

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
Division of Social Services

6000 Emergency Assistance Services

6000 Purpose

The purpose of Emergency Assistance is to avoid the destitution of a child or of a needy distressed resident of the State by providing payments which eliminate or alleviate an emergency condition. An emergency is caused by an unforeseen circumstance or combination of circumstances or the resulting state that calls for immediate action.

6001 Reserved

16 DE Reg. 426 (10/01/12)

6002 Determining Eligibility for Emergency Assistance

Title IV §404(a)(2), 31 Del. Code §521

This policy applies to Delaware residents who are experiencing a crisis due to unforeseen circumstances. Services are provided through the Division of State Service Centers (DSSC).

1. DHSS Staff Determine Eligibility

Individuals or families must meet technical and financial eligibility criteria.

Technical Eligibility

Only the following Delaware residents may participate:

- A. Individual or family receiving the following types of cash assistance:
 - 1. Temporary Assistance for Needy Families (TANF)
 - 2. General Assistance (GA)
 - 3. Supplemental Security Income (SSI)
- B. Individual or family receiving or eligible for the following types of Medicaid:
 - 1. 1931 Medicaid
 - 2. Transitional Medicaid
 - 3. Prospective Medicaid
 - 4. Poverty-related Pregnant Women, Infants and Children Medicaid
- C. Family has children at risk of removal from their home due to abuse or neglect, or the children are suspected at risk of abuse or neglect
- D. Family has children at risk of removal from the community
- E. Family has children removed from their home due to abuse or neglect, or the children were suspected at risk of abuse or neglect
- F. Family has children removed from the community

Financial Eligibility

- A. Household Income Is Limited
Income eligibility is met if the family meets the technical eligibility criteria above.
- B. Household Resources Are Limited
 - 1. The emergency must have resulted from an unforeseen circumstance or combination of circumstances that are beyond the recipient's control.
 - 2. Medicaid individuals and families cannot have resources immediately accessible to meet their needs.
 - 3. The child cannot have resources immediately accessible to meet his or her needs, or
 - a. the emergency assistance is necessary to avoid the destitution of the child, or
 - b. emergency assistance is necessary to provide the child living arrangements in a home.

**TITLE 16 HEALTH AND SAFETY
DELAWARE ADMINISTRATIVE CODE**

2. DHSS Staff Limits Assistance to Recipients

This section only applies to those who are technically eligible due to receipt of cash or medical assistance as listed in Technical Eligibility above.

- A. Applicants for assistance must have a qualifying emergency. A qualifying emergency is one that resulted from an unforeseen circumstance or combination of circumstances that are beyond the recipient's control.

NOTE: A recipient whose money is stolen may receive assistance if the recipient provides a police report of the incident.

DHSS will not authorize emergency assistance when the emergency was due to a recipient's failure to comply with a requirement of a Division of Social Services program. This includes individuals whose grant was reduced as the result of a sanction or disqualification.

Example:

- a. Mary was sanctioned which resulted in a reduction of her TANF grant. Because she has less money she is not able to pay her electric bill. She is not eligible for emergency assistance because a grant reduction is a foreseeable consequence of a sanction.
- b. Joey was disqualified which resulted in a reduction of his TANF grant. Because he has less money he is not able to pay his rent. At the same time his refrigerator breaks down. This is not a result of his disqualification (grant reduction) and Joey could be eligible for emergency assistance to repair or replace his refrigerator.

16 DE Reg. 426 (10/01/12)

6003 Making Payments for Emergency Assistance Services

31 Del.Code §521

This policy applies any time a payment is issued for Emergency Assistance Services.

1. DHSS Makes Payments to Vendors

Payments for Emergency Assistance Services are made by check directly to the vendor..

Exception: Payments for food may be made directly to the recipient.

2. DHSS Limits Amounts and Frequency of Payments to Vendors

A household can receive approval for a payment from each of the following categories. Payment is limited to one period of 30 consecutive days in any twelve consecutive months.

