

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

**PROPOSED**

**PUBLIC NOTICE**

**Temporary Assistance for Needy Families (TANF)**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code), 42 CFR §447.205, and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) is proposing to amend the Division of Social Services Manual regarding Temporary Assistance for Needy Families (TANF), specifically, to revise the requirements of the Contract of Mutual Responsibility (CMR).

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, Planning, Policy and Quality Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to [Nicole.M.Cunningham@state.de.us](mailto:Nicole.M.Cunningham@state.de.us), or by fax to 302-255-4413 by 4:30 p.m. on July 31, 2018. Please identify in the subject line: Temporary Assistance for Needy Families (TANF).

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 PROPOSAL**

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS) is proposing to amend Division of Social Services Manual regarding Temporary Assistance for Needy Families (TANF), specifically, to revise the requirements of the Contract of Mutual Responsibility (CMR).

**Statutory Authority**

- Social Security Act Title IV Part A-Block Grants To States For Temporary Assistance For Needy Families
- CFR Title 45 Public Welfare Subtitle B Regulations Relating To Public Welfare Chapter II-Office Of Family Assistance (Assistance Programs), Administration For Children And Families, Department Of Health And Human Services

**Background**

The Contract of Mutual Responsibility (CMR) is an agreement between the TANF client and DSS which sets obligations and expectations for helping the client achieve self-sufficiency. The policies define the Temporary Assistance for Needy Families (TANF) as well as the requirements of the contract and the responsibilities of TANF recipients and the Division of Social Services.

**Summary of Proposal**

*Purpose*

The purpose of this proposed regulation is to enhance the definition, provide clarity to the requirements, increase readability, and add a financial coaching orientation to the CMR.

*Summary of Proposed Changes*

Effective for services provided on and after September 12, 2018 Delaware Health and Social Services/Division of Social Services proposes to amend the Division of Social Service Manual to Temporary Assistance for Needy Families (TANF), specifically, to revise the requirements of the Contract of Mutual Responsibility (CMR).

*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) 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 must be received by 4:30 p.m. on July 31, 2018.

**Fiscal Impact**

There is no anticipated fiscal impact to the agency as a result of this proposed change in program policy.

## Temporary Assistance for Needy Families (TANF)

Amended 3009

### POLICY – AMENDMENT

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

#### 3009 Defining the Contract of Mutual Responsibility

~~The caretaker enters into a Contract of Mutual Responsibility with DSS. The Contract will specify components such as, but not limited to, employment activities, cooperation in securing child support, school attendance requirements, family planning, parenting education classes, substance abuse treatment, and immunization requirements. The Contract is designed to be individualized to the specific needs and situation of each family. Therefore, the exact requirements within the Contract may vary from family to family. This document will be revised as the needs and the situation of the family evolve. (See DSSM 3010.2.5)~~

~~The State will ensure that services related to these provisions are available to the recipient. Additionally, other supportive services will be available (such as child care) if necessary. If the services are not available to the recipient and it is in the Contract, the recipient will not be sanctioned. The Contract will be modified to reflect that the service is unavailable at that time. For instance, if a recipient was directed to seek substance abuse treatment on an in-patient level, but a bed was not available for four months, that part of the Contract would be suspended until a bed became open for the individual.~~

~~In establishing and enforcing the Contract, the DSS worker has primary responsibility for ensuring that clients understand what is expected of them. While sanctions will be imposed for failure to meet the expectations of the Contract, the intended result of the sanction process is to convince clients of the need to cooperate. An important element of the process is "coaching" the client to transcend any barriers to meeting Contract expectations.~~

~~Under TANF, the client and worker must become partners in efforts to surmount any and all obstacles to success. While it is expected that the client verbalize any difficulties s/he may have or expect to have in meeting TANF requirements, the worker also has a duty to do whatever s/he can to elicit from the client any information needed to identify and overcome hurdles.~~

~~Coaching is without question a difficult task, given the multitude and variety of problems a client may face and the many steps along the road to self-sufficiency. Nevertheless the worker needs to embrace it as a critical element in the achievement of our welfare reform objectives.~~

~~Certainly we want TANF clients to be clear at all times about their obligation to exercise personal responsibility in exchange for benefits. When clients have a clear understanding, yet still fail to meet their obligations, workers need to respond quickly. The swiftness of our actions will demonstrate the seriousness of our intentions.~~

~~However, the ultimate goal of the sanction process should not only demonstrate how serious we are, but that we are available to help them become self-sufficient. We want clients to realize it is to their advantage to work with us and not against us.~~

~~Workers who truly understand the foundations upon which our sanction policies exist are in a better position to successfully steer clients through the welfare reform process. Keep in mind the following guidelines:~~

