

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF SOCIAL SERVICES

Division of Social Services

3000 Technical Eligibility for Cash Assistance

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

Statutory Authority

45 CFR §260.20

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)

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

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3000.1 Funding the TANF Program

Statutory Authority

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

The Temporary Assistance 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 considers the amount each state expended for needy families in the years just prior to the enactment of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA).

2. States may qualify for contingency funds if the state exhibits low economic conditions in one of two ways:

- 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; or
- The number of 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 Supplement Program in FY 1994 or 1995 (whichever is lower) in the same 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 spent on administrative costs to no more than 15% of the total of the state's grant.

4. States may be penalized and the state's grant may be reduced for failing to:

- Use TANF funds as required by federal law;
- Submit required TANF data collection reports;
- Satisfy TANF work participation requirements;
- Comply with basic TANF maintenance of effort requirements;
- Comply with the TANF five-year limit on assistance;
- Maintain TANF assistance to an adult single custodial parent who cannot obtain child care for a child under the age of 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)

3000.2 TANF and SSI Recipients

A Supplemental Security Income (SSI) recipient cannot receive TANF payments for himself while receiving SSI, but may be a payee for a TANF grant for others. The SSI recipient is not regarded as a member of the family when determining a family's TANF financial eligibility or benefit amount, and none of the SSI recipient's income or resources is counted as income to the family.

An SSI recipient may elect to receive TANF rather than SSI payments, if otherwise eligible. In such instances, the TANF payment may not be authorized until it has been verified that the SSI payment has ceased.

3000.3 TANF and Foster Care

If a child is living with a minor parent and the minor parent receives Title IV-E Foster Care, the child cannot be included in a TANF grant.

Instead, the Department of Services to Children, Youth and Their Families will include the child in the minor parent's Title IV-E foster child payment as required by the Omnibus Budget Reconciliation Act (OBRA) of 1987.

3000.4 TANF and State Only Foster Care

If a child is living with a minor parent and the minor parent receives State Only Foster Care payments, the child may receive cash assistance. The minor parent cannot be included in the cash assistance program.

The minor parent may be a TANF payee if she cares for the child and is capable of handling funds. Contact the minor parent's Child Protective Services worker for this determination.

If someone other than the minor parent cares for the child or if the minor parent is not capable of handling funds, an adult in the household may be payee.

The minor parent is not included in the TANF grant and the State Only Foster Care payment is not considered income to the child.

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

3000.5 Foster Care Case Processing

The Title IV-E Eligibility worker within the Department of Services to Children, Youth and Their Families will determine if the child is eligible for Title IV-E funds. A child could be in foster care for a period of time before the IV-E eligibility determination is made. The child receives State Only Foster Care payments until Title IV-E eligibility is established. The Title IV-E Eligibility Worker will notify the DSS Social Worker when the Title IV-E determination is completed and the starting date for Title IV-E matching funds. The DSS Social Worker will contact the Title IV-E Eligibility Worker (phone number: 633-2517) at each application and redetermination to determine the foster care funding source. If the funding changes from State Only Foster Care to Title IV-E Foster Care, close the child's cash assistance grant.

3001 Definitions

The following words and terms, when used in the context of these policies, will, unless clearly indicated otherwise, have the following meanings:

A. Benefits (Non-Time-Limited) - the receipt of TANF benefits that are not subject to a time limitation.

Benefits (Time-Limited) - the receipt of TANF benefits for a limited period of time.

B. Caretaker (Needy) - a parent or non-parent included in the grant who is caring for a needy child. Needy caretakers are required to comply with the CONTRACT OF MUTUAL RESPONSIBILITY to receive benefits. Needy caretakers are subject to the time limit requirements.

Caretaker (Non-Needy) - a non-parent, not included in the grant, who is caring for a needy child. Non-needy caretakers are required to comply with the CONTRACT OF MUTUAL RESPONSIBILITY to receive benefits. Non-needy caretakers are not subject to the time limit requirements. These caretakers will receive benefits under the Children's Program.

C. Children's program - the name of the agency's program for persons who receive non-time-limited benefits. Persons in this program are not subject to the usual time limits for the receipt of benefits. However, persons in this program must comply with a non-work-related CONTRACT OF MUTUAL RESPONSIBILITY, e.g., participation in parenting classes, school attendance for the child or immunizations as necessary.

D. Contract of Mutual Responsibility – an agreement between the TANF client and the agency which sets obligations and expectations between the TANF client and agency in exchange for benefits.

E. Cumulative Months - the total number of months, not necessarily consecutive months, which make up a particular time period.

F. Delaware's Temporary Assistance for Needy Families (TANF) Program - the title of Delaware's new welfare reform program.

G. Employable - the ability to engage in activities necessary to acquire and retain a job, at a wage level at least equal to the minimum wage; an employable person is physically and mentally able to participate in employment or activities necessary to seek and obtain employment, e.g. job search, job training, job readiness, etc. While an individual is employable the receipt of benefits is time-limited.

H. Employment (Subsidized) - a public or private sector job for which the employer receives a grant or allotment to pay all or a portion of the employee's wage.

Employment (Unsubsidized) - a public or private sector job for which the employer receives no grant or allotment to pay either all or a portion of the employee's wage.

I. Good Cause - An adult recipient may have legitimate reasons for not cooperating either in the development of the Contract of Mutual Responsibility or the requirements as set forth in the Contract. The adult recipient has "good cause" when either a circumstance or condition exists in either her/his personal or family situation beyond which she/he has no control, and which would prevent cooperation and/or participation.

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Good cause for quitting a job would include but not necessarily be limited to:

On the job discrimination;

Health and/or safety risk.

J. Pay After Performance - A work experience and/or Employment and Training program required for families with employable adults where the adult has not found employment or has lost a job. Families who were continuously on TANF prior to 01/01/2000 will have 24 months before being required to enter into this program. Families reapplying on or after 01/01/2000 will immediately enter this program. Participants will work to earn TANF benefits.

K. Sanction - a penalty for TANF client's failure or refusal without good cause to meet her/his Employment and Training participation requirements. If the client refuses or fails to meet work related requirements (job search, training, etc.) or quits a job without good cause, the client's TANF case will be closed. If the TANF client refuses or fails to attend a Contract of Mutual Responsibility requirement (e.g., participate in parenting education) the penalty is a \$50.00 reduction in the grant for each month the client refuses or fails to participate.

L. Suitable Employment - employment that provides income at least equal to the payment standard after deduction of work expenses, the TANF work deduction and child care as paid, and provides wages at least equal to the minimum wage. Individuals will be expected to work at jobs that are below their skill levels, if such positions provide the only available employment.

M. Two Parent Program - able-bodied parents and their children who meet the standard of need and all TANF eligibility requirements, except deprivation, will be eligible for cash benefits. Eligibility for this program is based on need; there is no deprivation requirement. Cash benefits are time limited and both parents must comply with a Contract of Mutual Responsibility.

When one parent in an intact family is incapacitated, the family should not be placed in the two-parent program.

N. Unemployable - the inability to engage in activities necessary to work for at least the minimum wage; the person is prohibited because s/he is physically or mentally disabled. An unemployable individual cannot participate in employment or activities necessary to seek and obtain employment, e.g., job search, job training, job readiness, etc.

The determination and duration of unemployability are made by a health care professional (e.g., doctor, nurse, nurse practitioner, therapist, etc.). Periods of unemployability are not counted toward the cumulative months of benefit eligibility under the time-limited program.

O. Week - A week is defined as seven consecutive days, Monday through Sunday.

P. Work-eligible individual - an adult (or minor child head-of-household) receiving assistance under TANF or a separate State program or a non-recipient parent living with a child receiving assistance (child-only cases). See exclusions below.

Q. Excluded work-eligible individuals - Child-only cases that are:

- A minor parent and not the head-of-household or spouse of the head-of-household;
- An alien who is ineligible to receive assistance due to the immigration status; or
- At state option, on a case-by-case basis, a recipient of Supplemental Security Income (SSI) benefits

Other work-eligible exclusions: A parent providing care for a disabled family member living in the home, who does not attend school on a full-time basis, provided that the need for such care is supported by medical documentation.

9 DE Reg. 1370 (03/01/06)

10 DE Reg. 706 (10/01/06)

3002 Time Limit, Temporary Welfare Program

Cash benefits will be time-limited for households headed by two employable adults age 18 or older who are included in the grant. For households applying on or after 01/01/2000, the lifetime time limit will be thirty-six (36) cumulative months.

Time limits apply when three conditions are met:

- the caretaker is included in the grant,
- the caretaker is age 18 or older,
- the caretaker is employable, and

When one or more of the conditions listed above is not met, the family receives benefits in the non-time limited program known as the Children's Program.

During the time-limited period, employable adult recipients will receive full cash benefits only as long as they fulfill their Contract of Mutual Responsibility and they are meeting the minimum weekly hours of required employment and training activities.

Periodic Alerts to Families Regarding Time Remaining before the Family Reaches the Time Limit

The Division will track the time remaining before a family's time limits expire and alert the family. The Division will notify families on a quarterly basis of the time they have remaining before the time limits expire.

14 DE Reg. 1073 (04/01/11)

3002.1 Two-Parent Families - Time Limit, Temporary Welfare Program

A. Delaware Temporary Assistance to Needy Families cash benefits are time-limited for a household headed by two employable adults age 18 or older who are included in the grant. For households applying on or after 01/01/2000, the lifetime time limit will be thirty-six (36) cumulative months.

Time limits apply when three conditions are met:

- the caretaker is included in the grant,
- the caretaker is age 18 or older,
- the caretaker is employable, and

When one or more of the conditions listed above is not met, the family receives benefits in the non-time limited program known as the Children's Program.

B. During the time-limited period, employable adult recipients will receive full cash benefits only as long as they fulfill their Contract of Mutual Responsibility, and they are meeting the minimum weekly hours of required employment and training activities.

C. Periodic Alerts to Families Regarding Time Remaining before the Family Reaches the Time Limit

The Division will track the time remaining before a family's time limits expire and alert the family. The Division will notify families on a quarterly basis of the time they have remaining before the time limits expire.

8 DE Reg. 1618 (5/1/05)

14 DE Reg. 1073 (04/01/11)

3002.2 Single Parent / Non-Parent Caretaker Families

Under Delaware's Temporary Assistance To Needy Families, cash benefits will be time-limited for households headed by an employable adult age 18 or older who is included in the grant. For households applying on or after 01/01/2000 the lifetime time limit will be thirty-six (36) cumulative months.

Time limits apply when three conditions are met:

- the caretaker is included in the grant;
- the caretaker is age 18 or older;
- the caretaker is employable; and

When one or more of the conditions listed above is not met, the family receives benefits in the non-time-limited program known as the Children's Program.

8 DE Reg. 1618 (5/1/05)

14 DE Reg. 1073 (04/01/11)

3002.3 Time Limits For Single Parent and Two Parent Families on Assistance Prior to 01/01/2000

If a family was headed by an employable adult age 18 or older who was included in the grant and received Temporary Assistance for Needy Families (TANF) cash benefits prior to 01/01/2000 they had a forty-eight (48) cumulative month time limit. This lifetime limit will still apply for those families.

8 DE Reg. 1618 (5/1/05)

14 DE Reg. 1073 (04/01/11)

3002.4 Periodic Alerts to Families Regarding Time Remaining Before the Family Reaches the Time Limit

The Division will track the time remaining before a family's time limits expire and alert the family. The Division will notify families on a quarterly basis of the time they have remaining before the time limits expire.

3002.5 Assessment Prior to Termination of Benefits

If requested by the client prior to the end of the 36 or 48 cumulative month period in which a family has received assistance (through cash assistance and participation in pay-after-performance), the Division will complete another assessment of employability. If the Division determines that the adult caretaker is not employable, the Division will continue

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benefits under the Children's Program as described in Section 3003. If the Division determines that the adult caretaker is employable, TANF benefits will end to the family as of the last day of the 36 or 48 cumulative months.

3002.6 Noticing Prior to Termination of Benefits

At least 90 days prior to the end of the 36 or 48 cumulative month period in which a family has received assistance, the Division will remind the family that assistance will end and notify the family of the right to apply for an extension.

3002.7 Extensions

The Division will limit extensions to those families who can demonstrate that:

- the agency substantially failed to provide the services specified in the individual's Contract of Mutual Responsibility (see Section 3009 for Contract); the related extension will correspond to the time period for which services were not provided;
- or
- despite their best efforts to find and keep employment, no suitable unsubsidized employment was available in the local economy to the employable adult caretaker; the maximum extension under such circumstances will be 12 cumulative months. See "SUITABLE EMPLOYMENT" definition.

