

# DEPARTMENT OF HEALTH AND SOCIAL SERVICES

## DIVISION OF SOCIAL SERVICES

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

**FINAL**

**ORDER**

### Determination of Child Care - Parents Under Age 18

#### **NATURE OF THE PROCEEDINGS:**

Delaware Health and Social Services ("Department") / Division of Social Services initiated proceedings to amend Division of Social Services Manual (DSSM) regarding Child Care, specifically, to update policy regarding minor parents who are under the age of 18 and residing with their legal guardians or parents. 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 2019 Delaware *Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by October 31, 2019 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 December 11, 2019 Delaware Health and Social Services/Division of Social Services proposes to amend the Division of Social Service Manual section 11003.9.4 regarding Child Care, specifically, to update policy regarding minor parents who are under the age of 18 and residing with their legal guardians or parents.

#### **Statutory Authority**

45 CFR 98.20 (3)(i)(ii)

#### **Background**

Child Care is provided by the Division of Social Services as a support for families with children to enable the caretaker to hold a job, obtain training or meet special needs of the parent or child. Child care may also be provided in child abuse cases to help protect the child.

#### **Purpose**

The proposed regulation is being amended to improve the formatting of the regulation and to provide clear instructions to DSS eligibility staff on determining child care eligibility for minor parents.

#### *Public Notice*

In accordance with the *federal* public notice requirements established at Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 447.205 and the *state* public notice requirements of Title 29, Chapter 101 of the Delaware Code, Delaware Health and Social Services (DHSS)/Division of Social Services (DSS) gives public notice and provides an open comment period for thirty (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 October 31, 2019.

#### **Fiscal Impact Statement**

The policy amendment will have no fiscal impact. This policy is currently in place and the purpose of the amendment is to revise the requirements of the program. The policy amendment does not require any additional staff, system changes, agency costs, etc.

#### **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 October 2019 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend the Division of Social Services Manual regarding Child Care, specifically, to update policy regarding minor parents who are under the age of 18 and residing with

their legal guardians or parents, is adopted and shall be final effective January 11, 2020.

12/9/19  
Date of Signature

Kara Odom Walker, MD, MPH, MSHS, Secretary, DHSS

## **POLICY – AMENDMENT**

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

### **11003.9.4 Determining Child Care for Parents Who Are Under Age 18 and Family Size**

#### **45 CFR 98.20 (3)(i)(ii)**

~~Consider minor parents (under 18) for child care services separately from their legal guardian or parents. This means that minor parents can apply for child care services on their own even if they live with their legal guardian or parents. In this case, need for care and financial eligibility is based on the minor parents' circumstances and not that of their parents or legal guardian.~~

~~EXAMPLE: A 17 year old, who lives with mom, has a child of her own and she needs child care to continue high school. Completing high school is her need. If she seeks child care as a Category 31 case, financial eligibility is based on her income. She and her child are a family of two.~~

~~Even though minor parents who are living with a legal guardian or their parents can apply on their own, still seek the signature of the legal guardian or parents on the minor parent's application for child care. However, if the legal guardian or parents refuse to sign the application, deny service.~~

~~The legal guardian or parents of the minor parent could apply for child care as caretakers if they demonstrate that they provide for the primary support and care of the minor parent's child.~~

This policy applies to minor parents who are under the age of 18 and residing with their legal guardians or parents.

#### **1. A minor parent who is applying for child care services must:**

- : Have a need for child care;
- : Meet financial eligibility requirements based on the minor parent's income;
- : Provide a referral from the Division of Family Services (DFS) if the family has an active DFS case; and
- : Provide a medical form or statement of a special need, if applicable.

#### **2. The legal guardian or parent of a minor parent must:**

- : Sign the child care application of the minor parent. DSS will deny child care if the legal guardian or parent of the minor parent does not sign the application.
- : Verify legal guardianship of the minor parent's child if:
  - i. The legal guardian or parent provides primary support for the minor's child; and
  - ii. The legal guardian or parent is applying for child care services.

Note: An agency that has custody of a minor parent must apply on behalf of the minor requesting child care services.