~~a) At every step of the way, workers should make the sanction process clear for clients; that is, explain clearly what the client's responsibilities are and what the consequences are for failure to meet these responsibilities.~~

~~b) Encourage clients to discuss any problems they face in meeting TANF requirements. Coach them in a positive way to overcome these hurdles. Offer assistance, but make it clear that the client has ultimate responsibility for meeting requirements.~~

~~c) If and when clients fall short of expectations, before taking action to apply sanctions, make sure that clients understand exactly what requirement(s) was not met and the consequences of it. This is not to say that we want workers to offer conciliation, but rather that we want workers to emphasize cause and effect. In this way clients should more readily recognize the benefits of cooperating and doing what is expected in the future.~~

~~Sanctions are not our desired result. They are a means to accomplish the goal of client cooperation.~~

The Contract of Mutual Responsibility (CMR) is an agreement between the TANF client and DSS which sets

obligations and expectations for helping the client achieve self-sufficiency. The CMR is a requirement for all TANF clients.

- 1. All TANF clients are required to develop a CMR with their DSS case worker. The CMR outlines the requirements that the client must fulfill to receive TANF benefits.**
  - A. The CMR encompasses three broad categories of requirements:
    - i. Self-sufficiency.
    - ii. Enhanced family functioning, and
    - iii. Teen responsibility.
  - B. The CMR is individualized to the specific needs and situations of each family.
  - C. The CMR may be revised as the needs and situations of the family evolve.
  
- 2. DSS case workers shall assist clients in developing the CMR when TANF cases are opened and shall monitor clients' compliance with the required CMR elements.**
  - A. DSS case workers shall:
    - i. Explain to clients the CMR requirements and the penalties for non-compliance.
    - ii. Give clients the appropriate time frame to comply with each CMR element. Compliance with the CMR elements is not required to initially apply for TANF.
    - iii. Review the CMR for compliance during TANF redeterminations or during reapplication if the TANF case closed for non-compliance with the CMR.
    - iv. Identify non-compliance with CMR elements and sanction TANF cases.
    - v. Address barriers that may impede clients' compliance with CMR elements.
  
- 3. DSS will sanction TANF cases when clients fail to comply with the CMR requirements.**
  - A. Sanctions for non-compliance with the CMR are fiscal penalties that reduce or close TANF benefits.
  - B. The intended result of the sanction process is to motivate clients to cooperate.
  - C. DSS encourages clients to disclose any difficulties in meeting the CMR requirements.
  - D. A sanction will end when DSS receives proof that the TANF client is complying with the CMR requirements.
  
- 4. DSS will ensure that supportive services related to CMR requirements are available to TANF clients.**
  - A. DSS will not sanction clients if supportive services identified in the CMR are not available.
  - B. DSS will revise the CMR to reflect when a supportive service is not available to the client.

Related policies:

DSSM 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3017.1, 3017.2

**10 DE Reg. 706 (10/01/06)**

Amended 3013

## **POLICY – AMENDMENT**

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

### **3013 Immunization Requirements Requiring Immunizations**

~~The Division of Social Services will use the immunization schedule approved by the Advisory Committee on Immunization, the American Academy of Pediatrics, and the American Academy of Family Physicians.~~

~~Staff will use the immunization schedule as a guide to inform caretakers which immunizations are needed for their~~

family members and when they are needed. Caretakers will have their child(ren) immunized based on the DSS-approved immunization schedule or their physician's schedule.

Maintaining current immunizations for TANF children is a required CMR element for all TANF clients.

- 1. TANF children are required to be immunized based on their physicians' immunization schedules.**
- 2. DSS case workers shall verify that TANF children are current on their immunizations.**
- 3. Failure to comply (without good cause) with the immunization element in the CMR will result in a sanction to the TANF case.**
  - A. The sanction will be an initial \$50.00 reduction in the household's TANF benefit amount.
  - B. This reduction increases each month by \$50.00 until there is compliance or the TANF case is closed.
  - C. The client will receive written notification of compliance requirements.
  - D. The sanction will end when DSS receives proof that the immunization schedule sequence has begun for all TANF children in the case.

