

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 3000

FINAL

ORDER

Delaware's Temporary Assistance for Needy Families (TANF)

BEFORE DELAWARE HEALTH AND SOCIAL SERVICES
IN THE MATTER OF

REVISION OF THE REGULATION
OF DELAWARE'S
DELAWARE SOCIAL SERVICES MANUAL (DSSM)
DSSM 3000 and 3000.1

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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 Defining and Funding Delaware's Temporary Assistance for Needy Families (TANF). 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 August 2021 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by August 31, 2021 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 November 11, 2021 Delaware Health and Social Services (DHSS) /Division of Social Services (DSS) proposes to amend Division of Social Service Manual (DSSM) regarding Delaware's Temporary Assistance for Needy Families (TANF), specifically, to provide clear and accurate information on the TANF program.

Statutory Authority

45 CFR §260.20;
45 CFR §201, §261, §263, §264, §265, §270, §283

Background

DSSM 3000 Defining Delaware's Temporary Assistance for Needy Families (TANF) Program explains the federal purposes, state objectives, and the responsibilities of the state and recipients for the TANF program. DSSM 3000.1 Funding the TANF Program explains funding provisions for the TANF Block Grant, including the funding amount, contingency funding, administrative spending, and penalties.

Purpose

The purpose of DSSM 3000 Defining Delaware's Temporary Assistance for Needy Families (TANF) Program is to add the federal purposes of the program, revise the state's objectives, and update the formatting. The purpose of DSSM 3000.1 Funding the TANF Program is to remove or replace outdated text, add all TANF funding penalties, and update the formatting.

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 were to have been received by 4:30 p.m. on August 31, 2021.

Fiscal Impact Statement

DSS amended these regulations to provide clear and accurate information on the TANF program. These regulations are currently in place and there are no new financial responsibilities associated with the amendments.

Summary of Comments Received with Agency Response and Explanation of Changes

No comments were received during the public comment period.

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the August 2021 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend Division of Social Services Manual (DSSM) regarding Defining and Funding Delaware's Temporary Assistance for Needy Families (TANF), is adopted and shall be final effective November 11, 2021.

10/22/2021

Date of Signature

Molly Magarik, Secretary, DHSS

POLICY – AMENDMENT

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

3000 Defining Delaware's Temporary Assistance for Needy Families (TANF) –Definition Program

Statutory Authority

45 CFR §260.20

~~TANF is a cash assistance program for minor children who are needy as determined by Division standards and who are:~~

~~Living in the home of a parent, guardian, custodian, or specified relative.~~

~~Purpose of Delaware's Welfare Reform Plan, TEMPORARY ASSISTANCE FOR NEEDY FAMILIES~~

~~TEMPORARY ASSISTANCE FOR NEEDY FAMILIES is Delaware's plan to transform its welfare system. The State and the family have mutual responsibilities. The State will create positive incentives for the family to become self-sufficient. The family must accept responsibility to become self-sufficient and self-supporting. There are five key principles that form the plan's foundation. They are:~~

- ~~1. WORK SHOULD PAY MORE THAN WELFARE;~~
- ~~2. WELFARE RECIPIENTS MUST EXERCISE PERSONAL RESPONSIBILITY IN EXCHANGE FOR BENEFITS;~~
- ~~3. WELFARE SHOULD BE TRANSITIONAL, NOT A WAY OF LIFE;~~
- ~~4. BOTH PARENTS ARE RESPONSIBLE FOR SUPPORTING THEIR CHILDREN; and~~
- ~~5. THE FORMATION AND MAINTENANCE OF TWO PARENT FAMILIES SHOULD BE ENCOURAGED, AND TEENAGE PREGNANCY AND UNWED MOTHERHOOD SHOULD BE DISCOURAGED.~~

~~The purpose of the following policies is to outline the manner in which the Division of Social Services intends to carry out this vision of its welfare reform plan.~~

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) modified the Social Security Act and established the TANF program. TANF is a federally funded cash assistance program designed to assist low-income families with minor children in the home.

