

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Section 503(c) (31 **Del.C.** §503(c))
16 **DE Admin. Code** 3034

FINAL

ORDER

3034 General Assistance Time Limits

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Social Services initiated proceedings to amend the Division of Social Services Manual (DSSM) regarding General Assistance, specifically, *General Assistance Time Limits*. 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 October 2012 Delaware *Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced October 31, 2012 at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

SUMMARY OF PROPOSAL

The proposal described below amends policies in the Division of Social Services Manual (DSSM) regarding General Assistance, specifically, *General Assistance Time Limits*.

Statutory Authority

31 **Del.C.** §503(c), *Eligibility for Assistance; General Assistance*

General Assistance

General Assistance is a State-funded program designed to provide cash assistance to families and unemployable individuals who meet the financial eligibility requirements of the program and who do not qualify for federally funded programs, such as Temporary Assistance for Needy Families (TANF) or Social Security benefits.

Summary of Proposed Change

DSSM 3034, ~~General Assistance Time Limits~~ RESERVED: The agency had created a twenty-four (24) month limit for the receipt of General Assistance, effective February 1, 2010. This rule has not been implemented and is being repealed. The Division of Social Services (DSS) had implemented a 24-month time limit for the receipt of General Assistance (GA). Many recipients if not most of the GA caseload are destitute and have no access to other cash resources to meet basic needs. Given the unavailability of other resources, the vulnerability of the population in the program, and the relative stabilization of the General Assistance caseload, DSS is repealing the 24-month time limit.

SUMMARY OF COMMENTS RECEIVED WITH AGENCY RESPONSE

The Governor's Advisory Council for Exceptional Citizens (GACEC) and the State Council for Persons with Disabilities (SCPD) offered the following observations summarized below. The Division of Social Services (DSS) has considered each comment and responds as follows.

As background, last year, DHSS proposed the elimination of the General Assistance (GA) program and the Joint Finance Committee opposed that initiative. The program, which pays qualified individuals \$95 per month and provides automatic Medicaid coverage [16 **DE Admin. Code** 16120], covers many unemployable adults with disabilities who do not qualify for other programs (e.g. SSI).

In April 2010, DSS had adopted a regulation contemplating a 24-month time limit on GA assistance. The Division recites that the 24-month limit was never implemented. DSS is now proposing to repeal the regulation authorizing the cap based on the following rationale:

Many recipients if not most of the GA caseload are destitute and have no access to other cash resources to meet basic needs. Given the unavailability of other resources, the vulnerability of the population in the program, and the relative stabilization of the General Assistance caseload, DSS is repealing the 24-month time limit.

GACEC and SCPD strongly endorse the proposed regulation.

Agency Response: DSS thanks the Councils for their endorsement.

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the October 2012 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed repeal regulation to amend the Division of Social Services Manual (DSSM) regarding General Assistance, specifically, *General Assistance Time Limits* is adopted and shall be final effective December 10, 2012.

Rita M. Landgraf, Secretary, DHSS

**DSS FINAL ORDER REPEAL REGULATION #12-54
REVISION:**

3034 ~~General Assistance Time Limits~~ RESERVED

~~3034.1 Determining Time Limits for General Assistance Recipients:~~

~~This policy applies to General Assistance recipients who are 18 years old and older.~~

- ~~1. Effective to February 1, 2010 General Assistance is a time limited program for adult recipients.~~
- ~~2. After January 31, 2010 adults may only receive GA for up to 24 months.~~

~~Exception: GA recipients who have applied for SSI and whose SSI determination is pending may continue to receive GA past the 24 month time limit.~~

13 DE Reg. 1333 (04/01/10)

16 DE Reg. 641 (12/01/12) (Final)