

# 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 11000

### PROPOSED

### PUBLIC NOTICE

#### Paying for Absent Days and Holidays in Child Care

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del.C.** §512, Delaware Health and Social Services ("Department") / Division of Social Services (DHSS/DSS) is proposing to amend the Division of Social Services Manual (DSSM) to amend paying for absent days and holidays in child care.

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, Division of Social Services (DSS), 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to [DHSS\\_DMMA\\_Publiccomment@Delaware.gov](mailto:DHSS_DMMA_Publiccomment@Delaware.gov), or by fax to 302-255-4413 by 4:30 p.m. on May 31, 2024. Please identify in the subject line: Paying for Absent Days and Holidays in Child Care

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)/Division of Social Services (DSS) is proposing to amend the Division of Social Services Manual (DSSM) to amend paying for absent days and holidays in child care.

##### **Statutory Authority**

45 CFR 98.45(I)(2)(iii)

##### **Background**

DSSM 11006.4.1 Paying for Absent Days and Holidays explains provider payments for absent days and holidays during authorized child care.

The policy is being revised to increase the number of absents for which providers can be reimbursed from 5 to 10 days.

##### **Summary of Proposal**

###### *Purpose*

The purpose of this proposed regulation is to amend paying for absent days and holidays in child care.

###### *Summary of Proposed Changes*

Effective for services provided on and after July 11, 2024, Delaware Health and Social Services (DHSS) /Division of Social Services (DSS) proposes to amend the Division of Social Services Manual (DSSM) to amend paying for absent days and holidays in child care.

###### *Public Notice*

In accordance with the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DSS gives public notice and provides an open comment period for 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 May 31, 2024.

##### **Fiscal Impact**

	Federal Fiscal Year 2024	Federal Fiscal Year 2025
General (State) funds	\$2,100,000	\$2,100,000
Federal funds	\$900,000	\$900,000

#### 11000 Child Care Subsidy Program

##### **11006.4.1 Paying for Absent Days and Holidays in Child Care**

45 CFR 98.45(I)(2)(iii)

This policy explains provider payments for absent days and holidays during authorized child care.

1. ~~The number of paid absent days per month for a child is the same as the number of days authorized for care in one week, up to a maximum of five days per month.~~ DSS will pay for a maximum of 10 absent days per month for an authorized child.
2. DSS will pay for absent days for an authorized child after the family's copayment has been paid and there is a remaining balance due to the provider.
3. DSS will pay for ~~up to five~~ a maximum of 10 absent days per month for an authorized child who does not have an assigned copayment.
4. DSS may pay for more than ~~five~~ 10 absent days per month for a child who is authorized for Special Needs Child Care and is absent due to the eligible child's or the eligible parent's or caretaker's verified disability or serious health condition.
5. DSS will pay for the ~~six~~ 6 major holidays per year that the provider has chosen. The authorized child must be attending the provider's site prior to the date of the holiday for the provider to receive payment for the holiday.

45 CFR 98.45 (l)(2)(iii)

See 11006.4.1 Paying for Absent Days and Holidays in Child Care - History

**13 DE Reg. 100 (07/01/09)**

**23 DE Reg. 878 (04/01/20)**

**27 DE Reg. 852 (05/01/24) (Prop.)**