

# 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 11003

### PROPOSED

### PUBLIC NOTICE

#### Determination of Child Care - Parents Under Age 18

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code), 42 CFR §447.205, and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Social Services (DSS) is proposing to amend Child Care, specifically, to update policy regarding minor parents who are under the age of 18 and residing with their legal guardians or parents.

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, Planning, Policy and Quality Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to [Nicole.M.Cunningham@delaware.gov](mailto:Nicole.M.Cunningham@delaware.gov), or by fax to 302-255-4413 by 4:30 p.m. on October 31, 2019. Please identify in the subject line: Determination of Child Care - Parents Under Age 18.

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 proposed regulation is being amended to improve the formatting of the regulation and to provide clear instructions to DSS eligibility staff on determining child care eligibility for minor parents.

#### Statutory Authority

45 CFR 98.20 (3)(i)(ii)

#### Background

Child Care is provided by the Division of Social Services as a support for families with children to enable the caretaker to hold a job, obtain training or meet special needs of the parent or child. Child care may also be provided in child abuse cases to help protect the child.

#### Summary of Proposal

##### *Summary of Proposed Changes*

Effective for services provided on and after December 11, 2019 Delaware Health and Social Services/Division of Social Services proposes to amend the Division of Social Service Manual section 11003.9.4 regarding Child Care, specifically, to update policy regarding minor parents who are under the age of 18 and residing with their legal guardians or parents.

##### *Public Notice*

In accordance with the *federal* public notice requirements established at Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 447.205 and the state public notice requirements of Title 29, Chapter 101 of the Delaware Code, Delaware Health and Social Services/Division of Social Services (DHSS/DSS) gives public notice and provides an open comment period for thirty (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 October 31, 2019.

#### Fiscal Impact

The policy amendment will have no fiscal impact. This policy is currently in place and the purpose of the amendment is to revise the requirements of the program. The policy amendment does not require any additional staff, system changes, agency costs, etc.

## **POLICY – AMENDMENT**

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

### **11003.9.4 Determining Child Care for Parents Who Are Under Age 18 and Family Size**

#### **45 CFR 98.20 (3)(i)(ii)**

~~Consider minor parents (under 18) for child care services separately from their legal guardian or parents. This means that minor parents can apply for child care services on their own even if they live with their legal guardian or parents. In this case, need for care and financial eligibility is based on the minor parents' circumstances and not that of their parents or legal guardian.~~

~~EXAMPLE: A 17 year old, who lives with mom, has a child of her own and she needs child care to continue high school. Completing high school is her need. If she seeks child care as a Category 31 case, financial eligibility is based on her income. She and her child are a family of two.~~

~~Even though minor parents who are living with a legal guardian or their parents can apply on their own, still seek the signature of the legal guardian or parents on the minor parent's application for child care. However, if the legal guardian or parents refuse to sign the application, deny service.~~

~~The legal guardian or parents of the minor parent could apply for child care as caretakers if they demonstrate that they provide for the primary support and care of the minor parent's child.~~

This policy applies to minor parents who are under the age of 18 and residing with their legal guardians or parents.

#### **1. A minor parent who is applying for child care services must:**

- : Have a need for child care;
- : Meet financial eligibility requirements based on the minor parent's income;
- : Provide a referral from the Division of Family Services (DFS) if the family has an active DFS case; and
- : Provide a medical form or statement of a special need, if applicable.

#### **2. The legal guardian or parent of a minor parent must:**

- : Sign the child care application of the minor parent. DSS will deny child care if the legal guardian or parent of the minor parent does not sign the application.
- : Verify legal guardianship of the minor parent's child if:
  - i. The legal guardian or parent provides primary support for the minor's child; and
  - ii. The legal guardian or parent is applying for child care services.

Note: An agency that has custody of a minor parent must apply on behalf of the minor requesting child care services.