The Division Director or the Director's designee will make decisions on granting extensions within 45 days of the request. Fair hearing provisions set forth in Section 5000 apply. Benefits will not continue beyond the time limit.

The Division will not grant extensions if:

- the adult caretaker received and rejected offers of employment, quit a job without good cause, or was fired for cause;
- the adult caretaker did not make a good faith effort to comply with the terms of the CONTRACT OF MUTUAL RESPONSIBILITY; or
- the adult caretaker has received 60 cumulative months of TANF.

The responsibility rests with the adult caretaker to demonstrate substantiality. It is not enough for the adult caretaker to simply make a claim that the agency failed in its effort to provide the services specified under the Contract of Mutual Responsibility. The adult caretaker must present the reasons for the claim and show how the agency failed to provide these services.

3002.8 Re-Application after the Time Limit

Assistance will be denied to employable caretakers reapplying for benefits after the time limit has expired, unless the caretaker proves that grounds exist for an extension.

Benefits will be provided to these families only in the pay-after-performance component, up to the federal maximum of sixty (60) cumulative months in the time-limited program (See DSSM 3002.9). DSS will conduct an assessment and notice the family prior to termination of benefits (See DSSM 3002.5).

Families headed by unemployable caretakers can receive assistance under the Children's Program.

3002.9 Exceptions to the Time Limit Counter

Repealed

14 DE Reg. 1073 (04/01/11)

3003 Non-Time Limited Program - Children's Program

DELAWARE'S TEMPORARY ASSISTANCE FOR NEEDY FAMILIES WELFARE REFORM PROGRAM creates a non-time-limited program for certain families, referred to as the Children's Program. Families with the following status will receive benefits in the Children's Program:

- Families that the agency has determined are unemployable and unable to achieve self-sufficiency, either because a parent is too physically or mentally disabled to work in an unsubsidized work setting or because the parent is needed in the home to care for a child or another adult disabled to that extent; or
- Families headed by a non-needy, non-parent caretaker; or
- Families where the agency has determined that the adult caretaker is temporarily unemployable. Based on medical information, DSS will set the duration of the unemployability. The caretaker has the responsibility to request an

extension and provide proof of continuing unemployability. Otherwise, DSS will consider the caretaker employable and transfer the family to the time-limited program.

- Families in which the adult files a claim or has a claim being adjudicated for SSI or disability insurance under OASDI. (In this case, the family must sign an agreement to repay cash benefits received under the Children's Program from the proceeds of the first SSI/DI check received. However, the Division will require this only as long as the SSI/DI benefit includes retroactive payments for a period when the family received benefits under the Children's Program. The amount repaid will not exceed the amount of the retroactive SSI/DI benefit.)

In cases for which the family is placed in the Children's program because the parent (or other caretaker relative) is caring for a disabled family member, DSS will obtain a statement from a medical or licensed behavioral health professional or have the DSS Medical Certification form completed by a medical professional to verify that the person is needed in the home to care for the disabled family member.

CONTRACT OF MUTUAL RESPONSIBILITY requirements and sanctions for non-compliance apply to families in the Children's Program.

3004 Caretakers in TANF Families

Assistance is provided to needy families. A family is one or more children living with a specified relative, guardian, or custodian (adult acting in loco parentis).

Specified relative is defined as:

- Any relative by blood, marriage, or adoption who is within the fifth degree of kinship to the dependent child. The degree of relationship is as follows: a parent (1st degree), grandparent (2nd degree), sibling (2nd degree), great-grandparent (3rd degree), uncle or aunt (3rd degree), nephew or niece (3rd degree), great-great-grandparent (4th degree), great-uncle or aunt (4th degree), first cousin (4th degree), great-great-great-grandparent (5th degree), great-great uncle or aunt (5th degree), or a first cousin once removed (5th degree).
- Any other persons named in the above groups whose relationship to one of the child's parents is established by legal adoption;
- The spouse of any person named in the above groups even though the marriage terminated by death or divorce.
- A party to a civil union of any person named in the above groups even if the civil union terminated by death or dissolution.

For the purposes of the TANF program a guardian is defined as:

- An adult providing an appropriate supportive living arrangement who has been appointed as guardian of the child(ren) in his/her care by an authorized court, or
- an adult who has received the consent and approval to exercise the day-to-day care, custody, and control of the child(ren) in his/her care by the Delaware Division of Family Services or any agency or court licensed or authorized to place children in a nonrelated home.

A custodian or an adult acting *in loco parentis* ("in the place of a parent") is defined as:

An adult who provides an appropriate supportive living arrangement for the child(ren) in his/her care, and who has:

- intentionally taken over the duties of a parent and is responsible for exercising the day-to-day care, custody, and control of the child(ren),
- accepted the legal responsibility of caring for the child,
- been referred to the Delaware Division of Family Services for purposes of determining suitability of the adult to act *in loco parentis* and the dependency of the child(ren).

Adults acting *in loco parentis* are required to acknowledge their acceptance of the legal responsibility for the child(ren) in their care and their intentional acceptance of the day-to-day care, custody, and control of the child(ren) in their care. This acknowledgement must be in writing and on a Division of Social Services approved form.

The Division of Family Services (DFS), within the Department of Services for Children, Youth, and Their Families (DSCYF) must approve the living arrangement of a custodian and the children they are caring for by the next redetermination. If verification of consent and approval by DFS is not provided by the next redetermination, TANF payments should be stopped.

Paternity Establishment:

When a child lives with both the natural father and the mother but paternity has not been legally established, refer the parents to the Division of Child Support Enforcement (DCSE) for a voluntary acknowledgement of paternity. If the alleged father is unwilling to complete the voluntary acknowledgement of paternity, DSS will consider the child deprived of the care and support of his/her father. Refer the case to DCSE for follow-up on establishing paternity.

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When a child lives with the natural father, but paternity has not been legally established, have the father complete a declaration of natural relationship document. Obtain one additional document from the documents listed below to support the natural father's claim of relationship.

- Social Security Administration records;
- Hospital, clinic, or Public Health Records;
- Department of Services to Children, Youth, and Their Families records;
- Census Bureau records;
- Income Tax records specifying the relationship;
- Insurance policies which specify the relationship;
- Military or veterans records which specify the relationship Statement from a minister, priest, or rabbi;
- Family bible, Baptismal Certificate or other family records (such as wills, deeds), written in ink and not altered which specify the relationship;
- Statement of physician or midwife who attended the birth and remembers the names of the people involved;
- Other government or local agency records, newspaper records, or local histories which specify the relationship;
- A Declaration of Natural Relationship signed by the mother or other maternal relative;
- If none of the above documents are available, a declaration of Natural Relationship signed by a knowledgeable person.

When a child lives with a relative of the natural father, but paternity has not been legally established, have the relative complete a Declaration of Natural Relationship document. Obtain one additional document from the documents listed above to support the relative's claim of relationship.

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

15 DE Reg. 1498 (04/01/12)

3004.1 Living in the home

The parent's or caretaker's statement that the child is living in the home must be verified at the time of application and at each subsequent redetermination.

A home is defined as the family setting where the child and the caretaker reside. The home exists even if the child or caretaker is temporarily absent (See DSSM 3023.4, 3023.5, and 3023.6).

The child is considered living with the caretaker even if the child is under the jurisdiction of the court (e.g., receiving probation services or protective supervision) or legal custody is held by an agency, as long as the child continues to live at home.

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

3004.1.1 Joint Custody

The home exists even if the responsible caretaker relative or child is temporarily absent per DSSM 3023.4, 3023.5, and 3023.6 for TANF purposes. Joint custody cases can complicate deciding if a child is eligible for TANF and with which specified relative.

The Division of Social Services uses the following terms and definitions. (Note: The court system may use similar terms having different definitions.)

Joint Custody-Two parties are given the control to make major life decisions for a child. Joint custody exists when two parties are given, by court decree, the responsibility for making the major decisions in a child's life. This also covers shared custody situations. (This is not meant to be an exhaustive list but a guide. There may be other decisions that fall into this category.) Major life decisions revolve around:

- Religious upbringing;
- Medical treatment options; and
- Education.
- Primary Residence - The physical home/location of the child the majority of the time. The court may indicate which party should maintain a primary residence for the child. This decision is often with one party but can sometimes be an equal split between the adults seeking custody. A court decree indicating that one party has the primary residence does not automatically mean only that party is permitted to apply for and receive TANF for that child.
- Day-to-Day Care and Control- The person(s) who provide the care for the child the majority of the time. These care decisions do not necessarily rise to the level of major life decisions but they are the ones that the responsible adult makes on a daily basis.

The Division of Social Services provides that in joint custody situations, the first party to apply for and have eligibility determined for TANF can receive it for that child. This is permitted, whether or not the party in the joint custody case has the primary residence of the child. We allow this situation because the child will have just one parent providing the day-to-day care or no parent providing the day-to-day care at any given time. This only applies in joint custody cases.

When both parties in the joint custody arrangement wish to receive TANFB at the same time:

- Determine with whom the child resides most of the time; and
- Determine who maintains the day-to-day care and control of the child.

The party with whom the child resides most of the time and the party who maintains the daily care and control of the child will be able to receive TANF for that child. If both parties have equal time and decision making for the child *each month*, then the party that applies first will be able to receive the TANF benefits.

9 DE Reg. 1235 (02/01/06)

3005 Child Support

As part of the TANF eligibility process, all applicants must assign to the State of Delaware their rights to receive spousal support for themselves and child support for the dependent children in their care. As part of this process, applicants and recipients must cooperate, unless good cause is established, in:

1. Identifying and locating absent parents;
2. Establishing paternity for dependent children born out of wedlock; and
3. Establishing support payments and/or other properties for the dependent child.

The Division of Child Support Enforcement (DCSE) is the single State agency that is empowered to:

Establish paternity of and secure support for children born out of wedlock;

Secure support from parents who have abandoned or deserted their children; and

Enter cooperative arrangements with appropriate courts and law enforcement officials in order to establish support.

Before approving a TANF grant, DSS will refer applicants to the DCSE to begin the process of securing support payments. While assistance is received, any spousal or child support payments made on behalf of a recipient will be paid to DCSE. The first \$50 of support that is collected by DCSE each month will be returned to the TANF recipient. These payments will be sent to the recipient the month following the month the support is collected. All remaining support payments will be retained by the State while the TANF case is active.

The assignment of support rights covers all TANF recipients, including pregnant women who receive a check in their ninth month of pregnancy, and persons who are eligible for a grant but do not receive a check because the need for assistance is less than \$10. In the latter case, DCSE will not retain support payments.

Even though support payments are retained by the State while an individual is a TANF recipient, these payments are considered in determining initial and continuing financial eligibility. Refer to DSSM 4005.1 for a complete discussion of support payments and financial eligibility.

See Administrative Notices: A-23-98; A-07-2001; A-10-2001; A-12-2001

3005.1 Cooperation Responsibilities

Clients must cooperate with the Division of Child Support Enforcement (DCSE) as a condition of eligibility. All families are required to provide sufficient information to permit Delaware to obtain Child Support on behalf of the family. Exceptions can be made when the caretaker demonstrates that pursuit of Child Support would create a danger to the caretaker or the child(ren). It is the responsibility of the client to provide documentation to verify such a Good Cause claim.

In order to identify and locate absent parents, establish paternity, and obtain support payments and/or other property, applicants or recipients of TANF are required to participate in the following activities, if relevant:

1. To appear at an office of DSS or the Division of Child Support Enforcement to provide verbal or written information or documentary evidence known to or possessed by the applicant or recipient;
2. To appear as a witness at judicial or other hearings or proceedings;
3. To provide information or to attest to the lack of information under penalty of perjury;
4. To pay to the Division of Child Support Enforcement any child support payments received from an absent parent after an assignment has been made.

3005.2 Penalties for Non Cooperation

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Failure of a caretaker, without good cause, to cooperate with and provide information to the DCSE to permit the State to pursue the collection of child support on behalf of dependent children will result in a fiscal sanction equal to the TANF benefit, until compliance. Deny the case of applicants who fail to provide information so that the State may pursue child support collections.

3005.3 Curing Child Support Penalties

To cure the child support sanction, the caretaker will provide sufficient information to permit Delaware to pursue child support collections on behalf of needy children.

3005.4 Good cause determination

It is the responsibility of the Division of Child Support Enforcement (DCSE) to determine if good cause for refusing to cooperate exists. When good cause is determined to exist, the applicant may participate in the TANF program and will not be required to cooperate in support collection activities.

3005.5 Enforcement without the caretaker's cooperation

When good cause for non-cooperation exists, DCSE must decide whether or not child support enforcement activities can proceed without risk to the child or caretaker if the enforcement activities do not include cooperation. DSS will ask the applicant if he/she believes that enforcement activities can proceed and will relay that information to DCSE.

