

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SOCIAL SERVICES

Statutory Authority: 16 Delaware Code, Section 512 (16 Del.C. §512)
16 DE Admin. Code 9076

PROPOSED

PUBLIC NOTICE

Food Supplement Program; Treatment of Income and Resources of Certain Non-Household Members

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 policies in the Division of Social Services Manual (DSSM) regarding the Food Supplement Program, specifically, *Treatment of Income and Resources of Certain Non-Household Members*.

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 October 31, 2011.

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 Food Supplement Program, specifically, *Treatment of Income and Resources of Certain Non-Household Members*.

Statutory Authority

7 CFR §273.11(c), *Treatment of Income and Resources of Certain Non-Household Members*

Summary of Proposed Changes

DSSM 9076, *Treatment of Income and Resources of Certain Non-Household Members* and DSSM 9076.1, *Intentional Program Violation, Felony Drug Conviction or Fleeing Felon Disqualifications or and Work Requirement Sanctions*: Senate Bill (SB) 12 of the 146th General Assembly eliminated the bar to receipt of food benefits for those convicted of a felony drug conviction. This policy change removes text from the policy manual that says individuals convicted of a felony drug conviction are ineligible for food benefits. SB 12 was effective upon the Governor's signature on June 22, 2011 and affects benefits beginning July 1, 2011.

DSS PROPOSED REGULATION #11-42

REVISIONS:

9076 Treatment of Income and Resources of Certain Non-Household Members

~~{273.11(c)}~~

~~During the period of time that a household member cannot participate because (s)he:~~

~~Is an ineligible alien;~~

~~Is ineligible because of disqualification for an intentional Program violation;~~

~~Is ineligible because of disqualification for or refusal to obtain or provide an SSN; or~~

~~Is ineligible for failing to sign the application attesting to his/her citizenship or alien status.~~

~~Is ineligible because of having made a fraudulent statement or misrepresentation to the identity and/or place of residence in order to receive multiple benefits at the same time per DSSM 2024;~~

~~Is ineligible for being a fleeing felon or probation/parole violator per DSSM 2025.~~

~~Is ineligible for being convicted of trafficking food stamps of \$500 or more per DSSM 2026.~~

~~Is ineligible due to work requirements per DSSM 9018.~~

~~Determine the eligibility and benefit level of any remaining household members in accordance with the procedures outlined in this section.~~

~~7 CFR 273.11(c)~~

During the period of time that a household member cannot participate for the reasons below, determine the eligibility and benefit level of any remaining household members in accordance with sections 9076.1 through 9076.4.

The household member cannot participate because he or she is:

1. An ineligible alien.
2. Disqualified for an intentional Program violation.
3. Disqualified for or refusal to obtain or provide an SSN.
4. Ineligible for failing to sign the application attesting to his/her citizenship or alien status.
5. Ineligible because of having made a fraudulent statement or misrepresentation of his or her identity in order to receive multiple benefits at the same time per DSSM 2024.
6. Ineligible because of having made a fraudulent statement or misrepresentation about his or her place of residence in order to receive multiple benefits at the same time per DSSM 2024.
7. Ineligible for being a fleeing felon or probation/parole violator per DSSM 2025.
8. Ineligible for being convicted of trafficking food benefits of \$500 or more per DSSM 2026.
9. Ineligible due to work requirements per DSSM 9018.
10. Ineligible due to the time limit for Able-bodied Adults without Dependents per DSSM 9018.2.

9076.1 Intentional Program Violation, Felony Drug Conviction or Fleeing Felon Disqualifications ~~or~~ and Work Requirement Sanctions

~~Determine as follows the eligibility and benefit level of any remaining household members of a household containing individuals determined ineligible because of the disqualifications or sanctions listed below:~~

~~Is ineligible because of disqualifications for an intentional Program violation;~~

~~Is ineligible because of having made a fraudulent statement or misrepresentation to the identity and/or place of residence in order to receive multiple benefits at the same time;~~

~~Is ineligible for being a fleeing felon or probation/ parole violator;~~

~~Individuals who are ineligible because of a drug related felony conviction per DSSM 2027;~~

~~Is ineligible for being convicted of trafficking food stamps of \$500 or more.~~

~~1) Income, resources and deductible expenses – the income and resources of the ineligible household member(s) continue to count in their entirety, and the entire household's allowable earned income, standard, medical, dependent care, child support payment, and excess shelter deductions continue to apply to the remaining household members.~~

~~2) Eligibility and benefit level – the ineligible member is not included when determining the household's size for the purpose of:~~

~~a) Assigning a benefit level to the household;~~

~~b) Comparing the household's monthly income with the income eligibility standards; or~~

~~c) Comparing the household's resources with the resource eligibility limits. Ensure that no household's food stamp allotment is increased as a result of the exclusion of one or more household members.~~

7 CFR 273.11(c)

For households containing individuals determined ineligible because of the disqualifications or sanctions listed below, determine the eligibility and benefit level of any remaining household members as follows:

Disqualifications or Sanctions

1. Disqualified for an intentional Program violation.
2. Ineligible because of having made a fraudulent statement or misrepresentation of his or her identity in order to receive multiple benefits at the same time.
3. Ineligible because of having made a fraudulent statement or misrepresentation about his or her place of residence in order to receive multiple benefits at the same time.
4. Ineligible for being a fleeing felon or probation/ parole violator.
5. Ineligible for being convicted of trafficking food benefits of \$500 or more.

Eligibility and Benefit Determination

1. Income, resources and deductible expenses

A. Count all the income and resources of the ineligible household member(s) in the eligibility and benefit determination.

B. Apply all allowable earned income and deductions to the entire household. Include all deductions the ineligible household member would receive if he or she was included in the household size. Count the following deductions:

1. Standard
2. Medical
3. Dependent care
4. Child support payment
5. Excess shelter

2. Eligibility and benefit level

Do not include the ineligible member when determining the household's size when:

A. Assigning a benefit level to the household.

B. Comparing the household's monthly income with the income eligibility standards.

C. Comparing the household's resources with the resource eligibility limits. Ensure that no household's food benefit is increased as a result of the exclusion of one or more household members.

15 DE Reg. 451 (10/01/11) (Prop.)