

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Sections 512 (31 Del.C. §512)
16 DE Admin. Code 11003

FINAL

ORDER

Child Care for Families Receiving Temporary Assistance for Needy Families (TANF)

BEFORE DELAWARE HEALTH AND SOCIAL SERVICES
IN THE MATTER OF

REVISION OF THE REGULATION)
OF DELAWARE'S)
DELAWARE SOCIAL SERVICES MANUAL (DSSM))
DSSM 11003.2, 11003.2.1 and 11003.9.4.1)

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Social Services (DSS) initiated proceedings to amend Division of Social Services Manual (DSSM) regarding Child Care for Families Receiving TANF, specifically, to explain the child care eligibility requirements for parents, caretakers, and minor parents participating in the Temporary Assistance for Needy Families (TANF) program. The Department's proceedings to amend its regulations were initiated pursuant to 29 Del. C. § 10114 and its authority as prescribed by 31 Del. C. § 512.

The Department published its notice of proposed regulation changes pursuant to 29 Del. C. § 10115 in the May 2021 Delaware Register of Regulations, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by June 1, 2021 at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

SUMMARY OF PROPOSAL

Effective for services provided on and after August 11, 2021 the Delaware Health and Social Services (DHSS)/Division of Social Services (DSS) proposes to amend the Division of Social Services Manual (DSSM) sections 11003.2, 11003.2.1, 11003.9.4.1 regarding Child Care for Families Receiving TANF, specifically, to explain the child care eligibility requirements for parents, caretakers, and minor parents participating in the Temporary Assistance for Needy Families (TANF) program.

Statutory Authority

- 45 CFR 98.20 (a)(3)(i);
- 45 CFR 98.21 (a)(2);
- 45 CFR 98.21 (d)

Background

DSS amended DSSM 11003.2 Processing Child Care for Parents and Caretakers Participating in TANF to update the formatting and text so that the policy is easier for DSS staff, stakeholders, and the public to understand. DSSM 11003.2.1 Sanctioning TANF and Transitional Work Program Recipients will be struck out and the sanction rules are being added to DSSM 11003.2.

DSS amended DSSM 11003.9.4.1 Determining Child Care for Minor Parents Participating in TANF E&T to update the formatting and text so that the policy is easier for DSS staff, stakeholders, and the public to understand.

Purpose

The purpose of this proposed regulation is to explain the child care eligibility requirements for parents, caretakers, and minor parents participating in the Temporary Assistance for Needy Families (TANF) program. Parents and caretakers must either participate in TANF Employment and Training, TANF Transitional Work Program, be employed, or have an offer of employment to receive TANF child care.

Public Notice

In accordance with the state public notice requirements of Title 29, Chapter 101 of the Delaware Code, DHSS/DSS gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments were to have been received by 4:30 p.m. on June 1, 2021.

Fiscal Impact Statement

DSS amended these regulations to provide clear and accurate directions on child care for families receiving TANF. These regulations are currently in place and there are no new financial responsibilities associated with the amendments.

Summary of Comments Received with Agency Response and Explanation of Changes

No comments were received during the public comment period.

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the May 2021 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend Division of Social Services Manual (DSSM) regarding Child Care for Families Receiving TANF, specifically, to explain the child care eligibility requirements for parents, caretakers, and minor parents participating in the Temporary Assistance for Needy Families (TANF) program, is adopted and shall be final effective August 11, 2021.

7/14/2021

Date of Signature

Molly K. Magarik, MS
DHSS Cabinet Secretary

POLICY AMENDMENT

Delaware Health and Social Services
Division of Social Services
Policy and Program Development Unit

11003.2 Parent/Caretaker in Processing Child Care for Parents and Caretakers Participating in TANF

45 CFR 98.20 (a)(3)(i); 45 CFR 98.21 (a)(2); 45 CFR 98.21 (d)

~~DSS guarantees child care for a dependent child, or a child who would be dependent except for the receipt of benefits under SSI, when the parent/caretaker receives TANF benefits and it is necessary for the parent/caretaker to:~~

- ~~A. accept employment or remain employed (Category 12);~~
- ~~B. participate in TANF (Category 11), or~~

~~Child care is available to a caretaker in the above instance only if the caretaker is part of the TANF assistance unit. The child also needs to be a dependent child.~~

~~EXAMPLE 1: A child receiving TANF lives with her grandmother. The grandmother works and needs child care during her hours of employment. Grandmother is not on the TANF grant and is considered a payee only. In this case, Grandmother cannot get TANF Child Care. Because Grandmother has a need, however, she could be eligible for another category of care.~~

~~EXAMPLE 2: Grandmother is needy also, and is included on the TANF grant. Grandmother can get TANF Child Care as long as she is working or participating in TANF.~~

~~EXAMPLE 3: An TANF recipient with a dependent child is also a foster parent. In order for this recipient to participate in TANF, she needs child care. She can receive care for her dependent child, but because the foster child is not considered a dependent, she is not entitled to TANF Child Care (or other forms of IV-A child care) for her foster child. DSS could provide another category of child care under a Block Grant.~~

This policy applies to parents and caretakers who need child care assistance while participating in the Temporary Assistance for Needy Families (TANF) program.