Amended 3013.1

### **POLICY – AMENDMENT**

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

#### **~~3013.1 Sanctions for Not Meeting Immunization Requirements~~**

~~The fiscal sanction for failure, without good cause, to have children immunized will be an initial \$50.00 reduction in TANF benefits. This reduction will increase each month by \$50.00, either until there is compliance or the case is closed.~~

Amended 3013.2

### **POLICY – AMENDMENT**

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

#### **~~3013.2 Curing Sanction Penalties~~**

~~Sanctions will end upon receipt of proof that the immunization schedule sequence has begun.~~

Amended 3014

### **POLICY – AMENDMENT**

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

#### **3014 Requiring Family Planning Requirements**

~~Adults and minor parent(s) will be required to obtain family planning information from the provider of their choice. The expectation is that the adult caretaker(s) will obtain family planning information for themselves or for minors in their household. Exceptions can be made for individuals who have had surgery such as a vasectomy, hysterectomy, or a tubal ligation.~~

It is not the intent of DSS to verify that the individual is using family planning, but to confirm that information has been obtained. If family planning is not used and the birth of a baby is the result, the family cap provision will apply. (See section 3022).

Obtaining family planning information is a required CMR element for all TANF adults and minor parents.

- 1. TANF adults and minor parents are required to obtain family planning information from the provider of their choice.**
- 2. DSS case workers shall verify that TANF adults and minor parents obtain family planning information, but not that a particular method is being used. If family planning is not used and the birth of a baby is the result, the family cap provision will apply.**
- 3. Failure to comply (without good cause) with the family planning element in the CMR will result in a sanction to the TANF case.**
  - A. The sanction will be an initial \$50.00 reduction in the household's TANF benefit amount.
  - B. This reduction increases each month by \$50.00 until there is compliance or the TANF case is closed.
  - C. The client will receive written notification of compliance requirements.
  - D. The sanction will end when DSS receives proof that the TANF adults and any minor parents in the case obtained family planning information.

Related policies:  
DSSM 3008.2

Amended 3014.1

## **POLICY – AMENDMENT**

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

### **~~3014.1 Sanctions for Not Meeting Family Planning Requirements~~**

~~The fiscal sanction for failure, without good cause, to obtain family planning information at the provider of their choice will be an initial \$50.00 reduction in TANF benefits. Increase this reduction each month by \$50.00, either until there is compliance or the case is closed.~~

Amended 3014.2

## **POLICY – AMENDMENT**

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

### **~~3014.2 Curing Family Planning Sanction Penalties~~**

~~The sanction will end when the adult and/or minor parent(s) obtains the family planning information at the provider of their choice.~~

## POLICY – AMENDMENT

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

### **3015 Requiring Parenting Education Requirements**

~~Adults and minor parent(s) will be required to attend parenting education classes. Once the individual has attended classes the requirement will be considered completed and will not have to be repeated unless there was a change in circumstances that makes another class beneficial.~~

~~A change in circumstance resulting in an extreme amount of stress on the family could be a reason to require the caretaker to attend more than one parent education class. Examples might include a child having extreme difficulties in school, a child exhibiting "acting out" behaviors, a family in which a member is terminally ill, or a new baby in a household where the youngest child was an adolescent.~~

~~Requiring a caretaker to take more than one parent education class should not be considered a punitive measure, but one designed to help the family cope with a stressful time or event in the life of the family.~~

~~The intent of requiring the caretakers and minor parents to attend parent education classes is that participants will complete the classes they are required to attend. Not completing the classes, without good cause, can result in the imposition of an enhanced family function sanction.~~

Completing parenting education classes is a required CMR element for all TANF adults and minor parents.

- 1. TANF adults and minor parents are required to complete DSS approved parenting education classes. Once the client completes this element, it does not have to be repeated.**
- 2. DSS case workers shall verify that TANF adults and minor parents complete parenting education classes.**
- 3. Failure to comply (without good cause) with the parenting education element in the CMR will result in a sanction to the TANF case.**
  - A. The sanction will be an initial \$50.00 reduction in the household's TANF benefit amount.
  - B. This reduction increases each month by \$50.00 until there is compliance or the TANF case is closed.
  - C. The client will receive written notification of compliance requirements.
  - D. The sanction will end when DSS receives proof that the TANF adults and any minor parents in the case attended parenting education classes.

## POLICY – AMENDMENT

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

### **3015.1 Sanctions for Not Meeting Parenting Education Requirements**

~~The fiscal sanction for failure, without good cause, to attend parenting education classes will be an initial \$50.00 reduction in TANF benefits. Increase this reduction each month by \$50.00, either until there is compliance or the case is closed.~~

Amended 3015.2

## POLICY – AMENDMENT

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

### **~~3015.2 Curing Parenting Education Sanction Penalties~~**

~~The sanction will end when the adult and/or minor parent(s) attend parenting education classes.~~

Amended 3016

## POLICY – AMENDMENT

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

### **3016 Requiring Substance Abuse Requirements Assessment and Treatment**

~~When staff have reason to believe that a recipient has substance abuse problems, a referral for assessment will be made. Require the recipient to attend assessment appointment and participate in treatment as determined necessary. See Administrative Notice: A-9-99 Bridge Program~~

Attending a substance abuse assessment and treatment may be a required CMR element for TANF clients who exhibit substance abuse symptoms.