If a DCSE's recommendation is to proceed with enforcement activities, DSS will notify the applicant and give the applicant the opportunity to withdraw the application or close the case before enforcement activities begin.

3005.6 Fair Hearings

Applicants and recipients have the right to request a fair hearing if they disagree with any DSS or DCSE decision made in regard to the child support assignment, non-cooperation, or good cause claim issues. DCSE will handle the fair hearing requests on issues of non-cooperation and good cause claim.

See Administrative Notice: A-8-99 Child Support Fair Hearing Procedures

3005.7 Assignment of Child Support Rights and Fair Hearings

Applicants and recipients have the right to request a fair hearing if they disagree with any DSS decision made in regard to the child support assignment.

3005.8 Child Support Enforcement Procedures

1. At the eligibility interview, the DSS worker will explain, as outlined on Form 200 and Form 204, the automatic assignment of support rights, the client's responsibilities in relation to securing support and the circumstances that constitute good cause for refusal to cooperate. The applicant and worker will sign Form 200 and Form 204. A copy of each form will be given to the applicant.

2. At the time of application, if applicants have at least the minimum information required for child support case initiation and do not claim good cause, DSS staff should initiate the child support case via the computer. DSS assumes cooperation unless notified by DCSE otherwise.

An interview with the DCSE is waived in the following cases:

- a. TANF- UP cases where there are no children with absent parents.
- b. TANF cases where deprivation is based on incapacity.
- c. TANF cases in which good cause has been determined to exist. Good cause is determined by DCSE.
- d. TANF reapplications or supplemental applications where the caretaker has previously cooperated with the Division, and the absent parents involved in the case are the same individuals that were involved when the case was previously open.

3. When the DCSE indicates that the caretaker has been uncooperative, the TANF case is closed.

If good cause is claimed, the client is asked to provide evidence to verify the claim to DCSE.

3006 TANF Employment and Training Program

Delaware's Temporary Assistance 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.

12 DE Reg. 793 (12/01/08)

3006.1Mandatory Participants

(45 CFR §261. 22(c))

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

A. A single custodial parent caring for a child less than 12 months of age may be exempted from employment and training activities for up to 12 months in the lifetime of the parent.

Single custodial parents who are caring for a child less than 12 months of age and who have not reached their 12 month limit will be exempted from employment and training activities unless they waive their employment and training exemption.

Parents who waive their employment and training exemption are subject to all the conditions and rules of the employment and training program. Parents who waive their employment and training exemption cannot be exempted for caring for a child less than 12 months of age again unless a new biological, step, or adopted child less than 12 months of age is added to the TANF case.

Parents who waive their employment and training exemption must meet the required employment training hours based on their family composition within 14 calendar days of waiving their exemption. Cases which fail to meet the employment and training requirement are subject to a full family sanction.

B. An individual determined unemployable by a health care professional.

C. On a case-by-case basis, clients who are victims of Domestic Violence. [see DSSM 3010.2.1 through DSSM 3010.2.5]

D. 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, supports and opportunities including reasonable accommodations to participate in the Employment and Training programs.

3006.1.1Requiring Participating in Employment and Training for One-parent and Single Caretaker Families

This policy applies to TANF families headed by an employable single non-parent caretaker who is included in the grant or an employable single parent caretaker aged 18 or older.

1. Caretakers are required participate with a TANF employment and training vendor.

2. The vendor will develop an individualized employability plan for each participant.

3. The employability plan will detail the weekly countable activities to be completed. The caretaker will receive verbal and written instructions of activity verification requirements].

4. Verifications of activities are required to be submitted the week the activity occurred.

Exception: Verification of employment by paystub or by an employer form may be submitted up to seven calendar days after they are received from the employer.

5. Caretakers are required to complete at least 30 hours of countable activities a week.

Exception: Single custodial parents caring for a child under six are required to complete at least 20 hours of countable activities a week.

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6. Caretakers who fail to complete the activities or to provide the required verification to the employment and training program will be subject to a sanction.

- A. Non-parent caretakers will be removed from the TANF grant
- B. Single parent households are subject to the full family sanction rules.

7. The total number of hours the caretaker may engage in work experience or community service is limited by the Fair Labor Standards Act (FLSA).

The maximum required monthly hours of participation in work experience and community service is determined by dividing the combined monthly TANF and food benefits by the greater of the Federal or Delaware minimum wage.

3006.1.2 Requiring Participation in Employment and TRAINING FOR Two-Parent Families

This policy applies to TANF families headed by two employable adults aged 18 or older and who are both included in the TANF grant.

1. Two-Parent families are required to participate with a TANF employment and training vendor.
2. The vendor will design an individualized employability plan for each family.
3. The employability plan will detail the weekly countable activities to be completed. Parents will receive verbal and written instructions of activity verification requirements.
4. A family will receive a full family sanction when:
 - a. The family does not complete the required hours of planned activities in a week, or
 - b. The family does not submit the required verification of activities to the employment and training program.
5. Verifications of activities are required to be submitted the week the activity occurred.

Exception: Verification of employment by paystub or by an employer form may be submitted up to seven calendar days after they are received from the employer.

6. The two week pre-participation period is not met until both parents have attended an orientation at the Employment and Training provider.

7. One participant may complete all of the required employment and training activities for the household.

8. Two-parent families are required to complete at least 40 hours of countable employment and training activities a week.

9. The total number of hours the adults in a two parent family may engage in work experience or community service is limited by the Fair Labor Standards Act (FLSA).

The maximum required monthly hours of participation in work experience or community service is determined by dividing the combined monthly TANF and food benefits by the higher of the Federal or the Delaware minimum wage.

10. Two -parent families may receive child care designated for participants in the TANF Employment and Training if the following conditions are met:

- A. Both adults are participating in verified countable activities.
- B. Both adults are engaging in at least 20 hours of activities a week.

The employment and training program will notify the Division of Social Services when the requirements of this policy are not met.

12 DE Reg. 793 (12/01/08)

14 DE Reg. 826 (02/01/11)

14 DE Reg. 1073 (04/01/11)

3006.2 TANF Employment and Training Participation and Participation Rates

Under the Temporary Assistance for Needy Families Block Grant, DSS is required to meet the following work participation rates with respect to all families that include an adult or minor child head of household receiving assistance:

ALL FAMILIES		
Fiscal Year	Minimum Participation Rate	Required weekly hours of participation
2002 and after	50%	30 hours

TWO PARENT FAMILIES		
Fiscal Year	Minimum Participation Rate	Required weekly hours of participation
1999 and after	90%	35 hours a week 55 hours a week if receiving Federal Child Care Subsidy

DSS may face a lower work participation rate if it experiences a net caseload reduction compared to FY 2005.

Example: If it is determined that DSS' average monthly caseload in FY 2006 was 4 percentage points lower than average monthly caseloads in FY 2005, then, rather than having to meet a 50% work participation rate requirement in FY 2006, the rate would be lowered by 4 percentage points to 46%.

To be counted toward meeting the work participation rate, each individual must meet the required number of hours each week.

Single parents who are not working 30 hours a week or earning an equivalent of 30 hours a week times minimum wage are required to participate in work and/or work related activities. Participation in work and work related activities must equal at least a minimum average of 30 hours a week; and, at least 20 of the hours per week must come from participation in federally defined core activities.

Single parent/caretaker TANF recipients with a child in the TANF household under six are deemed to be engaged in work for a month if the recipient is engaged in federally defined core work activities for an average of at least 20 hours per week during the month.

Two-parent families where one parent is not working at least 35 hours a week or earning the equivalent of 35 hours a week times minimum wage are required to participate in work and/or work related activities. Participation in work and work related activities must equal an average of at least 35 hours a week; and, at least 30 of the hours per week must come from participation in federally defined core activities.

Two parent families who receive federally funded Purchase of Care services who are not working at least 55 hours a week or earning the equivalent of 55 hours a week times minimum wage are required to participate in work and/ or work related activities. Participation in work and work related activities for one parent must equal 35 hours a week. Combined hours of participation in work and work related activities must equal an average of at least 55 hours a week. Of the average 55 hours a week the participants must average at least 50 hours a week of federally defined core activities.

Teen parents are required to attend school, work, or participate in the employment and training activities. Secondary, post-secondary, vocational, training school, and participation in a GED program meets participation requirements for the month and is the equivalent to work. If they are not attending one of the above types of school or working for 30 hours a week they must participate in employment and training activities for 20 or 30 hours a week.

Single custodial parents with a child under 12 months of age are able to receive an exemption from Employment and Training requirements for a total of 12 months in their lifetime.

REQUIRED EMPLOYMENT AND TRAINING HOURS

The monthly participation rate is calculated as follows:

Family Composition	Required Hours Per Week	Minimum Required Core Hours
Single Parent Family		
A. With a child under 6 years old	20	20

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B. No children under 6 years old	30	20
Two Parent Family		
A. Not receiving subsidized child care	35	30
B. Receiving subsidized child care	55	50

Numerator: # of TANF families with a work-eligible-individual who meet the participation requirement for the month
divided by

Denominator: # of TANF families that include a work-eligible individual, less # of families sanctioned in that month for failure to participate in work (for up to 3 months in preceding 12 month period), less the number of non-needy caretaker households less the number of single custodial parents opting to use one of the 12 months allowable exemptions for caring for a child under one year of age. A parent can only use this exemption for a total of 12 months in his/her lifetime.

8 DE Reg. 1618 (5/01/05)

10 DE Reg. 706 (10/01/06)

11 DE Reg. 1241 (03/01/08)

14 DE Reg. 826 (02/01/11)

3006.2.1 TANF Employment and Training Participants Who Count for TANF Participation

According to provisions of Delaware's Temporary Assistance For Needy Families, the following individuals must participate in work related activities and are included in the denominator for calculating the Federal participation rates.

- Work-eligible individuals as defined in DSS TANF policy;
- Work-eligible adults in the Time-Limited Temporary program;
- Work-eligible adults for whom the Contract of Mutual Responsibility specifies the employment-related activities that will be required;
- Work-eligible adults who are not exempt because they are medically unable to participate; and
- Single custodial parents caring for a child less than 12 months of age who have waived their employment and training exemption or are no longer eligible for an exemption.

10 DE Reg. 706 (10/01/06)

14 DE Reg. 826 (02/01/11)

3006.3 TANF Employment and Training Activities

The Division of Social Services, in conjunction with the Delaware Department of Labor and the Delaware Economic Development Office, has developed employment and training programs to move TANF clients to economic independence. These agencies will conduct initial and ongoing assessments of client employability and appropriateness of employment and training related activities. For individuals deemed unable to work because they are physically or mentally disabled a referral is made to the Division of Vocational Rehabilitation. Use Form 134.

The Division has agreements with the Delaware Department of Labor and the Delaware Economic Development Office to offer employment and training activities.

The goal is to place the adult recipient in an unsubsidized job in as timely a manner as possible. The Department of Labor will have the option of recycling through job search those adult recipients who are unsuccessful in finding work, and/or placing the adult recipient in an alternative work experience, OJT, remediation, or a skills training program. Also, both the Division and the Department of Labor are jointly responsible for the development of an Employability Development Plan.

Although the Department of Labor assumes primary responsibility for assigning adult recipients to employment-related activities for this age group, the Division retains responsibility for sanctions, federal reporting and other TANF requirements.

10 DE Reg. 706 (10/01/06)

3006.4 TANF Employment and Training Activities Which Constitute Participation Under TANF

The following are employment-related activities that count as participation:

- Unsubsidized employment - means full- or part-time employment in the public or private sector where the employer is not subsidized by TANF or any other public program. (A subsidy does not include employer tax credits for hiring economically disadvantaged workers.)