1. DSS guarantees child care for an eligible child when the child's parent or caretaker:
 - Participates in the TANF Employment and Training (E&T) program;

- Participates in the TANF Transitional Work Program (TWP); or
 - Is employed or accepts an offer of employment.
2. DSS case workers must open child care for an eligible child and authorize care for twelve months when the parent or caretaker applies for TANF.
 3. A parent or caretaker who loses eligibility for child care due to a TANF E&T or TWP sanction or loss of employment will receive three months of continued child care before their child care case is closed.
 - A. DSS case workers must authorize three months of child care beginning the month after the TANF sanction request or job loss in accordance with DSSM 11004.12.1 to:
 - Provide continuity of care for the child; and
 - Give the parent or caretaker the opportunity to re-engage with the TANF E&T or TWP program or obtain employment.
 - B. If the parent or caretaker cures the TANF E&T or TWP sanction or obtains employment during the three months of continued child care, DSS will authorize care until the family's next eligibility review date.

POLICY AMENDMENT

Delaware Health and Social Services
 Division of Social Services
 Policy and Program Development Unit

~~11003.2.1 Sanctioning TANF and Transitional Work Program Recipients~~

~~Recipients who fail without good cause to meet requirements for the TANF Employment and Training or Transitional Work Program are sanctioned.~~

~~When TANF recipients receive a full family sanction or fail without good cause to comply with the Transitional Work Program (TWP), they lose their TANF Child Care. This means their child care case will close. In order to regain TANF Child Care, recipients must work to cure the sanction by cooperating with their TANF or TWP requirements.~~

~~Clients curing their TANF sanction may be eligible for child care under Presumptive Child Care Services (DSSM 11004.8).~~

13 DE Reg. 1337 (04/01/10)

14 DE Reg. 1373 (06/01/11)

16 DE Reg. 643 (12/01/12)

POLICY AMENDMENT

Delaware Health and Social Services
 Division of Social Services
 Policy and Program Development Unit

11003.9.4.1 Determining Child Care for Minor Parents and Participating in TANF E&T

45 CFR 98.20 (a)(3)(i); 45 CFR 98.21 (a)(2); 45 CFR 98.21 (d)

~~In the case of a minor parent who is a mandatory TANF participant, the minor parent will have to comply with TANF requirements for DSS to maintain child care services. Requirements for TANF are satisfactory participation in the assigned activity and making good progress toward the completion of the activity.~~

~~Satisfactory participation is defined in each participant's Employability Plan. Making good progress is defined as meeting certain qualitative and quantitative measures of performance, such as reviewing test results to determine if students are able to do passing work.~~

~~The Food Stamp Employment & Training TANF requirements are to be part of the minor parent's Employability Development Plan.~~

~~If minor parents receive a sanction because they fail to comply with their Food Stamp Employment & Training TANF requirements, they cannot get child care as long as their TANF case is open and they need to cure their sanction.~~

~~NOTE: A TANF minor parent is either emancipated, or their parent must sign the TANF application. In this case, do not require the minor parent's parents to sign the child care application.~~

This policy applies to minor parents (ages 16 through 17) who need child care assistance while participating in the Temporary Assistance for Needy Families (TANF) Employment and Training (E&T) program.

1. DSS guarantees child care for an eligible child when the child's minor parent:
 - Participates in the TANF E&T program;
 - Participates in the TANF Transitional Work Program (TWP); or
 - Is employed or accepts an offer of employment.

2. DSS case workers must open child care for an eligible child and authorize care for twelve months when the minor parent applies for TANF.

3. A minor parent who loses eligibility for child care due to a TANF E&T or TWP sanction or loss of employment will receive three months of continued child care before their child care case is closed.
 - A. DSS case workers must authorize three months of child care beginning the month after the TANF sanction request or job loss in accordance with DSSM 11004.12.1 to:
 - Provide continuity of care for the child; and
 - Give the minor parent the opportunity to re-engage with the TANF E&T or TWP program, obtain employment, or attend an educational setting.

 - B. If the minor parent cures the TANF E&T or TWP sanction, obtains employment, or attends an educational setting during the three months of continued child care, DSS will authorize care until the family's next eligibility review date.