide with the parent/caretaker's need to work or participate in education or training. It will not include parents/caretakers who have a special need or other adult household member who has a special need.~~

~~2. SSBG Child Care will include:~~

- ~~a. parents/caretakers who need child care to accept or keep a job,~~
- ~~b. parents/caretakers who need child care to participate in education or training as outlined in section 11003.7.4 and 11003.7.5,~~
- ~~c. parents/caretakers whose only need is a special need child or special needs adult household member,~~
- ~~d. children who need protective services, or~~
- ~~e. parents/caretakers who are homeless.~~

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

15 DE Reg. 1759 (06/01/12) (Final)