

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

PROPOSED

PUBLIC NOTICE

Child Care Subsidy Program: Determining Technical Eligibility for Child Care

In compliance with the State's Administrative Procedures Act (APA - 29 Del.C. Ch. 101) and under the authority of 31 Del.C. §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, *Determining Technical Eligibility for Child Care Assistance*.

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 May 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, *Determining Technical Eligibility for Child Care Assistance*.

Statutory Authority

45 CFR §98.20, *A child's eligibility 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 11003, *Determining Technical Eligibility for Child Care Assistance*, is amended to clarify eligibility for subsidized child care services. In order to qualify for child care services, the family must need care for certain reasons. The following reasons are being added to the list of reasons: teen parents enrolled in or attending middle school or high school or parent/caretakers enrolled in and participating in a General Education Diploma (GED) program.

DSS PROPOSED REGULATION #14-09

REVISION:

11003 Determining Technical Eligibility for Child Care Assistance

45 CFR 98.20

PRWORA 401 and 402

This policy applies to applicants for and recipients of child care assistance.

1. Parents/Caretakers Must Meet Certain Eligibility Criteria

To be technically eligible parents/caretakers must have a need that requires them to be out of the home or reasonably unavailable to provide supervision (e.g., a medical condition, needing rest because of working a third shift, etc.).

- A. Parents/Caretakers must be Delaware residents
- B. Parents/Caretakers who need services ~~to~~ must meet one of the following:
 - 1. Accept or keep a job
 - 2. Participate in a DSS Employment and Training program
 - 3. Participate in the Transitional Work Program
 - 4. Participate in job search
 - 5. Have a break in education/training
 - 6. Prevent child abuse or neglect as referred by ~~DFS~~ Division of Family Services (DFS)
 - 7. Provide care for the children) when the parents/caretakers have a special need
 - 8. Enrolled and attending middle school or high school
 - 9. Enrolled and participating in a General Education Diploma (GED) program.
- 2. Children Must Meet Certain Criteria
Children may be eligible if they:
 - A. Live in the home and are under the age of 13
 - B. Live in the home and are age 13 to 18 and are physically or mentally incapable of caring for themselves
 - C. Are active with and referred by the Division of Family Services
- 3. Non-Citizens May Qualify for Child Care Assistance
Non-citizens may qualify if:
 - A. At least one U.S. citizen or legal alien lives in the household
 - B. Both parents/caretakers meet technical and financial eligibility criteria.
 - C. The following aliens qualify for a period of five (5) years from the date of:
 - 1. Obtaining status as a refugee or
 - 2. Obtaining status as an asylee or
 - 3. Their deportation is being withheld
 - D. They are aliens admitted as permanent residents who have worked ~~40~~ forty (40) qualifying quarters
 - E. They, their spouses or unmarried dependent children are honorably discharged veterans or on active military duty.

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

10 DE Reg. 1007 (12/01/06)

15 DE Reg. 47 (07/01/12)

16 DE Reg. 319 (09/01/12)

17 DE Reg. 1038 (05/01/14) (Prop.)