

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** 11004

FINAL

ORDER

Processing Applications for Child Care

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 Processing Applications for Child Care, specifically, to amend the Division of Social Services Manual (DSSM) regarding Processing Applications for Child Care. 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 February 2024 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by March 4, 2024, 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 May 11, 2024, Delaware Health and Social Services (DHSS) /Division of Social Services (DSS) proposes to amend the Division of Social Services Manual (DSSM) regarding Processing Applications for Child Care.

Statutory Authority

45 CFR 98.20

Background

DSSM 11004.1 Processing Applications for Child Care explains the requirements for parents and caretakers to apply for childcare assistance, including application methods and verification requirements. Additional language is being added to the existing policy to explain when authorizations for childcare may begin along with examples. The revision also includes a detailed definition of required documentation for a special need and who is authorized to complete the documentation.

Purpose

The purpose of this proposed regulation is to amend Policy 11004.1 Processing Applications for Child Care.

Public Notice

In accordance with the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DSS gave public notice and provided 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 March 4, 2024.

Fiscal Impact Statement

This policy is currently in effect and the amendment will not cause any fiscal changes.

Summary of Comments Received with Agency Response and Explanation of Changes

Comment: We suggest adding language to DSSM § 11004.1(4)(B)(v) to clarify who can complete Form 611. Can any of the professionals listed in DSSM § 11004.1(4)(B)(vi) complete Form 611? We also suggest that the expanded list of professionals proposed in DSSM § 11004.1(4)(B)(vi) be permitted to complete Form 611 as well.

Agency Response: The Division of Social Services is pleased to provide the opportunity to receive public comments and greatly appreciates the thoughtful input. DSS will revise the policy and Form 611 to clarify who can complete it to include the expanded list of professionals.

IMPACT ON THE STATE'S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE:

The DSS Division Director has reviewed the proposed regulation as required by 29 Del. C. §10118(b)(3) and has determined that such assessment is not practical for the regulation.

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the February 2024 *Register of Regulations* should be adopted with additions. The Department finds that the proposed does not require further public notice or comment under the APA because the amendments are non-substantive pursuant to 29 Del.C. §10118(c).

THEREFORE, IT IS ORDERED, that the proposed regulation to amend DSSM 11004.1 regarding Processing Applications for Child Care, specifically, to clarify internal policy and procedures, is adopted and shall be final effective May 11, 2024.

4/12/2024 | 3:45 PM EDT

Date of Signature

Josette D. Manning Esq., Secretary, DHSS

11000 Child Care Subsidy Program

11004.1 Processing Applications for Child Care

Statutory Authority

45 C.F.R 98.20

This policy applies to parents and caretakers who submit an application for child care assistance.

1. DSS will provide child care assistance for eligible children when a parent or caretaker:
 - Participates in a TANF or ~~Food Benefit~~ SNAP Employment and Training (E&T) program;
 - Participates in the TANF Transitional Work Program (TWP);
 - Attends a DSS-approved educational program or job training program;
 - Is employed or accepts an offer of employment;
 - Receives protective services from the Division of Family Services (DFS); or
 - Verifies a special need.

2. A parent or caretaker may apply for child care:
 - In person at any DSS location;
 - Over the phone with a DSS case worker;
 - By mailing, faxing, or emailing a completed application to the local DSS office; or
 - Online through Delaware ASSIST or other online application methods.

3. ~~DSS will interview the applicant and process the signed child care application within two business days. The application filing date will be the effective begin date for assistance.~~
A parent or caretaker selects the date child care services begin.
 - A. The DSS authorization for child care will begin on the first day the child attends a child care setting. The authorization cannot begin prior to the child attending a child care setting.

 - B. The DSS authorization for child care may begin before the date of application, but no earlier than the first day of the application month if the child was attending the child care setting.

Example 1: A parent or caretaker applies for child care on March 18. The child was enrolled and started attending the child care setting on March 2. The authorization may start March 2, the day the child started attending the child care setting.

Example 2: A parent or caretaker applies for child care on March 18. The child was

enrolled and started attending the child care setting on March 21. The authorization may start March 21, the day the child started attending the child care setting.

Note: The DSS eligibility system will allow authorizations for child care to begin the first day of the month of application

4. A parent or caretaker must verify household income and the need for child care during the application process.
 - A. A parent or caretaker must verify the last 30 days of earned and unearned income received prior to the date of application for DSS to determine financial eligibility.
 - i. Earned income may be verified by:
 - a. Wage stubs;
 - b. A signed employer statement on employer letterhead noting the employee's name, start date, work schedule, earnings, and frequency of pay;
 - c. Verification of Employment (Form 170); or
 - d. A data match confirming employment and income.
 - ii. Unearned income may be verified by:
 - a. Award letters;
 - b. Pension statements;
 - c. Court order documentation;
 - d. Other forms of documentation from sources verifying the gross unearned income amount; or
 - e. A data match confirming unearned income.
 - B. A parent or caretaker must verify their need for child care by providing:
 - i. Wage verification or an offer of employment that includes the amount of work hours;
 - ii. A schedule, proof of registration, or statement from an authorized education program verifying the start date, days and hours of attendance, and expected completion date;
 - iii. A schedule, proof of registration, or statement from an authorized training program verifying the start date, days and hours of attendance, and expected completion date;
 - iv. A DFS referral for protective care; or
 - v. Child Care Medical Certification Form (~~Form 614~~) (Form 611) **[which can be completed by a physician, licensed psychologist, licensed social worker, school based licensed special education staff, or a specialist who has experience with the child and knowledge in the area of the child's disability]**; or
 - vi. ~~written~~ Written documentation completed by a physician ~~or medical professional that verifies a special need and the required care~~, licensed psychologist, licensed social worker, school based licensed special education staff, or a specialist who has experience with the child and knowledge in the area of the child's disability.
 - C. Presumptive child care may open when a parent or caretaker reports income and a need for child care but has not provided all mandatory verifications in accordance with DSSM 11004.8.
5. A parent or caretaker must provide all mandatory verifications, complete an intake interview, and make a provider selection within 30 days from the application date for child care to become

effective on the application filing date.

- A. If information is returned after 30 days of the application date, but before 60 days, child care will begin on the date verifications are received.
- B. If information is not returned before 60 days from the application date, the parent or caretaker must reapply for child care.

6. DSS must inform parents and caretakers of their:

- Eligibility determination;
- Monthly parent copayment amount; and
- Rights and responsibilities for the Child Care Subsidy Program.

7. DSS must give parents and caretakers a Subsidized Child Care Client Agreement (Form 626) when child care approval cannot be generated from the eligibility system.

9 DE Reg. 572 (10/01/05)

25 DE Reg. 280 (09/01/21)

27 DE Reg. 865 (05/01/24) (Final)