

# DEPARTMENT OF HEALTH AND SOCIAL SERVICES

## DIVISION OF SOCIAL SERVICES

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

### PROPOSED

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 is proposing to amend policies in the Division of Social Services Manual (DSSM) regarding redeterminations.

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, 2009.

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 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 month to 12 months.

#### DSS PROPOSED REGULATION #09-30

##### 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 him/her in obtaining an acceptable verification. A redetermination is complete when all eligibility factors are examined and a decision regarding eligibility is reached. ~~When the client says she cannot get a requested document, the worker will assist the client in obtaining an acceptable verification to establish continuing eligibility. At that point, a new review period is given for eligible families. 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 ~~due~~ 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.~~

**13 DE Reg. 378 (09/01/09) (Prop.)**