- Subsidized private sector employment - means employment in the private sector for which the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing a recipient.]
- Subsidized public sector employment - means employment in the private sector for which the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing a recipient.
- The goal of subsidized employment is to move participants into unsubsidized employment, so duration should be limited.
- Unlike work experience, a participant is paid wages and receives the same benefits as a non-subsidized employee.
- Preamble outlines 3 subsidized models:
 1. Work supplementation where TANF funds that would otherwise be paid as assistance is paid to employer;
 2. Third party contractor, like a temporary staffing agency, serves as employer of record and is paid a fee to cover salary, expenses and success in placing employees; and
 3. Supported work for individuals with disabilities in an integrated setting.
 - Work experience (including work associated with refurbishing of publicly assisted housing) if sufficient private sector employment is not available - means a work activity, performed in return for welfare, that provides an individual with an opportunity to acquire the general skills, training, knowledge, and work habits necessary to obtain employment. The purpose of work experience is to improve the employability of those who cannot find unsubsidized employment. This activity must be supervised by an employer, work site sponsor, or other responsible party on an ongoing basis no less frequently than daily.
 - Participants receive TANF assistance/benefits, not wages.
 - May be considered an “employee” under Fair Labor Standards Act (FLSA) broad definition. If so, participants must be compensated at the minimum wage and overtime rules apply. (See §§ 261.31-32 below for new flexibility in counting hours subject to FLSA.)
 - TANF assistance/benefits that work experience participants receive are not considered wages for Social Security purposes, or taxable income for purposes of the Federal income tax, or the Federal Earned Income Tax Credit.
 - A State may consider a work-experience participant to be an “employee” for purposes of worker’s compensation.
- On the job training - means training in the public or private sector given to a paid employee while he or she is engaged in productive work and that provides knowledge and skills essential to the full and adequate performance of the job.
 - States may subsidize the employer to offset training costs.
 - OJT must be supervised daily.
 - Supported employment may be counted as OJT, if it includes significant on-site training in the skills and knowledge essential to job performance.
 - Job search and job search readiness (six week limit) - means the act of seeking or obtaining employment, preparation to seek employment, including life skills training, and substance abuse treatment, mental health treatment, or rehabilitation activities for those who are otherwise employable. Such treatment or therapy must be determined to be necessary and certified by a qualified medical or mental health professional. Job search and job readiness activities must be supervised by the TANF agency or other responsible party on an ongoing basis no less than daily.
 - The “job search” aspect includes looking for suitable job openings, making contact with potential employers, applying for vacancies and interviewing for jobs.
 - Job readiness assistance comprises of two activities:
 1. Preparing an individual to obtain employment, such as preparing a resume or job application, interviewing skills, instruction in work place expectations and life skills; and
 2. Substance abuse treatment, mental health treatment, or rehabilitation activities for those who are otherwise employable. A State may only count an individual’s actual hours of participation in treatment or rehabilitation activities.
 - If a portion of the treatment or rehabilitation service meets a common-sense definition of another work activity, then the hours associated with that activity may count under the appropriate category, such as work experience.
 - For purposes of the 6-week limitation (no more than 4 consecutive weeks), a week consists of 7 consecutive days.
 - Community service programs - means structured programs and embedded activities in which TANF recipients perform work for the direct benefit of the community under the auspices of public or nonprofit organizations. Community service programs must be limited to projects that serve a useful community purpose

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in fields such as health, social service, environmental protection, education, urban and rural redevelopment, welfare, recreation, public facilities, public safety, and child care. Community service programs are designed to improve the employability of recipients not otherwise able to obtain employment and must be supervised on an ongoing basis no less than daily. A State agency shall take into account, to the extent possible, the prior training, experience, and skills of a recipient in making appropriate community service assignments.

- Family- and self-improvement activities that do not provide a direct benefit to the community may not be counted as community service, including substance abuse treatment, mental health and family violence counseling, life skills and parenting classes, job readiness instruction and caring for a disabled household family member.
- Community service programs may not include activities that meet the definition of another allowable TANF work activity.
- Programs must include structured activities that both provide a community service and also improve the employability of participants.
- Excluded are unstructured and unsupervised activities such as helping a neighbor or friend, and foster parenting.

Participants may be considered an “employee” under the Fair Labor Standards Act (FLSA) broad definition. If so, participants must be compensated at the minimum wage and overtime rules apply

- Vocational educational programs (not to exceed 12 months); - means organized educational programs that are directly related to the preparation of individuals for employment in current or emerging occupations requiring training other than a baccalaureate or advanced degree.
- Vocational educational training must be supervised on an ongoing basis no less than daily. Vocational education does not include basic and remedial education, education in English proficiency, and postsecondary education.
- Unsupervised homework time may not count; however structured and monitored study sessions which can be documented may be counted.
- Vocational education must be provided by education or training organizations, such as vocational-technical schools, community colleges, postsecondary institutions and proprietary schools, etc.
- Job skills training directly related to employment - means training or education for job skills required by an employer to provide an individual with the ability to obtain employment or to advance or adapt to the changing demands of the workplace. Job skills training directly related to employment must be supervised on an ongoing basis no less frequently than daily.
- Barrier removal activities, such as substance abuse counseling and treatment, may not be included.
- Education directly related to employment for a recipient who has not received a high school diploma or equivalent - means education related to a specific occupations, job, or job offer. Education directly related to employment must be supervised on an ongoing basis no less frequently than daily.
- May also include adult basic education and ESL, and where required as a prerequisite for employment education leading to a General Educational Development (GED) or high school equivalency diploma.
- Participants should make “good or satisfactory progress” in terms of grades and completion timeframes under the standards of the institution.
- Satisfactory school attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate - means regular attendance, in accordance with the requirements of the secondary school or course of study, at a secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate. This activity must be supervised on an ongoing basis no less frequently than daily.
- To count, participants should make “good or satisfactory progress” in terms of grades and timeframes under the standards of the institution.
- May not include other related educational activities, such as adult basic education or language instruction.
- Unsupervised homework time may not count.
- Providing child care services to an individual who is participating in a community service program - means providing child care to enable another TANF recipient to participate in a community service program. This activity must be supervised on an ongoing basis no less frequently than daily.
- Regular school attendance or appropriate alternative activity (e.g., training or employment) for dependent children and minor parents.
- Participation in Vocational Rehabilitation program for eligible recipients.

Education and Training

Students who do not meet the Blevins Bill requirements in section 3006.6 can receive 1.5 hours of study time for each credit hour if the education or training class requires homework and study time to be completed outside of class time. A 3-credit course would equal 7.5 hours of participation. $(3 + (3 \times 1.5) = 7.5$. Study hours must be supervised to count towards participation.

If a recipient is attending training or a program that does not have a designated credit hour, a determination of the amount of study time required for this training will have to be determined independently. This will be reported on the General Activity Screen in the DCIS II Employment and Training sub-system. A question will ask if this activity requires study time, if it is answered yes, then a mandatory screen will appear to enter the amount of weekly study hours. The amount of study hours necessary will be determined by the contractor.

The student must be in good standing as it relates to attendance and achievement as defined by the program the student is attending.

Example: A participant who is working 15 hours a week and taking 2 three-credit classes will have a participation rate of 30 hours. (15 hours of work + 6 credit hours of class + 9 hours of study time.

9 DE Reg. 1372 (03/01/06)

10 DE Reg. 706 (10/01/06)

3006.5 TANF Employment and Training Participants Who Count for TANF Participation

8 DE Reg. 1618 (05/01/05)

9 DE Reg. 798 (11/01/05)

Repealed 10 DE Reg. 706 (10/01/06)

3006.6 Senate Bill 101-1999 and Employment & Training Activities

Under Senate Bill 101-1999, persons who must participate in Delaware's Temporary Assistance to Needy Families, can qualify for participation purposes if they are engaged in secondary education, post-secondary education up to the baccalaureate level, adult basic education or vocational training. Participants must meet the following Senate Bill 101-1999 requirements in order to meet participation rates.

(a) Persons who qualify for assistance under Delaware's Temporary Assistance To Needy Families shall be eligible to participate in adult basic education, secondary education, post-secondary education up to the baccalaureate level, adult basic education or vocational training as an approved work activity provided each of the following requirements are met:

1. The person does not hold a baccalaureate degree.
2. The secondary, post-secondary education up to the baccalaureate level, or vocational training is pursued through an accredited or approved school program.
3. The person is enrolled with enough credit hours to have full-time student status and is in good standing as it relates to attendance and achievement as defined by the program the person is attending.
4. If the person attending school would otherwise be subject to a work requirement in order to receive assistance under TANF, the combination of credit hours and work hours shall equal at least 20 hours per week while the program is in session. This work requirement may be met through work-study, internships, externships, or through work as a research assistant. If possible, during scheduled breaks, the work requirement will be the same as for other program participants, with work experience related to the field of study. However, if the student is enrolled full-time for the next semester and work activity placement cannot be arranged for the duration of the break in classes, it may be excused.

5. For every 1 credit hour count 1.5 hours of study as part of the fulfillment of the required work participation hours. Therefore, if a person's full-time status is 12 credit hours count the 12 hours plus an additional 18 hours $(12 \times 1.5 = 18)$ for a total of 30 hours of weekly participation.

(b) Loans, scholarships, grants and work-study received by the recipient to pay for tuition and materials are excluded in determination of eligibility for assistance under TANF or the amount of assistance received by the recipient

(c) The Department of Health and Social Services shall advise all persons of this section at application interviews and, at a minimum, at each recertification appointment.

(d) Persons attending education and training programs under this section shall receive support services, such as assistance with transportation and child care, while they attend the educational or vocational training program on the same basis as support services are provided other persons who are receiving assistance under TANF.

(e) If program completion will occur within one semester or quarter after the time limit expires, an extension may be granted for that semester or quarter.

(f) Persons sanctioned while attending educational or vocational programs shall be afforded the same due process as provided other persons under TANF.

8 DE Reg. 1618 (5/1/05)

9 DE Reg. 798 (11/01/05)

3007 TANF Supportive Services and Transitional Benefits

The Division will ensure that Supportive Services are available. The Division will ensure the availability of these services, to the extent it determines they are necessary for a recipient to participate.

Currently child care is provided in accordance with child care policy in DSSM 11000. Transportation assistance is provided in accordance with DSSM 3007.6.

All other supportive services are included and provided by vendors as specified in the employment contracts.

8 DE Reg. 1618 (5/01/05)

3007.6 Transportation Assistance

Transportation assistance will be paid to participants who are referred to the TANF E&T Workfare Vendor to assist with the transportation costs incurred during the initial contact with the Workfare Vendor.

Participants residing in New Castle County will receive a \$5.00 Transportation assistance check.

Participants residing in Kent and Sussex Counties will receive a \$10.00 Transportation assistance check.

The Transportation checks will be sent automatically by DCIS II after Confirmation. Replacement checks can be issued by the supervisor after the completion of the affidavit.

8 DE Reg. 1618 (5/01/05)

3008 Eligibility of Certain Minors

3008.1.1 Babies Born To Teen Parents [Repealed]

9 DE Reg. 1978 (06/01/06)

28 DE Reg. 673 (03/01/25)

3008.1.2 Three Generation Households [Repealed]

28 DE Reg. 673 (03/01/25)

3008.1.3 Providing Non-cash Assistance:

The services that non-cash assistance will provide are as follows:

DSS will offer non-cash assistance to these families after their request for cash assistance has been denied. The purpose of the voucher program is so the caretaker can purchase necessary items for the child denied benefits due to the parent being unmarried and a minor. Necessary items may include formula, if the minor parent and child are not WIC eligible, diapers, baby wipes, clothing. This is not an all inclusive list. Items covered by Medicaid are not eligible. A determination of need is to be completed by the contracted vendor. Though a baby may receive these services in subsequent months, the service ends when the parent either marries or turns eighteen.

A monthly voucher is to be no more than \$69. The primary caseworker will explain that the family could receive a monthly voucher that may cover more than one month, but shall not exceed \$207, the amount of three months of A Better Chance Welfare Reform Program grant awarded to children born before January 1, 1999. When a customer receives a monthly voucher greater than \$69, the customer will be ineligible to receive services as follows:

- For the following month when the voucher is between \$70 and \$138.
- For the following two months when the voucher is between \$139 and \$207.

The primary caseworker will make the initial referral for the non-cash assistance to the contracted vendor. Referrals will include the name and Social Security number of the adult caretaker and the minor parent, the name and date of birth of the baby, address, a phone number for contacting the family and a DCIS II case number. The adult caretaker will contact the

vendor if there is a need for services in subsequent months. The case record will be documented when a referral for this program is made to a contracted vendor.

Provide families referred for this service with appropriate vendor address and telephone number.

3008.1.4 Minor Teen Parents

Teen parents are required to attend either:

- elementary;
- secondary;
- post-secondary;
- vocational;
- training school,
- a GED program; or
- work.

If these minor teen parents are not participating in any of the above activities they should be referred to the Employment and Training contractors.

Refer to DSSM 3012.2, DSSM 3012.4 and DSSM 3012.5 to be able to receive TANF.

10 DE Reg. 706 (10/01/06)

3008.2 Family Cap

Repealed, effective May 11, 2023

26 DE Reg. 964 (05/01/23)

3009 Defining the Contract of Mutual Responsibility

The Contract of Mutual Responsibility (CMR) is an agreement between the TANF client and DSS which sets obligations and expectations for helping the client achieve self-sufficiency. The CMR is a requirement for all TANF clients.

