

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

FINAL

ORDER

Nature of the Proceedings

Delaware Health and Social Services (“Department”) / Division of Social Services initiated proceedings to amend the policies of the Food Stamp Program in the Division of Social Services Manual (DSSM) as it relates to joint application processing. 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 February 2005 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by March 2, 2005 at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

Summary of Proposed Changes

Citations

- 7 CFR 273.2(j): PA, GA and Categorically Eligible Households
- Federal Final Rules of Food Stamp Program: Noncitizen Eligibility and Certification Provisions of Public Law 104-193, as Amended by Public Laws 104-208, 105-33, and 105-185.

The changes require DSS to notify TANF/GA/RCA households:

- that time limits or other requirements that apply to the receipt of TANF/GA/RCA benefits do not apply to the receipt of food stamp benefits; and
- that households no longer receiving TANF/GA/RCA may still be eligible for food stamp benefits.

Additionally, the proposed changes:

- encourage applicants to continue to apply for food stamp benefits even if the household determines not to apply for TANF/GA/RCA; and
- inform households that receiving food stamps will have no bearing on any other program’s time limits that may apply to the household.

Summary of Comments Received with Agency Response

The Delaware Developmental Disabilities Council (DDDC) and the State Council for Persons with Disabilities (SCPD) provided the following comment:

We endorse the proposed regulation because DSS must advise recipients losing eligibility under TANF, GA, or RCA that may still be eligible for Food Stamps. Indeed, DSS must encourage continued participation in the Food Stamp program. However, the word “for” appears to have been omitted in Section 9028.1, first sentence between the words “applying” and “TANF”.

Agency Response: Thank you for your endorsement. The word “for” was inadvertently omitted during publication. The Final Regulation shows the correct version, as intended.

Findings of Fact

The Department finds that the proposed changes as set forth in the February 2005 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend the Food Stamp Program as it relates to joint application processing is adopted and shall be final effective April 10, 2005.

**DSS PROPOSED REGULATION #05-01
REVISIONS:**

9028.1 Joint Application Processing

Notify households applying [for] TANF/GA/RCA of their right to apply for food stamp benefits at the same time and permit them to do so. DSS will notify such households that time limits or other requirements that apply to the receipt of TANF/GA/RCA benefits do not apply to the receipt of food stamp benefits. DSS will also notify such households, which cease receiving TANF/GA/RCA because they have reached a time limit, have begun working, or were closed for other reasons, that they may still be eligible for food stamp benefits. DSS will encourage applicants to continue to apply for food stamp benefits even if household determines not to apply for TANF/GA/RCA due to the requirements or disadvantages of that program. DSS will inform households that receiving food stamps will have no bearing on any other program's time limits that may apply to the household. These households' food stamp eligibility and benefit levels are to be based solely on food stamp eligibility criteria. However, any household in which all members are recipients of TANF/GA/RCA and/or SSI benefits are to be considered eligible for food stamps because of the TANF/GA/RCA/SSI status in accordance with DSSM 9042.2.

Recipients include individuals authorized to receive TANF/GA/RCA and or SSI benefits but who have not yet received payment. In addition, persons are considered recipients if the TANF/GA/RCA or SSI benefits are suspended or recouped. Persons entitled to TANF/GA/RCA benefits because the grant is less than \$10 are also considered TANF/GA/RCA recipients.

Households, whether jointly processed and/or eligible because of their TANF/GA/RCA/SSI status, will be certified in accordance with the notice, procedural and timeliness requirements of the food stamp regulations.

8 DE Reg. 1485 (4/1/05)