

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

PUBLIC NOTICE

PROPOSED

**3003 Non-Time Limited Program-Children's Program;
3031 Work for Your Welfare**

Temporary Assistance for Needy Families

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Social Services / is proposing to amend the Division of Social Services Manual (DSSM) regarding Delaware's Temporary Assistance for Needy Families Welfare Reform Program.

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, and P.O. Box 906, New Castle, Delaware 19720-0906 by November 30, 2004.

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 Proposed Changes

1) DSSM 3003 Non-Time Limited Program – Children's Program

- In accordance with the Trademark Agreement, replaced previous program name with Delaware's Temporary Assistance for Needy Families Welfare Reform Program, where applicable.
- Adds language that states if a family is placed in the TANF Children's Program because the parent or caretaker is caring for a disabled family member, DSS will obtain a statement or have the DSS Medical Certification form completed by a medical professional to verify that the person is needed in the home to care for the disabled family member.

2) DSSM 3031 Work for Your Welfare

- Adds language that states to be exempt from Workfare, TANF recipients who are employed need to be earning at least the equivalent of minimum wage at twenty hours per week.

DSS PROPOSED REGULATION #04-21

3003 Non-Time Limited Program - Children's Program

DELAWARE'S ~~A BETTER CHANCE~~ TEMPORARY ASSISTANCE FOR NEEDY FAMILIES WELFARE REFORM PROGRAM creates a non-time-limited program for certain families, referred to as the Children's Program. Families with the following status will receive benefits in the Children's Program:

- Families that the agency has determined are unemployable and unable to achieve self-sufficiency, either because a parent is too physically or mentally disabled to work in an unsubsidized work setting or because the parent is needed in the home to care for a child or another adult disabled to that extent; or
- Families headed by a non-needy, non-parent caretaker; or
- Families where the agency has determined that the adult caretaker is temporarily unemployable. Based on medical information, DSS will set the duration of the unemployability. The caretaker has the responsibility to request an extension and provide proof of continuing unemployability. Otherwise, DSS will consider the caretaker employable and transfer the family to the time-limited program.

- Families in which the adult files a claim or has a claim being adjudicated for SSI or disability insurance under OASDI. (In this case, the family must sign an agreement to repay cash benefits received under the Children's Program from the proceeds of the first SSI/DI check received. However, the Division will require this only as long as the SSI/DI benefit includes retroactive payments for a period when the family received benefits under the Children's Program. The amount repaid will not exceed the amount of the retroactive SSI/DI benefit.)

In cases for which the family is placed in the Children's program because the parent (or other caretaker relative) is caring for a disabled family member, DSS will obtain a statement from a medical professional or have the DSS Medical Certification form completed by a medical professional to verify that the person is needed in the home to care for the disabled family member.

CONTRACT OF MUTUAL RESPONSIBILITY requirements and sanctions for non-compliance apply to families in the Children's Program.

3031 Work For Your Welfare

All two-parent households, who are without employment, must enter a Work For Your Welfare activity to qualify for benefits. Single adult recipients, who reach their 22nd month of benefit and are without employment, and all eligible applicants on or after 01/01/2000, must enter a Work For Your Welfare activity to qualify for benefits. Additionally, all TANF recipients who are employed must earn at least the equivalent of minimum wage at twenty hours per week will be considered mandatory for Work for Your Welfare. Work for Your Welfare is defined as a work experience program in which participants work to earn their benefits. In addition, DSS requires each participant to complete 10 hours of job search activity per week. The failure to complete job search as required will result in a progressive 1/3 sanction. For two parent households, one parent must participate in the work for your welfare program in order to earn benefits. The second parent, unless exempt, must also participate in required employment related activities as defined by DSS and the DSS contractor.

Currently DSS operates the work for your welfare program under contract with a work for your welfare services provider. The provider assumes responsibility for the assessment, placement and monitoring of all work for your welfare participants in unsalaried work assignments. The work assignments are with public or nonprofit organizations. In return for their services, participants earn the amount of the benefit they are eligible to receive.

Work for your welfare is not preferable to participants obtaining unsubsidized employment. Though the work for your welfare assignment should be a safe assignment, it should not be more attractive than unsubsidized employment.

DSS is to ensure that no participants placed in work for welfare activities displace regular paid employees of any of the organizations providing the placements.

Since placements are not voluntary, DSS expects participants to accept assignments unless the assignment represents an unreasonable health and safety risk (e.g., the participant has a health condition, which would be aggravated by the assignment).

Participants cannot appeal their assignments to work for your welfare work sites

6 DE Reg. 670 (11/01/04)