- 1. All TANF clients are required to develop a CMR with their DSS case worker. The CMR outlines the requirements that the client must fulfill to receive TANF benefits.**
 - A. The CMR encompasses three broad categories of requirements:
 - i. Self-sufficiency,
 - ii. Enhanced family functioning, and
 - iii. Teen responsibility.
 - B. The CMR is individualized to the specific needs and situations of each family.
 - C. The CMR will be revised as the needs and situations of the family evolve.
- 2. DSS case workers will assist clients in developing the CMR when TANF cases are opened and will monitor clients' compliance with the required CMR elements.**
 - A. DSS case workers will:
 - i. Explain to clients the CMR requirements and the penalties for non-compliance.
 - ii. Give clients the appropriate time frame to comply with each CMR element. Compliance with the CMR elements is not required to initially apply for TANF.
 - iii. Review the CMR for compliance during TANF redeterminations or during reapplication if the TANF case closed for non-compliance with the CMR.
 - iv. Identify non-compliance with CMR elements and sanction TANF cases.
 - v. Address barriers that may impede clients' compliance with CMR elements.
- 3. DSS will sanction TANF cases when clients fail to comply with the CMR requirements.**
 - A. Sanctions for non-compliance with the CMR are fiscal penalties that reduce or close TANF benefits.
 - B. The intended result of the sanction process is to motivate clients to cooperate.
 - C. DSS encourages clients to disclose any difficulties that may create barriers for meeting the CMR requirements. DSS will not impose a sanction if good cause exists.

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D. A sanction will end when DSS receives proof that the TANF client is complying with the CMR requirements.

4. **DSS will ensure that supportive services related to CMR requirements are available to TANF clients.**
- A. DSS will work with clients to identify barriers that may hinder compliance with the CMR requirements.
 - B. DSS will provide supportive services to clients to assist in reducing identified barriers.
 - C. DSS will not sanction clients if supportive services identified in the CMR are not available.
 - D. DSS will revise the CMR to reflect when a supportive service is not available to the client.

Related policies:

DSSM sections 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017

10 DE Reg. 706 (10/01/06)

22 DE Reg 773 (03/01/19)

3009.1 Imposing Sanctions for Non-Compliance with CMR Requirements

DSS imposes sanctions on TANF cases when clients fail to comply with their CMR requirements. If DSS determines a client has good cause for non-compliance with the CMR, DSS will not sanction the TANF case.

1. **DSS applies sanctions to a TANF case based on a penalty hierarchy for the three broad categories of CMR requirements: self-sufficiency, enhanced family functioning, and teen responsibility.**
2. **DSS case workers must follow the CMR sanctions penalty hierarchy as outlined in this policy. Case workers must apply sanctions that reduce benefits before applying sanctions that close the TANF case. Case workers must impose all CMR sanctions.**
 - A. DSS applies teen responsibility sanctions first. The teen responsibility sanction removes a teen, age 16 and older, from the TANF case when the teen does not maintain satisfactory school or employment and training attendance.
 - B. DSS applies family functioning sanctions second. The family functioning sanction reduces the TANF benefit amount by \$50 initially, with an additional reduction of \$50 in the benefit amount each month the client is non-compliant with the CMR requirements for:
 - CMR development,
 - Satisfactory school attendance for children under 16 years old,
 - Immunizations,
 - Family planning information,
 - Parenting education,
 - Bridge Program participation,
 - Transitional Work Program (TWP) participation,
 - Financial coaching orientation, and
 - Other requirements specified in the CMR.
 - C. DSS applies self-sufficiency sanctions last. The self-sufficiency sanction closes the TANF case when the client is non-compliant with the CMR requirements for:
 - Employment and training (E&T) participation, and
 - Cooperation with the Division of Child Support Services (DCSS).
3. **DSS removes sanctions from TANF cases when clients comply with their CMR requirements.**
 - A. DSS case workers must verify that clients are compliant with their CMR requirements before the sanctions can end.
 - B. A sanction is removed from the TANF case on the date proof of compliance is provided to DSS.

10 DE Reg. 706 (10/01/06)

23 DE Reg. 63 (07/01/19)

3009.2 Sanctions Flow Chart

[Repealed]

10 DE Reg. 706 (10/01/06)

3009.3 Benefit Reduction for Multiple Sanction Types

Repealed.

10 DE Reg. 706 (10/01/06)

23 DE Reg. 63 (07/01/19)

3010 Requiring Participation and Cooperation in Developing the CMR

Participating and cooperating with DSS in developing the CMR is a required CMR element for all TANF clients.

- 1. TANF clients are required to develop a CMR in collaboration with their DSS case workers. Compliance with developing the CMR applies to all TANF cases.**
- 2. DSS case workers will discuss the CMR elements with clients and assist clients in developing and customizing the CMR.**
 - A. DSS will give clients the opportunity to mutually develop their CMRs.
 - B. CMRs will include requirements for self-sufficiency, enhanced family planning, and teen responsibility.
 - C. Prior to signing the CMR, DSS will give clients the opportunity to understand the CMR and its requirements. Upon request, DSS will give clients a copy of the proposed CMR to review outside of the DSS office; this should not be considered non-cooperation.
 - D. Clients may object to certain elements of the CMR. Clients are to present any objections at the time of the initial CMR development or CMR revision.
 - E. On a case by case basis, DSS may waive elements of the CMR if good cause exists. If the particular circumstances of a family warrant waiving an element of the CMR, the case worker must justify and properly document the waiver in the client's case record.
 - F. DSS has the final determination of what elements are required in each client's CMR.
- 3. Failure to comply (without good cause) in developing the CMR will result in a sanction to the TANF case.**
 - A. The sanction will be an initial \$50.00 reduction in the household's TANF benefit amount.
 - i. If the client is actively negotiating the terms of the CMR or reviewing the CMR outside of the DSS office, DSS will not impose the \$50.00 penalty. DSS must allow clients up to 10 days to reach a resolution or to complete contract review.
 - ii. DSS will consider clients who have not returned their CMRs within 10 days as non-compliant and subject to the \$50.00 penalty.
 - B. This reduction increases each month by \$50.00 until there is compliance or the TANF case is closed.
 - C. The client will receive written notification of compliance requirements.
 - D. The sanction will end when DSS receives proof that the client completed the development of the CMR.

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

23 DE Reg. 63 (07/01/19)

3010.1 Penalties for Not Cooperating in Development of CMR

Repealed.

23 DE Reg. 63 (07/01/19)

3010.2 Contract of Mutual Responsibility and Domestic Violence Screenings

3010.2.1 Family Development Profile

The Family Development Profile is an assessment tool used to identify possible social, family and emotional barriers to self-sufficiency as they affect an individual's ability to obtain and retain employment. The Family Development Profile covers issues of self-esteem, health and family relationships. This tool is designed to surface those issues which, when resolved, will increase the participant's ability to become truly self-sufficient. This assessment tool is a mandatory assessment tool for all adult and teen TANF recipients.

10 DE Reg. 706 (10/01/06)

3010.2.2 Domestic Violence

One of the issues which may pose a challenge to individuals and families becoming self-sufficient is domestic violence. Domestic violence is a pattern of abusive behavior that happens between two people in an adult relationship. Stress, family history of abuse, drug use and alcohol use may be contributing factors in a domestic violence situation.

Delaware is committed to assisting victims of domestic violence to overcome circumstances which place them in physical, emotional and/or financial jeopardy. This assistance includes aiding the victims in seeking redress and a safe environment for their families. Additionally, on a case-by-case basis, Contract of Mutual Responsibility requirements may be waived if it is determined that by complying with the requirements it would be more difficult for the individual and the family to escape and/or remain safe from the violence. This determination will be made in conjunction with input and information from the domestic violence victim.

3010.2.3 Definition

Domestic violence occurs when one spouse, domestic partner or significant other tries to maintain power and control over the other person. The perpetrator of the violence may use physical, verbal or sexual violence to maintain power and control over the victim. Although domestic violence can happen to anyone, most victims are women. Therefore, we will use feminine pronouns.

The following acts perpetrated by a current or former intimate partner, relative or household member shall be considered to be domestic violence:

- physical acts that resulted in, or threatened to result in, physical injury;
- being forced to engage in nonconsensual sexual acts or activities;
- threats of, or attempts at, physical or sexual abuse;
- mental or emotional abuse;
- neglect or deprivation of medical care; or
- stalking.

Examples of domestic violence situations are:

- Please note that this is not an all encompassing list, but some examples to give you an idea of how domestic violence may look.
- A husband who cuts up his wife's clothing so she has nothing to wear to work; or
- A partner who constantly tells his partner that she is worthless or calls her names in private or public; or
- A partner who has to know her partner's every movement and gets furious for not knowing those movements; or
- A partner who doesn't allow his partner to go out without him; or

A partner who constantly calls or shows up at his partner's job to interfere with her work.

3010.2.4 Domestic Violence Determination

DSS shall consider any evidence that is relevant to the domestic violence claim. This is to include a victim's significantly reduced capacity to care for herself or her child, or significantly reduced capacity to perform essential activities of daily living.

DSS shall determine what evidence is credible and the weight to be given to that evidence. Evidence can be, but is not limited to:

- court, criminal, law enforcement or Division of Family Services records;
- medical or, psychological records;
- protection from abuse order;
- indication that the person has taken legal action to end the domestic violence;
- evidence that she has taken refuge in a shelter or similar safe haven;
- photographs of injuries; or

- a statement from a domestic violence service agency documenting the claim.

3010.2.5 CMR Requirements

DSS may waive certain CMR requirements when complying with those requirements would make it more difficult for the individual and family to escape and/or remain safe from the violence. For clients who are not active with a domestic violence agency, DSS will refer the client to a domestic violence agency. DSS will allow the client 10 days to contact the agency.

During this time, DSS will suspend CMR requirements. If the client does not go to the domestic violence agency or the domestic violence agency determines that the client is not a victim of domestic violence, then the client will be subject to the usual CMR requirements. If the client goes to the domestic violence agency and the domestic violence agency determines that the client is a victim of domestic violence, then the CMR requirements will be developed by DSS, the client and the domestic violence agency.

Any CMR requirement could be waived based on information from the domestic violence agency.

Exemptions from the CMR requirements can be made up to a maximum of six months at a time. The number of months of exemption will be based on input from the victim and the domestic violence agency. Exemptions will be re-evaluated during the final month they are in effect. Continuance or non-continuance of the exemptions will again be based on input from the domestic violence agency and the client.

3010.2.6 Children's Program

When employment and training client responsibilities are waived, then the family will be placed in the Children's Program and be exempt from the time limit requirements. This exemption from the time limits will be in place for as long as the employment and training client responsibilities are waived. (See DSSM 3001)

3011 Requiring Employment and Training Participation

DSS expects work-eligible adults to participate in either employment or activities related to finding work (e.g. employment and training activities) for the required number of hours twenty (20), thirty (30), or forty (40) hours a week for two (2) consecutive weeks prior to TANF benefits being authorized. The TANF benefit will continue uninterrupted as long as the participation in work or work activities continues for the required number of hours per week (see sections 3006, 3006.1, 3006.1.1, and 3006.1.2).

10 DE Reg. 706 (10/01/06)

18 DE Reg. 143 (08/01/14)

3011.1 Employment and Training Requirements

Clients must keep appointments with employment and training staff, cooperate in the development of the Employability Plan, and participate in employment and training activities equivalent to the required weekly amounts.

Clients who have secured employment are expected to continue employment unless they have good cause for terminating a job (see Good Cause definition under 3001 Definitions) and participate in approved employment and training activities.

Parents are expected to cooperate with school officials and other service providers in helping their child(ren) maintain satisfactory attendance. Penalties can be imposed if parents do not cooperate. Parents with children under age 16 are expected to exert more influence over their children since early school attendance is so important in moving children down the path to self-sufficiency. (See section DSSM 3009 and 3012 for requirements and sanctions related to cooperation to ensure school attendance by children 16 and over and children under the age of 16.

10 DE Reg. 706 (10/01/06)

3011.2 Sanctioning For Not Meeting Employment and Training Requirements

This policy applies to cases in which one or more parents are required to participate in TANF employment and training activities.

1. The TANF Case Is Sanctioned When A Parent Does Not Complete Their Required Hours.
Each week clients are required to engage in and verify their participation in assigned employment and training activities. The TANF case is sanctioned when a client does not complete the required hours or does not submit

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the required verification of their hours for any week. The sanction known as a Full Family Sanction or Self-sufficiency Sanction is closure of the TANF case until the sanction is cured or the parent becomes exempt from employment and training requirements.

2. **The TANF Case Is Sanctioned When A Needy Non-Parent Caretaker Does Not Complete Their Hours.**

Each week clients are required to engage in and verify their participation in assigned employment and activities. The TANF case is sanctioned when a needy non-parent caretaker does not complete the required hours or does not submit the required verification of their hours for any week. The sanction is removal of the caretaker from the grant until the sanction is cured or the caretaker becomes exempt from employment and training requirements.