1. States receive block grants to design and operate programs that accomplish the federal purposes of TANF.

A. The four federal purposes of TANF are to:

- i. Provide assistance to needy families so that children can be cared for in their own homes or in the homes of relatives;
- ii. End the dependence of needy parents by promoting job preparation, work, and marriage;

- iii. Prevent and reduce the incidence of out-of-wedlock pregnancies; and
- iv. Encourage the formation and maintenance of two-parent families.

2. Delaware's TANF program is operated by the Division of Social Services (DSS) and provides cash assistance for minor children who are:

- Needy as determined by DSS standards; and
- Living in the home of a parent, guardian, custodian, or specified relative.

A. The key objectives of Delaware's TANF Program are to:

- i. Provide access to opportunities and services that support the capacity to earn a living wage.
- ii. Reduce barriers to increase the possibility for long term self-sufficiency.
- iii. Promote the stabilization of all families.

B. The State and the family have mutual responsibilities.

- i. The State will provide cash assistance, case management, supportive services, and employment and training services to increase the family's opportunity for self-sufficiency.
- ii. The family must comply with required TANF components and may participate in programs that focus on their individualized needs in order to accomplish their personal goals.

C. DSS creates programs for TANF eligible families and non-custodial parents of TANF minors based on the four federal TANF purposes and the key objectives of Delaware's TANF program. These programs are outlined in Delaware's TANF State Plan.

14 DE Reg. 304 (10/01/10)

POLICY – AMENDMENT

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

3000.1 Funding the TANF Program

Statutory Authority

45 CFR §201, §261, §263, §264, §265, §270, §283

The Temporary Assistance ~~For~~ for Needy Families (TANF) program is a capped Federal Block Grant made available to the states to provide cash assistance to needy families with minor children.

1. The amount of TANF funds available to each state is determined by a formula which ~~takes into account~~ considers the amount each state expended for needy families in the years just prior to the enactment of ~~this legislation~~. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA).

~~States may also receive additional funding as a bonus. States can receive the funding bonus: for a reduction in out-of-wedlock births; and for being a high performing state.~~

2. ~~States may also qualify for contingency funding. Contingency funds are similar to crisis funds.~~ States may qualify for contingency funds if the state exhibits low economic conditions in one of two ways:

- ~~a~~ A state has an unemployment rate of at least 6.5% and the average rate is at least 10% higher than the same quarter in either of the two preceding ~~years~~. years; or
- ~~the~~ The number of ~~food stamp~~ Food Supplement Program recipients from the three most

recent months for which data is available is 10% greater than the monthly average number of individuals that participated in the ~~food stamp program~~ Food Supplement Program in FY 1994 or 1995 (whichever is lower) in the same ~~three month~~ three-month period.

A. States may be required to return a portion of their contingency funds based on total state spending during the year.

3. States must limit the amount it ~~can spend~~ spent on administrative costs to no more than 15% of the total of its the state's grant.

4. States may also be penalized, ~~meaning their~~ and the state's grant may be reduced. ~~A state may suffer a penalty for any one of the following reasons for failing to:~~

- ~~using~~ Use TANF funds in violation of the law governing the use of funds as required by federal law;
- ~~failing to submit~~ Submit required TANF data collection reports;
- ~~failing to satisfy~~ Satisfy TANF work participation requirements;
- ~~failing to comply~~ Comply with basic TANF maintenance of effort requirements;
- ~~failing to comply~~ Comply with the ~~five-year~~ TANF five-year limit on assistance; ~~and~~
- ~~failing to maintain~~ Maintain TANF assistance to an adult single custodial parent who cannot obtain child care for a child under the age of ~~6-~~ six;
- Penalize TANF recipients for child support non-cooperation;
- Penalize TANF recipients who refuse to engage in work;
- Use the Income Eligibility and Verification System (IEVS); or
- Replace a penalty reduction with state funds.

25 DE Reg. 534 (11/01/21) (Final)