- 1. TANF clients are required to attend a substance abuse assessment, treatment, or both when DSS determines it necessary.**
- 2. DSS case workers who identify a TANF client with potential substance abuse issues may add a substance abuse requirement to the client's CMR and shall verify that the client attends a substance abuse assessment or treatment.**
- 3. Failure to comply (without good cause) with the substance abuse assessment or treatment element in the CMR will result in a sanction to the TANF case.**
  - A. The sanction will be an initial \$50.00 reduction in the household's TANF benefit amount.
  - B. This reduction increases each month by \$50.00 until there is compliance or the TANF case is closed.
  - C. The client will receive written notification of compliance requirements.
  - D. The sanction will end when DSS receives proof that the TANF client attended the substance abuse assessment or treatment.

Amended 3016.1

## POLICY – AMENDMENT

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

### **3016.1 Sanctions for Not Meeting Substance Abuse Requirements**

~~The fiscal sanction for failure, without good cause, to attend substance abuse assessment will be an initial \$50.00 reduction in TANF benefits. Increase this reduction each month by \$50.00, either until there is compliance or the case is closed.~~

Amended 3016.2

## POLICY – AMENDMENT

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

### **~~3016.2 Curing Substance Abuse Sanction Penalties~~**

~~The sanction will end when the individual attends substance abuse assessment.~~

Amended 3017

## POLICY – AMENDMENT

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

### **3017 Establishing Additional CMR Contract of Mutual Responsibility Elements**

~~Additional family specific CMR elements will be identified and added to a TANF household's CMR. These elements may be identified by DSS, the family, or other agencies that are involved with the family.~~

This policy applies when additional Contract of Mutual Responsibility (CMR) elements are identified and added to a TANF client's CMR.

- 1. Additional CMR elements refer to other services that may aid in self-sufficiency and are specified in a client's CMR.**
- 2. DSS, the family, or other agencies that are involved with the family may identify additional CMR elements.**
- 3. Failure to comply (without good cause) with the DSS identified elements in the CMR will result in a sanction to the TANF case.**
  - A. The sanction will be an initial \$50.00 reduction in the household's TANF benefit amount.
  - B. This reduction increases each month by \$50.00 until there is compliance or the TANF case is closed.
  - C. The client will receive written notification of compliance requirements.
  - D. The sanction will end when DSS receives proof that the TANF client has met the compliance requirements.

**13 DE Reg. 847 (12/01/09)**

Amended 3017.2

## POLICY – AMENDMENT

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

### **3017.2 Division of Social Services (DSS) Identified CMR Elements Requiring Financial Coaching Orientation**

~~When staff has reason to believe that the family needs other services to become self-sufficient, these services will be identified and specified in the Contract of Mutual Responsibility.~~



Completing financial coaching orientation is a required CMR element for all work mandatory TANF clients.

**1. Work mandatory TANF clients are required to complete a DSS approved financial coaching orientation.**

- A. The orientation informs TANF clients of available free financial coaching services.
- B. Once the client completes this element, it does not have to be repeated.

**2. DSS case workers shall verify that work mandatory TANF clients complete the financial coaching orientation.**

**3. Failure to comply (without good cause) with the financial coaching orientation element in the CMR will result in a sanction to the TANF case.**

- A. The sanction will be an initial \$50.00 reduction in the household's TANF benefit amount.
- B. This reduction increases each month by \$50.00 until there is compliance or the TANF case is closed.
- C. The client will receive written notification of compliance requirements.
- D. The sanction will end when DSS receives proof that the TANF client completed the financial coaching orientation.

**13 DE Reg. 847 (12/01/09)**

Amended 3017.2.1

**POLICY – AMENDMENT**

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

**~~3017.2.1 – Sanctions for Not Meeting Division of Social Services Identified CMR Elements~~**

~~The sanction for failure, without good cause, to comply with DSS identified elements in the Contract of Mutual Responsibility will be an initial \$50.00 reduction in TANF benefits. This reduction increases each month by \$50.00, either until there is compliance or the case is closed. The case worker will give the client written notification of what s/he has to do to be in compliance.~~

~~13 DE Reg. 847 (12/01/09)~~

Amended 3017.2.2

**POLICY – AMENDMENT**

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

**~~3017.2.2 Curing Division of Social Services Identified CMR Sanction Penalties~~**

~~The sanction will end when the client has met the requirements as listed in the sanction notification.~~

~~13 DE Reg. 847 (12/01/09)~~

~~22 DE Reg. 20 (07/01/18) (Prop.)~~