Payments authorized within the 30-day period may cover needs which will arise during the 60 consecutive days beginning on the day after the end of the 30-day period.

Payments authorized within the 30-day period may cover debts which became due and payable within the 60 consecutive days immediately prior to the day the recipient applies for assistance.

The maximum payment a household can receive during the 30 day period is:

- A. \$1,200 for emergency shelter certified by the Department of Health and Social Services (DHSS)
- B. \$450 for mortgage or rent assistance
- C. \$200 for other costs related to the self-sufficiency of the household

3. Payment Limits Apply to the Original Household

The payment limitation and time restrictions apply only to the original household.

Former members of a household that received emergency assistance may themselves receive assistance if they had not requested funds while part of the original household. For example, a household (F1) contains two TANF cases (A1) and (A2).

A1 receives emergency assistance to purchase a refrigerator in July. In September A2 moves to her own apartment. Several months later in December A2 needs money to pay the rent because her money was stolen. A2 can receive help because she is no longer part of the F1 household and while part of the F1 household had not requested assistance. If A1 asked for help, A1 would be denied because A1 received an emergency assistance payment less than twelve months ago.

16 DE Reg. 426 (10/01/12)

6004 Reserved

16 DE Reg. 426 (10/01/12)

6005 Providing Assistance for Qualified Emergencies

31 Del. Code §521

This policy applies after applicants are determined eligible for Emergency Assistance services.

1. Emergency Assistance is Provided for Qualified Emergencies

Recipients with an emergency as defined in DSSM 6000 and who meet the eligibility criteria in DSSM 6002 are eligible to receive emergency assistance.

The covered items and the conditions that must be present before payments can be authorized are listed below.

A. Home repairs

The repair must be needed to assure adequate heating, refrigeration, cooking facilities, and water supplies.

B. Shelter expense

The recipients must be homeless or in jeopardy of losing their home. They cannot be more than 60 days behind in making payments on rent or mortgage or property taxes.

A maximum of \$1,200 is allowed to provide a homeless recipient with up to 90 consecutive days of temporary emergency shelter in a DHSS certified shelter.

A maximum of \$650 is allowed to help a recipient:

- a. Secure permanent shelter
- b. Maintain existing shelter
- c. Transition from temporary emergency shelter to secure permanent shelter

1. Temporary emergency shelter

i. DHSS will authorize temporary emergency shelter in a DHSS certified shelter that meets the recipient's needs. DHSS will not count cash assistance received or money counted to determine the amount of cash assistance when authorizing temporary shelter.

ii. DHSS will authorize the maximum time and amount allowed for temporary emergency shelter unless the recipient refuses to:

- a. Relocate to subsequently arranged temporary emergency shelter in a free shelter
- b. Actively seek permanent housing and cooperate with DHSS in monitoring progress of the housing search

Cooperation with the housing search requires the recipient to:

- i. Contact DHSS at least weekly at mutually agreed upon times by telephone or arranged office appointment
- ii. Make housing contacts
- iii. Keep appointments
- iv. Discuss progress with the worker

Failure to cooperate without good cause (e.g., illness of recipient or immediate family member, no viable contacts remaining) will result in termination of the recipient's authorization for temporary emergency shelter

iii. DHSS will not authorize temporary emergency shelter if free or permanent shelter is available or was refused without good cause.

Good cause includes the need for a family member to remain in a school district or near an employer when public or private transportation is not reasonably available.

iv. The recipient has the primary responsibility for seeking and securing permanent shelter.

2. Permanent shelter

Recipients must be able to maintain ongoing permanent shelter costs in order to receive help toward permanent shelter. Assistance can be used to pay *up to* two months' arrearage or the first month's rent and/or security deposit. See DSSM 6003 for amounts and limitations.

C. Moving expenses

TITLE 16 HEALTH AND SAFETY DELAWARE ADMINISTRATIVE CODE

The move must be necessitated by a crisis situation such as fire, eviction or condemnation of a house. The applicant must provide estimates before payments can be authorized.

