

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

PROPOSED

PUBLIC NOTICE

Food Stamp Program

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 107, Delaware Health and Social Services (DHSS) / Division of Social Services is proposing to amend the policy of the Food Stamp Program in the Division of Social Services Manual (DSSM) as it relates to joint application processing.

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, P.O. Box 906, New Castle, Delaware 19720-0906 by March 2, 2005.

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 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.

DSS PROPOSED REGULATION #05-01

REVISIONS:

9028.1Joint Application Processing

Notify households applying 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. 1076 (2/1/05)