

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)

FINAL

ORDER

2001.1 Redetermination: Eligibility Review Periods

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Social Services initiated proceedings to amend the Division of Social Services Manual (DSSM) regarding redeterminations. 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 September 2009 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by September 30, 2009 at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

SUMMARY OF PROPOSED CHANGE

The purpose of the proposed change is to align current case processing policy with Delaware's Temporary Assistance for Needy Families (TANF) State Plan and the Food Supplement Program (FSP) recertification period.

Statutory Authority

- Social Security Act §402, Eligible States; State Plan
- 31 **Del.C.** §509, Continuing Eligibility
- Delaware TANF State Plan, Redeterminations

Summary of Proposed Change

DSSM 2001.1, Redetermination: Eligibility Review Periods: The proposed regulation increases the maximum redetermination period for General Assistance (GA) and TANF cash assistance from 11 months to 12 months.

SUMMARY OF COMMENTS RECEIVED WITH AGENCY RESPONSE

No public comments were received.

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the September 2009 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend redetermination policy in the Division of Social Services Manual (DSSM) to align current case processing policy with Delaware's Temporary Assistance for Needy Families (TANF) State Plan and the Food Supplement Program (FSP) recertification period.

Rita M. Landgraf, Secretary, DHSS

**DSS FINAL ORDER REGULATION #09-42
REVISION:**

2001.1 Redetermination: Eligibility Review Periods

Eligibility periods means the period of time within which a family ~~shall be~~ is eligible to receive benefits. At the expiration of each eligibility period cash assistance benefits end. Further eligibility ~~will be~~ is established based upon a newly completed application, an interview and verification of information. Under no circumstance will benefits continue beyond the end of an eligibility period without a new determination of eligibility. The first month of the eligibility period ~~will be~~ is the first month for which the household is eligible to participate.

A redetermination is due when the eligibility period is expiring. The recipient ~~is required to~~ must complete a new DSS application form and ~~either appear for an interview in person or have a mail in application with a telephone~~ an interview. The interview may be in person or over the phone. When the client says he/she cannot get a requested document, the worker will assist ~~the client~~ him/her in obtaining an acceptable verification ~~to establish continuing eligibility.~~ At that point, a new review period is given for eligible families. A redetermination is complete when all eligibility factors are examined and a decision regarding eligibility is reached. The worker sets a new review period for eligible families.

The eligibility review periods for cash assistance cases will ~~normally be set at~~ not exceed 6 12 months. ~~But if~~ there ~~is~~ are also Food Stamps to review, the cash assistance eligibility period will be adjusted to come due at the same time as the Food Stamp review ~~so that the family does not experience any undue hardship in the review process.~~ That means, the cash assistance redetermination will be done at the same time as the ~~open~~ Food Stamp case ~~because the eligibility period for the cash assistance case will be adjusted to the same date as the open Food Stamps certification period.~~ Benefit recertification.

If there ~~was no previously~~ is no open Food Stamp Benefit case but there ~~was~~ is an open cash assistance group, the eligibility period of the new cash assistance group ~~would have been~~ is adjusted to come due at the same time as the existing cash assistance group.

~~Therefore, the eligibility review period will be at 6 months or when the Food Stamps assistance groups are due for review but no later than 11 months.~~