D. Household appliances and home furnishings

The appliance or furnishing must be needed to assure adequate heating, refrigeration, and cooking facilities, and to provide appropriate sleeping arrangements. Funds may be used to purchase new items or replace existing items.

Exception: When an existing item is replaced, it must be worn out. Replacement of existing items is not permitted if the item is still serviceable.

E. Medical needs

A medical need is present if that need could result in serious impairment of health, prolonged hospitalization, or death.

F. Fuel and utility bills

The recipient must have an unpaid bill which became due and payable within 60 consecutive days immediately prior to the day the recipient applies for assistance. The recipient must be in immediate jeopardy of having his or her service disconnected or be unable to purchase fuel to maintain adequate living conditions. Recipients who have applied for funds under the Energy Crisis Assistance Program (ECAP) are eligible for assistance only when a delay in receiving ECAP funds will cause a hardship.

G. Food expenses

A food need is present that could result in hunger in spite of the expedited service requirements of the Food Supplement Program. Households eligible for expedited service must receive their food benefits within 7 calendar days following the date the application was filed.

Payments for food expense are limited as follows

1 person	\$20.00
2 - 4 persons	\$27.00
5 - 7 persons	\$33.00
8 - 10 persons	\$40.00
11 or more persons	\$53.00

H. Clothing

Assistance for clothing is authorized only if the need results from fire or theft and there is no other resource available.

I. Transportation

Costs are allowed only when:

- a. The consequences arising out of the emergency demand that transportation be provided to the client in order to improve the situation
- b. Free transportation is not available, such as, transportation under Title XIX

16 DE Reg. 426 (10/01/12)

6006 Offering Emergency Assistance Services

This policy applies to any staff assigned to provide emergency assistance services.

Emergency Assistance Staff Offer Specific Services

Emergency assistance staff will offer at least the following services, as required.

- A. In personal and family crisis situations:
 1. Provide casework or counseling service
 2. Arrange for emergency financial assistance, if necessary
 3. Provide other services required because of the nature of the emergency situation
- B. In medical crisis situations:
 1. Obtain the services of a physician for a client

2. Arrange for the care of dependents
3. Assist in obtaining other services and assistance, such as medical diagnosis treatment, care in appropriate settings
- C. In housing and maintenance crisis situations:
 1. Secure temporary shelter, utilities, food, clothing, and other maintenance items for the duration of the emergency
 2. Refer applicants to appropriate agencies for assistance in obtaining permanent living arrangements appropriate to the client and his/her dependents after they leave a temporary shelter
 3. Provide necessary replacement of lost household furniture, equipment and supplies
 4. Provide temporary financial assistance

16 DE Reg. 426 (10/01/12)

6007 Reserved

16 DE Reg. 426 (10/01/12)

6008 Department of Services for Children, Youth and Their Families - Policy and Procedures for EAS

6008.1 Purpose

45CFR, Subsection 233.120 authorizes emergency assistance to needy families with children. The statute enables states to receive matching funds for state authorized emergency assistance services. A state is eligible for reimbursement if the services provided are used to prevent a potential family disruption.

The State Plan for Title IV-A, Emergency Assistance, of the Social Security Act details the agreement between the Delaware Department of Health and Social Services and the U.S. Department of Health and Human Services for determining service eligibility.

6008.2 Policy

A. It is the policy of the DSCYF that the protection and safety of a child are always its first priorities. Services provided are child centered and family focused.

B. The caseworker/DSCYF staff will complete and submit an application for Emergency Assistance to enable the Department to recover federal reimbursement for services which are provided to eligible cases to prevent out-of-home placement, to provide out-of-home care or to reunify the family.

C. An Emergency Assistance application must be completed for each child within a family which meets the emergency criteria (see Definitions).