10 DE Reg. 706 (10/01/06)

18 DE Reg. 143 (08/01/14)

3011.2.1 Sanctioning When Child Care Is Not Available

This policy applies to TANF cases with a single custodial parent caring for a child under age six and the parent is required to participate in TANF employment and training activities.

1. **A Parent Who Is Unable To Obtain Child Care Is Not Sanctioned**

A Full Family Sanction is not applied to a TANF case when the parent demonstrates that child care is not available.

2. **A Parent Must Demonstrate Child Care Is Not Available.**

Credible evidence of any one of the following conditions demonstrates that child care is not available.

a. Appropriate child care is unavailable within a reasonable distance from their home or work. Reasonable distance is defined as care that is located in proximity to either a parent's place of employment or the parent's home; generally care that is within ten (10) miles of either the home or work.

b. Informal child care by a relative or under other arrangements is unavailable or unsuitable. Informal care is considered unsuitable if the care would not meet the physical or psychological needs of the child.

c. An appropriate and affordable formal child care arrangement is not available.

Affordable care is defined as care that would provide access to a full range of child care categories and types of providers; appropriate care is care that meets the health and safety standards as defined by State licensing guidelines, as well as the needs of the parent and child.

3. **A Parent Must Report That Child Care Is Not Available Within Ten (10) Days.**

Parents who claim an inability to obtain needed child care must contact a DSS worker to press their claim. Parents have ten (10) days, either from the date when they first attempted to find child care or ten (10) days from the date DSS instructed them to participate in work activities.

4. **DSS Will Decide On A Parent's Claim Of Child Care Unavailability Within Twenty (20) Days.**

DSS staff have twenty (20) days to review and decide whether the parent's claim that child care is not available is legitimate. If DSS determines that the parents did not demonstrate their claim, DSS will impose applicable sanctions if the family has not met the employment and training requirement. DSS workers will document in the client's record the client's claim and their legitimacy determination.

5. **Families Are Not Exempt From Time Limits**

While a parent may not be sanctioned as a result of child care being unavailable, the parent is not exempt from the TANF time limits.

18 DE Reg. 143 (08/01/14)

3011.3 Curing a Full Family Sanction

This policy applies to TANF cases that have been sanctioned as a result of not meeting the TANF requirements for employment and training.

1. **Mandatory Employment And Training Participants Must Work With An Assigned Vendor.**

To cure the sanction clients must work with an assigned employment and training vendor. The vendor will develop a plan with the client that specifies the weekly activities and hours the client must complete to be in compliance with the TANF program. Based on family composition clients are generally required to complete twenty (20), thirty (30), or forty (40) hours per week of approved activities.

2. **Clients Must Complete Four (4) Consecutive Weeks Of Participation.**

To cure the Full Family Sanction clients must complete and submit required verification of their required activities and hours to the employment and training vendor. They must complete four (4) consecutive weeks of full participation.

For the TANF program purposes a week is a seven (7) day period which begins on Monday and ends on Sunday.

3. The TANF Case Reopens At The Beginning Of The Four (4) Week Cure Period.

When the TANF family has remained technically and financially eligible for TANF during the cure sanction period, once the requirement of four (4) consecutive weeks of full and verified participation has been completed the TANF case will reopen effective the first day of the four (4) week cure sanction period.

10 DE Reg. 706 (10/01/06)

18 DE Reg. 143 (08/01/14)

3012 Requiring Satisfactory School Attendance

Ensuring TANF children maintain satisfactory school attendance is a required CMR element for all TANF clients.

1. **School attendance requirements exist for both TANF adults and children.**

- A. TANF adults are required to cooperate with school officials and other service providers when necessary to help their children maintain satisfactory school attendance.
- B. TANF children are required to maintain satisfactory school attendance as defined by their individual schools or at an 85% attendance rate.

2. **TANF clients will receive one-time bonus payments when their children achieve specific school milestones.**

- A. DSS will issue a one-time bonus payment for TANF children who graduate from high school by age 19. This bonus payment will be paid directly to the high school graduate.
- B. DSS case workers must disregard the bonus payment as income for TANF and Food Benefit cases.

3. **Failure to comply (without good cause) with the school attendance element in the CMR will result in a sanction to the TANF case.**

- A. For children under 16 years old:

- i. The sanction will be an initial \$50.00 reduction in the household's TANF benefit amount if the TANF adult does not comply with the school or other service providers to ensure the child's satisfactory school attendance.
- ii. This reduction increases each month by \$50.00 until there is compliance or the TANF case is closed.
- iii. If the child does not comply, a sanction will not be imposed if the TANF adult is complying with the school or other service providers.

- B. For children over 16 years old:

- i. If the child does not comply, the child is removed from the TANF grant and the household size is reduced.

- C. The client will receive written notification of compliance requirements.

- D. The sanction will end when DSS receives proof that TANF clients are complying with the school attendance element.

- i. The TANF adult must comply with the school or other service providers for four consecutive weeks for the sanction to end.
- ii. TANF children over 16 years old must return to school, participate in employment and training, or work for four consecutive weeks for the sanction to end.

23 DE Reg. 384 (11/01/19)

3012.1 Sanctions and Cures for Unsatisfactory School Attendance

Repealed, effective November 12, 2019.

10 DE Reg. 706 (10/01/06)

23 DE Reg. 384 (11/01/19)

3012.2 Curing Sanction Penalties

Repealed.

10 DE Reg. 706 (10/01/06)

3013 Requiring Immunizations

Maintaining current immunizations for TANF children is a required CMR element for all TANF clients.

1. **TANF children are required to be immunized based on their physicians' immunization schedules.**
2. **DSS case workers shall verify that TANF children are current on their immunizations.**
3. **Failure to comply (without good cause) with the immunization element in the CMR will result in a sanction to the TANF case.**
 - A. The sanction will be an initial \$50.00 reduction in the household's TANF benefit amount.
 - B. This reduction increases each month by \$50.00 until there is compliance or the TANF case is closed.
 - C. The client will receive written notification of compliance requirements.
 - D. The sanction will end when DSS receives proof that the immunization schedule sequence has begun for all TANF children in the case.

22 DE Reg. 773 (03/01/19)

3013.1 Sanctions for Not Meeting Immunization Requirements

Repealed.

22 DE Reg. 773 (03/01/19)

3013.2 Curing Sanction Penalties

Repealed.

22 DE Reg. 773 (03/01/19)

3014 Requiring Family Planning

Obtaining family planning information is a required CMR element for all TANF adults and minor parents.

1. **TANF adults and minor parents are required to obtain family planning information from the provider of their choice.**
2. **DSS case workers shall verify that TANF adults and minor parents obtain family planning information, but not that a particular method is being used. If family planning is not used and the birth of a baby is the result, the family cap provision will apply.**
3. **Failure to comply (without good cause) with the family planning element in the CMR will result in a sanction to the TANF case.**
 - A. The sanction will be an initial \$50.00 reduction in the household's TANF benefit amount.
 - B. This reduction increases each month by \$50.00 until there is compliance or the TANF case is closed.
 - C. The client will receive written notification of compliance requirements.

- D. The sanction will end when DSS receives proof that the TANF adults and any minor parents in the case obtained family planning information.

Related policies:

DSSM 3008.2

22 DE Reg. 773 (03/01/19)

3014.1 Sanctions for Not Meeting Family Planning Requirements

Repealed.

22 DE Reg. 773 (03/01/19)

3014.2 Curing Family Planning Sanction Penalties

Repealed.

22 DE Reg. 773 (03/01/19)

3015 Requiring Parenting Education

Completing parenting education classes is a required CMR element for all TANF adults and minor parents.

- 1. TANF adults and minor parents are required to complete DSS approved parenting education classes. Once the client completes this element, it does not have to be repeated.**
- 2. DSS case workers shall verify that TANF adults and minor parents complete parenting education classes.**
- 3. Failure to comply (without good cause) with the parenting education element in the CMR will result in a sanction to the TANF case.**
 - A. The sanction will be an initial \$50.00 reduction in the household's TANF benefit amount.
 - B. This reduction increases each month by \$50.00 until there is compliance or the TANF case is closed.
 - C. The client will receive written notification of compliance requirements.
 - D. The sanction will end when DSS receives proof that the TANF adults and any minor parents in the case attended parenting education classes.

22 DE Reg. 773 (03/01/19)

3015.1 Sanctions for Not Meeting Parenting Education Requirements

Repealed.

22 DE Reg. 773 (03/01/19)

3015.2 Curing Parenting Education Sanction Penalties

Repealed.

22 DE Reg. 773 (03/01/19)

3016 Defining the Bridge Program

The Bridge Program provides services to TANF clients who are experiencing barriers to self-sufficiency.

- 1. The Bridge Program is a resource for TANF clients to address barriers such as substance abuse, mental health issues, domestic violence, and homelessness.**
 - A. The Bridge Program provides clients with specialized screening, intensive case management, and assistance with accessing services and treatment for identified barriers.
 - B. Bridge Program services support clients in meeting their employment goals, reducing or

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eliminating barriers to self-sufficiency, and promoting family stability.

2. **Referrals for TANF clients to the Bridge Program may be initiated by DSS staff, TANF employment and training vendors, the Bridge Program vendor, or a client self-referral.**
 - A. DSS case workers will complete the Family Development Profile screening instrument with TANF clients at intake and redetermination to identify potential barriers.
 - B. DSS case workers may refer TANF clients to the Bridge Program when:
 - i. A potential barrier is identified by the Family Development Profile;
 - ii. The DSS case worker suspects barriers exist during any client contact; or
 - iii. A client discloses the need for assistance with a barrier.
3. **The Bridge Program vendor will outreach and screen referred TANF clients and will refer clients for additional services when appropriate.**
4. **Bridge Program services may be added as a required CMR element for TANF clients who have barriers that cause significant difficulty in complying with the TANF program requirements.**
5. **Bridge Program activities count toward the required employment and training participation hours for TANF clients.**

22 DE Reg. 773 (03/01/19)

3016.1 Requiring Bridge Program Services

42 USC 608 (b)(2)(A)(v)

Complying with Bridge Program services may be a required CMR element for TANF clients who may have substance abuse issues.

1. **TANF clients who may have substance abuse issues may be required to comply with the Bridge Program.**
 - A. **DSS case workers may add the Bridge Program element to a TANF client's CMR when:**
 - i. A substance abuse issue is identified by the client's Family Development Profile;
 - ii. The potential substance abuse barrier is impeding the client's employment goals, self-sufficiency, or family stabilization; and
 - iii. The client has refused to voluntarily participate with the Bridge Program.
 - B. **The Bridge Program vendor will complete a specialized screening with the TANF client and may refer the client to receive an assessment from a licensed treatment provider.**
 - C. **Once an assessment has been completed, the TANF client will work with DSS and the TANF vendor partners to determine if additional Bridge Program services will be a required CMR element.**
2. **The Bridge Program vendor will monitor and document TANF clients' Bridge participation for DSS and the TANF employment and training vendors.**
3. **Failure to comply (without good cause) with the Bridge Program element in the CMR will result in a sanction to the TANF case.**
 - A. The sanction will be an initial \$50.00 reduction in the household's TANF benefit amount.
 - B. This reduction increases each month by \$50.00 until there is compliance or the TANF case is

closed.

- C. The client will receive written notification of compliance requirements.
- D. The sanction will end when DSS receives proof that the TANF client is complying with Bridge Program services.

22 DE Reg. 773 (03/01/19)

3016.2 Curing Substance Abuse Sanction Penalties

Repealed.

22 DE Reg. 773 (03/01/19)

3017 Establishing Additional Contract of Mutual Responsibility Elements

This policy applies when additional Contract of Mutual Responsibility (CMR) elements are identified and added to a TANF client's CMR.

- 1. Additional CMR elements refer to other services that may aid in self-sufficiency and are specified in a client's CMR.**
- 2. DSS, the family, or other agencies that are involved with the family may identify additional CMR elements.**
- 3. Failure to comply (without good cause) with the DSS identified elements in the CMR will result in a sanction to the TANF case.**
 - A. The sanction will be an initial \$50.00 reduction in the household's TANF benefit amount.
 - B. This reduction increases each month by \$50.00 until there is compliance or the TANF case is closed.
 - C. The client will receive written notification of compliance requirements.
 - D. The sanction will end when DSS receives proof that the TANF client has met the compliance requirements.

13 DE Reg. 847 (12/01/09)

22 DE Reg. 773 (03/01/19)

3017.1 Participating in the Transitional Work Program

All TANF E&T exempt clients are eligible for referral to the Transitional Work Program (TWP). Participating in TWP is a required CMR element for all clients who are referred to the program.

