

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SOCIAL SERVICES

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

PROPOSED

PUBLIC NOTICE

3006 TANF Employment and Training Program

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) 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 the Division of Social Services Manual (DSSM) regarding the TANF Employment & Training Program.

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 Sharon L. Summers, Policy & Program Development Unit, Division of Social Services, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4425 by September 30, 2008.

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 regulatory action is to amend the Division of Social Services Manual (DSSM) regarding mandatory participants in the Temporary Assistance for Needy Families (TANF) Employment & Training Program.

Statutory Authority

- 45 CFR §261.2(n)(2)(i), *Work-eligible individual*
- 45 CFR 261.22(c)(1), *How will we determine a State's overall work rate?*

Background

Reference is made to the final rule reauthorizing the TANF Program at 73 FR 6821 (Federal Register, Volume 73, Page 6821, and dated February 5, 2008). This final rule implements changes to the Temporary Assistance for Needy Families (TANF) program required by the Deficit Reduction Act of 2005 (DRA) (Pub. L. 109-171). The DRA reauthorized the TANF program through Fiscal Year (FY) 2010.

The DRA required States to implement certain work requirements effective October 1, 2006. The DRA included provisions to ensure consistent measurement of work participation rates, including defining work activities, determining the circumstances under which a parent who resides with a child who is a recipient of assistance should be required to participate in work activities. It also required States to establish and maintain work participation verification procedures. The effective date of the final rule is October 1, 2008

Summary of Proposed Changes

DSSM 3006.1, *Mandatory Participants*: The rule defines a parent needed to remain home to care for a family member with a disability as not "work-eligible" if there is medical documentation to support the need for the parent to remain in the home to provide that care. The text is also reformatted to increase clarity.

DSS PROPOSED REGULATION #08-35

REVISIONS:

3006 TANF Employment and Training Program

Delaware's Temporary Assistance ~~For~~ for Needy Families (TANF) welfare reform effort is based on the idea that TANF is a transitional benefit and should not become a way of life. The Division maintains that the way for persons to avoid TANF dependency is for them to find and maintain employment.

3006.1 Mandatory Participants

(45 CFR §261.2 (n)(2)(i))

All adult caretakers and other adults in the assistance unit who are not exempt must participate in Employment and Training related activities. The ~~two~~ four possible exemptions are:

- 1) ~~a~~ A single parent caring for a child under 12 months of age, ~~or~~ This exemption has a lifetime limit of 12 months.
- 2) ~~a~~An individual determined unemployable by a health care professional.
- 3) On a case-by-case basis, clients who are victims of Domestic Violence.
- 4) A parent caring for a disabled family member* who lives in the home.

* A parent or spouse can be excluded to care for a **child** or a **spouse** as long as the following conditions apply:

1. The parent is biological, adoptive or step.
2. The parent or spouse lives in the home with the child.
3. The need for such care is supported by medical documentation.
4. The spouse of a parent can use the caring for exemption even though the marriage is terminated by death or divorce.

Children age 16 or older who are not attending school must participate in work or other alternative activities, e.g., GED.

Individuals who are exempt from Employment and Training requirements can volunteer to participate in the Employment and Training Program. Individuals with disabilities will be afforded the same access and opportunities, including reasonable accommodations, to participate in the Employment and Training programs.

12 DE Reg. 288 (09-01-08) (Prop.)