D. Services will be provided to the child/family regardless of family Emergency Assistance eligibility.

6008.3 Definitions

A. Authorization: when a worker is satisfied that a child has met the eligibility criteria for Emergency Assistance services.

B. Child: a person who has not yet reached the age of 18. (1 **Del.C.**, Subsection 302)

C. Date of application: date of the Emergency Assistance application; initiates a thirty (30) day clock to authorize services.

D. Disruption: risk of removal or removal from family.

E. Effective date: date of service delivery initiation which starts the twelve month eligibility period; may include services delivered up to 30 days prior to application and services delivered on or subsequent to the date of application.

F. Emergency: when a child is at risk of removal, there is a need for immediate removal, reunification with the family is pending and there is a potential for disruption or disruption has occurred.

G. Emergency Assistance: federally reimbursable services provided to meet situations requiring immediate action or emergencies where the child may be removed from the family.

TITLE 16 HEALTH AND SAFETY
DELAWARE ADMINISTRATIVE CODE

H. Family: a child and a parent or custodial adult.

I. Out-of-home care: when a child is not living with a legal parent.

J. Specified Relative: per the Social Security Act, parents (biological, adoptive, and step) and those persons denoted by grand, great, great-great; sibling, aunt, uncle, niece, nephew, first cousin and child of the first cousin; the relationship continues despite death or divorce.

K. Resources: cash on hand (in pocket, checking or savings) to alleviate the emergency conditions. A family is without resources where family income is less than \$73,000. Worker judgement will be used based on file documents, family provided information, and worker knowledge of the family. The income level established is two times the State median income.

6008.4 Procedures

A. The Emergency Assistance application may be triggered by a family emergency in one of the three following case events occurring in DSCYF programs:

1. completion of a risk assessment and the case remains open for program services (if no additional services are necessary and the case is closed, no EA application is necessary).
2. out-of-home placement (e.g., emergency shelter, foster care, detention, hospitalization) of a child.
3. the potential or actual disruption of a family reunification (occurs when a child is returned home from out-of-home care).

B. A family/child will be eligible for Emergency Assistance when they meet the following eligibility requirements:

1. within the six months prior to the application, a child has spent a minimum of one night residing with a specified relative.
2. the need for emergency assistance was not created because an adult family member refused to accept employment or training for employment.
3. the child is without resources immediately accessible to meet his/her needs to alleviate the emergency condition.

C. FACTS Emergency Assistance (EA) Application Screen Procedures are used for a case already entered into FACTS. At page 23-1 in the FACTS User's Manual, the EA application procedures are described. Once the application screens are completed, there is no further EA action necessary for the person making this application.

6100 Providing Transitional Resources To Relative Caregivers

31 Del.C. §356, SSA §404

This policy applies when a non-parent relative needs assistance to provide for the needs of a child who has moved into the home within the last 180 days. Payments made by the Program are disregarded for the Emergency Assistance Program, Division of Social Services cash assistance programs, the Food Supplement Program, and the Child Care Subsidy Program.

Refer clients to the Division of State Service Centers to receive services.

16 DE Reg. 211 (08/01/12)

6101 Reserved

5 DE Reg. 2308 (06/01/2002)

16 DE Reg. 211 (08/01/12)

6102 Reserved

5 DE Reg. 2308 (06/01/2002)

16 DE Reg. 211 (08/01/12)

6103 Determining Eligibility

31 Del.C. §356, SSA §404

1. Applicants Must Meet Financial Criteria

Applicants must meet the following financial criteria.

A. Income.

1. The income of the household cannot exceed 200% FPL for the household size. Count only the income of the caregiver and the caregiver's spouse. The household size is the caregiver, caregiver's spouse and the caregiver's children under age 18.
2. Do not count the income of the child moving into the home and any siblings (or half-siblings) who also reside in the home.

B. Resources are excluded.

2. Applicants Must Meet Technical Criteria

Applicants must meet the following technical criteria.