- 1. TWP provides assessment and case management services to TANF E&T exempt clients who have been determined unable to work in an unsubsidized employment setting by a health professional.**
- 2. TWP offers services to:**
 - Develop an Employability Plan with identified activities and goals that promote self-sufficiency. The Employability Plan is developed in collaboration with the client and is tailored to the client's individual circumstances.
 - Promote wellness activities and health maintenance planning for clients with short-term disabilities.
 - Identify and access accommodations, educational programs, and appropriate work settings for clients with disabilities amenable to those interventions.
 - Identify and assess clients who are potentially eligible for federal disability programs and assist clients in applying for those programs.
 - Provide in-home services, when necessary.
- 3. All clients who are referred to TWP are required to participate in the program. Clients are not expected to participate beyond the maximum limits established by a health professional.**

4. **The CMR and the TWP Employability Plan establish time limits for the completion of TWP activities and goals.**
5. **Failure to comply (without good cause) with the TWP element in the CMR will result in a sanction to the TANF case.**
 - A. The sanction will be an initial \$50.00 reduction in the household's TANF benefit amount.
 - B. This reduction increases each month by \$50.00 until there is compliance or the TANF case is closed.
 - C. The client will receive written notification of compliance requirements.
 - D. The sanction will end when DSS receives proof that the TANF client is actively participating with TWP.

13 DE Reg. 847 (12/01/09)

23 DE Reg. 63 (07/01/19)

3017.1.1 Sanctions for Not Meeting the TWP Requirements

Repealed.

13 DE Reg. 847 (12/01/09)

23 DE Reg. 63 (07/01/19)

3017.1.2 Curing TWP Sanctions

Repealed.

13 DE Reg. 847 (12/01/09)

23 DE Reg. 63 (07/01/19)

3017.2 Requiring Financial Coaching Orientation

Completing financial coaching orientation is a required CMR element for all work mandatory TANF clients.

1. **Work mandatory TANF clients are required to complete a DSS approved financial coaching orientation.**
 - A. The orientation informs TANF clients of available free financial coaching services.
 - B. Once the client completes this element, it does not have to be repeated.
2. **DSS case workers shall verify that work mandatory TANF clients complete the financial coaching orientation.**
3. **Failure to comply (without good cause) with the financial coaching orientation element in the CMR will result in a sanction to the TANF case.**
 - A. The sanction will be an initial \$50.00 reduction in the household's TANF benefit amount.
 - B. This reduction increases each month by \$50.00 until there is compliance or the TANF case is closed.
 - C. The client will receive written notification of compliance requirements.
 - D. The sanction will end when DSS receives proof that the TANF client completed the financial coaching orientation.

13 DE Reg. 847 (12/01/09)

22 DE Reg. 773 (03/01/19)

3017.2.1 Sanctions for Not Meeting Division of Social Services Identified CMR Elements

Repealed.

13 DE Reg. 847 (12/01/09)

22 DE Reg. 773 (03/01/19)

3017.2.2 Curing Division of Social Services Identified CMR Sanction Penalties

Repealed.

13 DE Reg. 847 (12/01/09)

22 DE Reg. 773 (03/01/19)

3018 General Assistance (GA)

General Assistance is a State funded cash assistance program available to families and unemployable individuals who meet the financial eligibility requirements of the program and who are ineligible for TANF and SSI with the following exception:

A child's caretaker, who is otherwise eligible for GA and who is not the child's parent, may choose to receive GA instead of TANF.

EXAMPLE: A woman with no income is unemployable and is the caretaker of a seven year old niece. The woman may choose to receive GA for herself and be payee only for the TANF grant for her niece, or she may be included in the TANF unit with her niece.

Married or unmarried couples living with their children as a family unit that are not eligible for TANF or TANF-UP are technically eligible for GA.

EXAMPLE: A couple lives with their children as a unit. Both parents are healthy and unemployed. Neither parent meets work quarter requirements for TANF-UP. The family is technically eligible to receive GA.

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

3018.1 GA and SSI Recipients

An SSI recipient cannot receive GA payments for himself while receiving SSI, but may be a payee for a GA grant for others. The SSI recipient's income and resources are not considered available to meet the needs of any other person in the household.

3019 Definitions of Unemployable

An adult is unemployable and therefore technically eligible for GA when the adult is:

1. Ill or incapacitated, and unable to perform work activities. The nature of the individual's health problem, its expected duration, and the individual's inability to perform work activities must be verified in the case record. The eligibility of temporarily incapacitated persons must be redetermined at the end of the period of incapacity specified by the physician.

Note: GA may be authorized or continued for a period not to exceed 90 days to an incapacitated person who is hospitalized.

An individual whose incapacity is expected to last more than 12 months is referred to the Social Security Administration.

2. For a period not to exceed two (2) months, a person whose SSI disability or SSA disability benefits have ended and who is appealing the decision. Verification of the appeal to the SSA is required. The individual's eligibility must be redetermined at the end of the two- month period. GA benefits can continue only if another condition of unemployability is established.

3. Needed at home to care for another household member who is ill or incapacitated. Verification that another person is needed at home to care for the incapacitated individual is required.

4. Needed at home to care for a child under age six because there is no other person able to care for the child. The child's age and presence in the home must be verified.

5. Age 55 or over. Age must be verified.

6. For a period not to exceed two years, a high school student who attends school at least 15 hours per week and whose educational needs render him/her unavailable for regular employment. The individual must be able to complete his/her schooling within two years of the application filing date. Students must maintain satisfactory school attendance while receiving General Assistance. School enrollment, attendance, and the anticipated date of graduation must be verified. High school status also includes students enrolled in a high school equivalency program.

Note: Individuals may receive GA based on school attendance for a period not to exceed two years. The two- year period begins with the original date of eligibility. GA benefits will terminate at the end of two years even if schooling has not been completed.

Married or unmarried couples who have no children living with them must both be unemployable as explained above in order for both partners to be included in the assistance unit.

3020 Employable Adults

Adults, aged 18- 54, are not eligible for General Assistance if they are:

1. employable; and
2. have no children in their care.

3021 RESERVED

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

3022 RESERVED

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

3023 Residence

Applicants must reside in Delaware to be eligible for benefits. Persons including the homeless (those with no fixed address or not living in a permanent dwelling) who currently live in Delaware and plan to stay, regardless of the length of time they have been here, meet the residency requirement. Verification of residence is required at the time of application, at each subsequent redetermination, and any time an address change is reported.

Persons who reside in Delaware but because of local mailing practices have an out- of- state address are considered residents.

Examples of acceptable verification of residence are a landlord statement, a lease, a utility bill, or a collateral statement.

3023.1 Assistance From Other States

Before an application for cash assistance can be approved, DSS must verify that an applicant who moved to Delaware within three (3) months of the application filing date is not a recipient of assistance in the state where he/she previously resided. The eligibility worker will contact the public assistance agency in that state to verify the client's status with the agency. The client's written notice that benefits have ended is also acceptable verification.

3023.2 Mailing Address

Cash assistance checks must be mailed to the residence of the recipient, protective, or voluntary payee unless the recipient:

Lives in an area where home delivery is not available or customary and the situation is verified. These recipients may have their cash assistance checks mailed to their own post office box.

OR

Lives in an area where theft of benefits is prevalent and the theft is documented in the case record by reports to the police or the postal inspector. These recipients may have their public assistance checks mailed to their own post office box or the local DSS office. If a local DSS office is used, the recipient must take steps to obtain their own post office box.

OR

Is homeless. These recipients may have their cash assistance checks mailed to the local DSS office.

RESERVED

3023.3 Migrant Families

Migrant families claiming Delaware residence meet the residency requirement if the family:

1. Reports earnings to DSS every month; and
2. Maintains a residence in Delaware and plans to return to it at the end of the seasonal employment; and
3. Meets all other categorical eligibility requirements.

3023.4 Temporary Visits Out of State

Recipients do not lose their residence status because of a temporary visit out of state provided that the visit does not exceed thirty (30) days and the recipients:

1. Intend to return to the State, and
2. Continue to maintain a home in the State.

The assistance case of a recipient who leaves the State with the intent to establish residence in another state must be closed. The recipient may receive one grant payment after leaving the State if he/she is ineligible in the new state until residency is established. No further payments can be made to a client living out of state without the written approval of the DSS Director. To obtain approval, a memo listing the reasons that the grant should continue is sent to the Director.

3023.5 Temporary Absence of a Child

A child who is temporarily absent from the home to receive medical care, or to attend school elsewhere because of special educational needs, such as enrollment in the Job Corps or Sterck School For the Deaf, may receive assistance if the following conditions exist:

1. The caretaker with whom the child is living continues to have responsibility for the child's care, and
2. The caretaker continues to maintain a home for the child; and
3. The caretaker plans for the child to return to the home at the end of the absence.

The nature and anticipated length of the absence is documented in the case record.

Children absent from the home for any other reasons longer than one hundred twenty (120) days may not continue to receive assistance.

Note: A child who is absent from the home as the result of a court action is not considered temporarily absent. In such cases the assistance for the child is terminated.

3023.6 Temporary Absences of a Caretaker

A caretaker who is temporarily absent from the home to receive medical care can receive cash assistance for a period not to exceed 90 days provided that:

1. The caretaker continues to maintain a home and be responsible for the children for whom assistance is received; and
2. The caretaker has arranged for a responsible adult to care for the children during the absence; and
3. The caretaker plans to return to the home at the end of the absence; and
4. The caretaker continues to meet all other technical and financial eligibility requirements of the category of assistance that he/she receives.

The nature of the caretaker's health problem and the anticipated length of the absence must be verified by a physician. If the absence continues for more than 90 days, the assistance case must be closed. The adult caring for the children in the assistance unit at the time of the closing may apply for assistance for the children if they are still in need.

3023.7 Other Absences of a Caretaker

In active cases, a caretaker who is temporarily absent from the home for reasons other than to receive medical care (e.g., to handle a family emergency or seek employment) may continue to receive assistance for a period not to exceed thirty (30) days if the conditions listed in DSSM 3023.5 are met.

The nature and anticipated length of the absence must be documented in the case record. If the absence continues for more than thirty (30) days, the assistance case must be closed. The adult caring for the children in the assistance unit at the time of the closing may apply for assistance for the children if they are still in need.

3023.8 Grants to Those Institutionalized

No grant payment may be authorized or continued for an institutionalized individual. Examples of institutions include veteran's institutions, state mental institutions, hospitals for tuberculosis and prisons.

3023.9 TANF and GA Overlapping Eligibility

People can only receive one cash assistance payment for themselves at a time. This means that a person cannot be open in more than one DCIS case nor can they be open in more than one assistance group at the same time.

This does not preclude a person moving in the same month from GA assistance group to a TANF assistance group in the same month. Please see DSSM 3023.9.1 ABC and GA Overlapping Eligibility Exception.

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3023.9.1 ABC and GA Overlapping Eligibility Exception

An individual can receive a GA benefit and become eligible for TANF in the same month. The individual is entitled to the difference between the GA benefit received and the TANF benefit. An example of this is when a pregnant woman receiving GA has her baby and is opened in TANF. In this situation the GA assistance group is closed for the mother after the baby is born.

3024 Citizens and Aliens

[233.50]

Only U.S. citizens and qualified aliens, as defined in section 431 of PRWORA, are eligible to receive cash assistance benefits.

Citizens are those persons born in the 50 states and the District of Columbia, Puerto Rico, Guam, U.S. Virgin Islands, and Northern Mariana Islands. Children born outside of the United States are citizens if they meet one of the following conditions:

- both parents are citizens of the United States and one parent has had a residence in the United States, or one of its outlying possessions, prior to the birth of the child;
- one parent is a citizen of the United States who has been physically present in the United States, or one of its outlying possessions, for a continuous period of one year prior to the birth of the child, and the other parent is a national, but not a citizen of the United States; or
- one parent is a citizen of the United States who has been physically present in the United States, or one of its outlying possessions, for a continuous period of one year at any time prior to the birth of the child.

Qualified aliens who entered the United States prior to August 22, 1996 are treated as if they were United States citizens. Qualified aliens are defined as aliens who are:

1. An alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);
2. An alien granted asylum under section 208 of the INA;
3. A refugee admitted to the United States under section 207 of the INA;
4. An alien paroled into the United States under section 212(d)(5) of the INA for a period of at least 1 year;
5. An alien whose deportation is being withheld under section 243(h) of the INA as in effect prior to April 1, 1997, or whose removal is being withheld under section 241(b)(3) of the INA;
6. An alien granted conditional entry under section 203(a)(7) of the INA as in effect prior to April 1, 1980;
7. An alien who is a Cuban or Haitian entrant; or
8. An alien who (or whose child or parent) has been battered or subjected to extreme cruelty in the United States and otherwise satisfies the requirements of 8 U.S.C. 1641(c).

