

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

Determining Child Care Copayments

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 determining child care copayments.

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, or by fax to 302-255-4413 by 4:30 p.m. on May 31, 2024. Please identify in the subject line: Determining Child Care Copayments

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 determining child care copayments.

Statutory Authority

45 CFR 98

Background

DSSM 11004.7 Determining Child Care Copayments explains how childcare copayments are determined for families who receive Purchase of Care. The policy is being amended in response to federal changes to the child care subsidy program which requires copayments to be capped at 7% of a family's gross income. The policy is also being amended to expand the list of criteria which can be used to waive copays. Through this amendment, families who fall at or below 150% of the FPL will have their copays waived.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to amend determining child care copayments.

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 determining child care copayments.

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	\$4,130,000	\$4,130,000
Federal funds	\$1,770,000	\$1,770,000

11000 Child Care Subsidy Program

11004.7 Determining Child Care Copayments

45 CFR 98.45 (k)

DSS determines and assigns copayments for families who receive the Purchase of Care (POC) child care subsidy.

1. DSS determines copayments for the POC program according to:
 - A. The family's household size;
 - B. The family's gross monthly income;
 - C. The family's shelter and utility expense deductions; and
 - D. A percentage of the family's gross monthly income compared to the Federal Poverty Level (FPL) guidelines as listed in the current POC sliding fee scale that DSS publishes in the annual October Cost of Living Adjustments Administrative Notice.

2. DSS will waive the copayment if one of the following conditions applies to a family:
 - A. The family has net income below 40% of the FPL and is determined to have an excessive financial burden in accordance with DSSM 11004.7.1.
 - B. The family has gross income at or below ~~70%~~ 150% of the FPL.
 - C. The family is active with and referred by the Delaware Division of Family Services (DFS), including foster care families.
 - D. The family is participating in Delaware's Temporary Assistance for Needy Families (TANF) program.
 - E. The child receives TANF and is being cared for by a caretaker who is not the child's natural or adoptive parent.
 - F. The parent is age 18 or younger and is attending high school or a high school equivalent.

3. DSS may assign a copayment to a case with a caretaker if the eligible child receives income and does not meet one of the waiver conditions listed in section (2) of this policy.

4. DSS will calculate the family's assigned copayment as a monthly amount.
 - A. The monthly calculated copayment amount must not exceed 7% of the family's gross income.
 - A. B. The copayment will not increase beyond the initial copayment amount during the eligibility period if the family reports an increase in income.
 - B. C. The copayment will decrease during the eligibility period if the family reports a decrease in income.

Note: If a family's copayment decreased during the eligibility period, and then the family reports an increase in income during the same eligibility period, the copayment may increase up to the initial copayment amount assigned at application or redetermination.
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8 DE Reg. 1310 (03/01/05)

10 DE Reg. 1007 (12/01/06)

24 DE Reg. 589 (12/01/20)

27 DE Reg. 854 (05/01/24) (Prop.)