

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

FINAL

ORDER

Child Care Subsidy Program; Providing Child Care for Food Benefit Volunteers

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, *Providing Child Care for Food Benefit Volunteers*. 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 January 2013 Delaware *Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced January 31, 2013 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, *Providing Child Care for Food Benefit Volunteers*.

Statutory Authority

45 CFR §98.44, *Priority for child care services*

Background

Effective October 1, 1996, Congress enacted the Child Care Development Fund (CCDF) which consolidated funding for child care for low-income working families and families reentering the workforce. The Child Care Subsidy Program provides support for families with young children to enable the caretaker to hold a job, obtain training or meet special needs of the child. Child care may also be provided in child abuse cases to help protect the child.

Summary of Proposed Changes

DSSM 11003.3, ~~*Parent/Caretaker on Food Stamps*~~ and **DSSM 11003.3.1**, ~~*Food Stamp Guarantee*~~ *Providing Child Care for Food Benefit Volunteers*: The intent of the proposed amendment is to consolidate, reformat and clarify language to make the rules easier to understand and follow.

Additionally, the name of the section is changed to more accurately reflect the content of the policy.

The applicable federal citation is also added to the policy section.

SUMMARY OF COMMENTS RECEIVED WITH AGENCY RESPONSE AND EXPLANATION OF CHANGE(S)

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

As background, eligible parents/caretakers participating in the Food Supplement Program can participate in activities promoting employment, i.e., Food Benefit Employment and Training. Such activities include job search training, adult education and training, and post-secondary education. GACEC and SCPD have the following observations on the proposed regulation:

First, §3.E. limits post-secondary education as follows: "E. Post-Secondary Education (first degree only)." This could be interpreted as an Associates or 2 -year degree. This would be inconsistent with the attached §11003.7.5 of the DSS regulations. The latter regulation envisions "that the course of instruction will lead to a job within a foreseeable time frame, such as nursing students, ..DSS will not authorize child care services for parents/caretakers who already have one four-year college degree or are in a graduate program." It would be preferable to modify the reference in the proposed regulation to "(not to exceed initial 4-year college degree)".

Second, DSS is striking current §11003.3.1. At 719. This section clarifies: 1) that child care for eligible parents is an entitlement; and 2) that parents with a child under age 6 are exempt from participation unless they volunteer. If these

program features remain accurate, it may be preferable to retain the substance of the standard in a regulation. We did not identify another regulation which addresses the exemption for children under age 6.

Agency Response: Thank you for pointing out the inconsistency in this regulation. DSSM 11003.3 is amended to remove and to reserve the proposed language. DSS will incorporate the content and substance of section 11003.3 into another section of the Child Care Subsidy Program administrative rules. This regulatory action will be published in a future issue of the Delaware Register of Regulations.

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the January 2013 *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, *Providing Child Care for Food Benefit Volunteers* is adopted and shall be final effective March 10, 2013.

Rita M. Landgraf, Secretary, DHSS

DSS FINAL ORDER REGULATION #13-09 REVISION:

11003.3 Parent/Caretaker on Food Stamps [~~Providing Child Care for Food Benefit Volunteers~~ RESERVED] 45 CFR 98.44

~~A. DSS provides child care for a dependent child when a parent/caretaker receives Food Stamps and the parent/caretaker needs to:~~

- ~~1. participate in Food Stamp Employment and Training activities, or~~
- ~~2. volunteer to participate in Employment and Training activities (both are Category 21).~~

~~B. Persons can volunteer to participate in E&T—Food Stamps activities only as long as the activity for which they volunteer is a component activity of E&T—Food Stamps. Acceptable E&T—Food Stamps component activities are:~~

- ~~1. Independent Job Search,~~
- ~~2. One Stop Delivery System,~~
- ~~3. Adult Education, and Training,~~
- ~~4. Workfare Program (ABAWD only),~~
- ~~5. Post-Secondary Education (first degree only), and~~
- ~~6. Refugee and Asylee Services.~~

~~Mandatory participants who fail to participate receive a sanction. Persons who receive a sanction lose their child care while the sanction remains in effect.~~

~~11003.3.1 Food Stamp Guarantee~~

~~To the extent that child care is necessary for an eligible Food Stamp recipient to participate in Food Stamp Employment & Training—Food Stamps, DSS guarantees the recipient's child care. Note, however, that parent/caretakers responsible for a child under the age of six are exempt from participation in E&T—Food Stamps activities unless they choose to volunteer. DSS considers parent/caretakers receiving Food Stamp Employment & Training—Food Stamps Child Care a priority, and will typically provide service when DSS has a waiting list. Again, because DSS provides E&T—Food Stamps Child Care as an entitlement, recipients are to receive timely and adequate notice requirements before any termination or reduction in benefits.~~

~~Refer to DSSM 9200, 9201, 9202, and 9203 for further discussion of Food Stamp Employment & Training—Food Stamps.~~

~~**[This policy applies to parents/caretakers who volunteer for Food Benefit Employment and Training and receive child care assistance.**~~

~~**1. DSS provides child care for parents/caretakers who volunteer to participate in the Food Benefit Employment and Training Program.**~~

~~**2. Clients may only participate in DSS approved Food Benefit Employment and Training components.**~~

~~**3. Food Benefit Employment and Training components are:**~~

- ~~**A. Independent Job Search**~~
- ~~**B. Job Search Training**~~
- ~~**C. Adult Education and Training**~~
- ~~**D. Workfare (ABAWD only)**~~
- ~~**E. Post Secondary Education (first degree only)**~~
- ~~**F. Refugee and Asylee Services**~~

~~**The DSS Worker will close the child care case of recipients of who stop volunteering with the E&T vendor or**~~

~~are dis-enrolled due to unsatisfactory participation in the program~~

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Exception: The Worker will not close the case if the recipient has another need for child care that will allow the benefit to remain open.

~~Refer to DSSM 10000 for further discussion of Food Benefit Employment & Training (FB E&T). Refer to DSSM 10000 for further discussion of Food Benefit Employment & Training (FB E&T).]~~

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

16 DE Reg. 990 (03/01/13) (Final)