- A. Relationship. The child is living with a relative within the 5th degree of relationship, as defined by DSSM 3004.

Exception: The parent cannot live in the home with the caregiver.

- B. Age. The child is less than 18 years of age.

C. Residence. Applicants live in Delaware. Persons who currently live in Delaware and plan to stay, including the homeless, meet the residency requirement.

D. Time Limitation. The child has been living in the caregivers home less than or equal to **180** days.

E. Citizenship. The child is a citizen or a lawfully admitted alien.

F. Need. The child has need for one or more of the covered services.

3. Applicants Must Verify Eligibility Factors

The following eligibility factors must be documented.

A. Household income.

B. The identity of the caregiver(s)

C. Alien status of the child

D. Cost of needed services. Caregivers have the option of presenting estimates from a vendor for the needed services or receipts itemizing the expenditures for the needed service. See DSSM 6108 listing conditions for caregiver reimbursements.

The following eligibility factors are accepted by declaration.

A. Age. The date of birth of the child(ren).

B. Relationship. The relationship of family members

C. Delaware residency

D. Time limitation

E. Citizenship of the child

5 DE Reg. 2308 (06/01/2002)

16 DE Reg. 211 (08/01/12)

6104 Reserved

5 DE Reg. 2308 (06/01/2002)

16 DE Reg. 211 (08/01/12)

6105 Reserved

5 DE Reg. 2308 (06/01/2002)

16 DE Reg. 211 (08/01/12)

6106 Reserved

5 DE Reg. 2308 (06/01/2002)

16 DE Reg. 211 (08/01/12)

TITLE 16 HEALTH AND SAFETY
DELAWARE ADMINISTRATIVE CODE

6107 Reserved**5 DE Reg. 2308 (06/01/2002)****16 DE Reg. 211 (08/01/12)****6108 Making Payments For Covered Services****31 Del.C. §356, SSA §404**

This policy applies to Kinship Care Transitional Resource Program recipients. Payments made by the Program are disregarded for the Emergency Assistance Program, Division of Social Services cash assistance programs, the Food Supplement Program, and the Child Care Subsidy Program.

There is no guarantee services will be provided. DHSS reserves the right to limit services based on available resources and funding.

1. DSSC May Pay the Vendors

Caregivers may elect to verify the cost of needed services by presenting estimates to Division of State Service Centers (DSSC) staff. In these instances payments are made by check payable to the vendor.

2. DSSC May Reimburse the Caregivers

The caregiver may be reimbursed when the following conditions are met:

- A. The purchase(s) are made after application for the Kinship Care Transitional Resource Program
- B. The purchases were approved in advance by DSSC staff
- C. The caregiver provides verification of the purchase(s).

3. Benefit Amounts Are Limited

The maximum benefit is \$500 per child per transition period per year. The year starts with the date benefits were provided by the Kinship Care Transitional Resource Program.

4. Covered Items/Services Are Limited

The Kinship Care Transitional Resource Program payment is made to meet the needs arising from the child's moving into the caregiver's home. Payments may be used for items and/or services such as but not limited to:

- A. Clothing for the child.
- B. Furniture such as beds, chairs, dressers
- C. Bed linens, blankets, towels
- D. School supplies such as notebooks, pencils, calculators, etc.
- E. Items which directly foster child health or safety such as a car seat or infant monitor
- F. Supplies

Exception: Recreational electronic equipment such as personal computers, televisions, or stereos is not covered.
--

5 DE Reg. 2308 (06/01/2002)**16 DE Reg. 211 (08/01/12)****6111 Fair Hearing Practice and Procedures****45 CFR 205.10**

Applicants and recipients have the right to request a fair hearing if they disagree with any Kinship Care Transitional Resource Program decision made by the Division of State Service Centers. See DSSM section 5000. The Division of Social Services Hearing Office will schedule and conduct the fair hearings.

5 DE Reg. 2308 (06/01/2002)**16 DE Reg. 211 (08/01/12)**