Qualified aliens admitted on or after August 22, 1996, are barred from receiving cash benefits for five (5) years, except for certain excepted groups described below who are not subject to the bar. The following excepted groups of aliens are exempt from the 5-year ban on benefits:

1. Qualified aliens lawfully residing in the State who are honorably discharged veterans and who fulfill minimum active-duty service requirements, or who are on non-training active duty in the U.S. Armed Forces, or who are the spouse, unmarried dependent child, or unremarried surviving spouse of such a veteran or active-duty personnel, provided that, in the latter case, the marriage satisfied the requirements of 38 U.S.C. § 1304;
2. Refugees, for a period of five years after the date they entered the U.S. as refugees;
3. Asylees, for a period of five years after obtaining such status;
4. Aliens whose deportation of removal has been withheld, for a period of five years after obtaining such status;
5. Cuban/Haitian entrants, as defined in section 501(e) of the Refugee Education Assistance Act of 1980, for a period of five years after they obtain such status; and
6. Amerasian immigrants from Vietnam, admitted to the U.S. pursuant to section 84 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, for a period of five years after their admission.
7. Individuals who are eligible due to being lawfully admitted for permanent residence (LPR) who can be credited with 40 quarters of work;
8. Victims of Severe Trafficking per Public Law 106-386 Trafficking Victims Protection Act of 2000:
Severe forms of trafficking is defined as,
 - sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induct to perform such an act has not attained 18 years of age; or

- the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Adult victims of severe trafficking will be certified by the U. S. Department of Health and Human Services (HHS) and will receive a certification letter. Children, those under 18 years of age, who are victims of severe trafficking do not need to be certified but will receive a letter stating that the child is a victim of a severe form of trafficking. These victims of trafficking are treated like refugees. Victims of trafficking do not have to hold a certain immigration status, but they need to be certified by HHS in order to be eligible for cash assistance; and

9. An alien who (or whose child or parent) has been battered or subjected to extreme cruelty in the United States and otherwise satisfies the requirements of 8 U.S.C. 1641(c).

Documentation:

1. Lawful permanent resident status is verified by:
 - INS Form I-551; or
 - Unexpired temporary I-551 stamp in foreign passport or on INS Form I-94.
2. Refugee status is verified by:
 - INS Form I-94 annotated with stamp showing admission under section 207 of the INS;
 - INS Form I-688B (Employment Authorization Card) annotated "274a12(a)(3);
 - INS Form I-766 (Employment Authorization Document) annotated "A3"; or
 - INS Form I-571 (Refugee travel Document).
3. Asylee status is verified by:
 - INS Form I-94 annotated with stamp showing grant of asylum under § 208 of the INA;
 - INS Form I-688B (Employment Authorization Card) annotated "274a12(a)(5);
 - INS Form I-766 (Employment Authorization Document) annotated "A5";
 - Grant letter from the Asylum Office of INS; or
 - Order from an immigration judge granting asylum.
4. The status of an alien whose deportation is withheld is verified by:
 - INS Form I-688B (Employment Authorization Card) annotated "274a12(a)(10);
 - INS Form I-766 (Employment Authorization Document) annotated "A10"; or
 - Order from an immigration judge showing deportation withheld under §243(h) of the INA as in effect prior to April 1, 1997, or removal withheld under §241(b)(3) of the INA.
5. Cuban/Haitian entrant status is verified by:
 - INS Form I-551 (Alien Registration Receipt Card) with the code CU6, CU7, or CH6;
 - An unexpired temporary I-551 stamp in foreign passport or on INS Form I-94 with the code CU6 or CU7;
 - INS Form I-94 with stamp showing parole as "Cuban/Haitian Entrant" (Status Pending);
 - INS Form I-94 showing parole into the United States on or after October 10, 1980; and
 - Cuban or Haitian passport, identity card, birth certificate, or other reasonable evidence of Cuban or Haitian nationality
6. Amerasian immigrant status is verified by:
 - INS Form I-551 with the code AM6, AM7, or AM8; or
 - Unexpired temporary I-551 stamp in foreign passport or on INS Form I-94 with the code AM1, AM2, or AM3.
7. The 40 qualifying quarters of work is determined under Title II of the Social Security Act. This includes the quarters of work not covered by Title II of the Social Security Act. Quarters of work not covered by Title II of the Social Security Act is based on the sum of the following:
 - quarters the alien worked;
 - quarters credited from the work of a parent of the alien before the alien became 18 (including quarters worked before the alien was born or adopted); and
 - quarters credited from the work of a spouse of an alien during their marriage if they are still married or the spouse is deceased.

NOTE: A spouse cannot get credit for quarters of coverage of a spouse when the couple divorces before determination of eligibility is made. If a determination of eligibility has been made based on the quarters of coverage of a spouse, and the couple later divorces, the alien's eligibility continues until the next recertification. At that time, eligibility is determined without crediting the alien with the former spouse's quarters of coverage. (Beginning January 1, 1997, any quarter in which the alien received any Federal means-tested benefits does not count as a qualifying quarter. A parent's or

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spouse's quarter is not creditable if the parent or spouse received any Federal means-tested benefits or actually received food stamps in that quarter. If an alien earns the 40th quarter of coverage before applying for food stamps or any other Federal means-tested benefit in that same quarter, all that quarter toward the 40 qualifying quarters total.);

8. When a victim of a severe form of trafficking applies for benefits, DSS will follow normal procedures for refugees except DSS will:

- Accept the original certification letter or letter for children in place of INS documentation. Victims of severe forms of trafficking are not required to provide any documentation regarding immigrant status. (DO NOT SEND FOR SAVE VERIFICATION.)
- Call the trafficking verification line at (202) 401-5510 to confirm the validity of the certification letter or similar letter for children and to notify the Office of Refugee Resettlement (ORR) of the benefits for which the individual has applied.
- Note the "entry date" for the refugee benefit purposes. The individual's "entry date" for refugee benefits purposes is the certification date, which appears in the body of the certification letter or letter for children.
- Issue benefits to the same extent as a refugee, provided the victim of a severe form of trafficking meets other program eligibility criteria like income limits.
- Recertification letters will be used to confirm that the individual continues to meet the certification requirements. These letters will have the same "entry date" as the original certification letters. The regular recertification periods will apply to these individuals in the same manner that they apply to refugees; and
- Victims of trafficking are issued T visas by US Immigration and Citizenship Services.
- The Trafficking Victims Protection Reauthorization Act (TVPRA) of 2003 expanded eligibility to include the minor children, spouses, and in some cases the parents and siblings of victims of severe trafficking. Under TVPRA, eligible relatives of trafficking victims are entitled to visas designated as T-2, T-3, T-4 or T-5 (known as Derivative T Visas) and are eligible like the direct victims of severe trafficking.
- If an alien is awarded a T visa and was under the age of 21 years on the date the T visa application was filed, the Derivative T Visas are available to the alien's spouse, children, unmarried siblings under 18 years of age, and parents.
- If an alien is awarded a T visa and was age of 21 years or older on the date the T visa application was filed, the Derivative T Visas are available to the alien's spouse and children.

9. For aliens who (or whose child or parent) is claiming that they have been battered or subjected to extreme cruelty in the United States and otherwise meets the requirements of 8 U.S.C. 1641(c) call THE Program and Policy Development Unit (PPDU) to determine if the documentation provided is satisfactory.

Aliens admitted as temporary residents are not eligible for public assistance benefits. Included are visitors, tourists, diplomats, and students.

Citizenship and alien status are verified at the time of application.

8 DE Reg. 1712 (06/01/05)

10 DE Reg. 1700 (05/01/07)

3025 Effects of Participating in a Strike

Any individual who participates in a strike is not eligible for cash assistance. If the individual is also the natural or adoptive parent with whom an eligible child is living, the entire family is ineligible for assistance. When participation in a strike begins after the receipt of an assistance grant, the grant for that month must be recovered as an overpayment.

A strike is defined as any concerted work stoppage by employees. This includes a stoppage that results when a collective bargaining agreement expires or any other concerted slowdown or interruption of operations by employees.

Participating in a strike means an employee's refusal in concert with others to work.

Participation in a strike is not considered good cause for leaving employment. It is also not considered good cause for refusing to seek or accept other employment.

EXAMPLES:

1. Mrs. Jones is receiving TANF for herself and three (3) grandchildren. She is employed full time. On August 10th she goes on strike. How is the TANF case affected?

Mrs. Jones is removed from the assistance unit. Her portion of the August grant is recovered as an overpayment. Her portion is a pro rata share of the grant received.

2. The situation is the same as above except Mrs. Jones is the children's mother. How is the TANF case affected? The case must be closed and the August payment recovered as an overpayment.

Note: If participation in a strike begins any time after the issuance of a grant, the entire month's grant for the affected individual must be recovered. This is true even if the strike begins on the last day of the month.

A striker who subsequently quits his job is no longer a striker and the strike provisions explained above no longer apply. In such cases, the DSS worker will verify that the individual has quit his job before any case changes are made.

3026 Application for Social Security Numbers

Every applicant who does not have a valid Social Security Number (SSN) must apply for one before a cash assistance application can be approved. Applicants who do not have a SSN are referred to the appropriate SSA District Office or branch office to apply for one via Form 122. Each person referred to the SSA to apply for a SSN is instructed to return verification of the number to DSS when the number is received.

In the case of newborn children, the mother of the child must apply for a card for the child by the first day of the second month following the month the mother is discharged from the hospital.

EXAMPLE: A child is born on May 25th and the child's mother is discharged from the hospital on May 28th. The mother must apply for a SSN and provide DSS with verification of the application by July 1.

Benefits must be denied to any person who refuses to furnish or apply for a SSN. In the case of a minor child, if a parent refuses to cooperate in applying for a SSN for the child, the parent(s), the child and all eligible siblings are ineligible for assistance.

3026.1 Enumeration at Birth Procedures

Each applicant that does not have a SSN will be referred to the SSA to apply for a number as outlined below:

1. The worker informs the applicant at Intake that in order to be eligible for assistance, each family member must provide a Social Security Number or apply for a Social Security Number and report the assigned number to the agency.

2. The worker will complete Form 122 for clients who do not have a Social Security Number. The client is instructed to take the form to the SSA when applying for numbers, and is informed that SSA requires two (2) forms of identification for each person making application for a number, one of which must be a birth or baptismal certificate. Workers must emphasize that assistance cannot be approved until applications for missing numbers have been made and the completed Form 122 returned to DSS. A carbon or photocopy of the Form 122 is retained in the case record until the original is returned.

3. At intake, the worker allows the client thirty (30) days from the application filing date to apply for a Social Security Number and return a completed Form 122. In ongoing cases, the worker will give the client a deadline of not later than ten (10) days to apply for a Social Security Number and return the completed Form 122. If the client returns the Form 122 marked "The applicant was in to apply but no application has been made" the worker will not authorize assistance.

4. The above procedures apply to Social Security Numbers reported as missing on BENDEX report C35F1107 at redetermination, or at any other time it is discovered that a client does not have a Social Security Number and has not applied for one.

5. Clients who must apply for a Social Security Number are instructed to report the number to DSS as soon as it is received. Numbers will be verified through IEVS. See DSSM 2013.

3027 Age as a Condition of Eligibility

For purposes of determining eligibility for cash grants, persons 18 years old and over are considered adults.

Persons under age 18 are considered children.

An individual is not eligible for TANF as a child the month of his/her 18th birthday if their birthdate is the 1st day of the month. If such children are TANF recipients, they will be removed from the assistance unit the last day of the month prior to the month of their 18th birthday.

An individual is eligible for TANF as the child the month of his/her 18th birthday if their birthday is the 2nd - 31st day of the month. If such children are TANF recipients, they will be removed from the assistance unit effective the last day of the month he/she turns 18.

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

3027.1 18 Year Old Students

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An 18 year old student who is still a full-time student in high school, GED, or equivalent program and will graduate prior to his/her 19th birthday may receive TANF as a child. The 18 year old would be removed from the assistance unit effective the last day of the month he/she graduates.

Example: Teen A will turn nineteen on October 3, 1994. Teen A will graduate from high school on June 14, 1994. When Teen A graduates on June 14, 1994, remove Teen A from the grant, effective June 30, 1994.

If the 18 year old originally scheduled to graduate prior to his/her 19th birthday but due to a change will now graduate after turning 19 years old, remove the 18 year old from the assistance unit.

Example: Teen C will turn nineteen on December 3, 1994. Initially, the school reported that Teen C would graduate on June 4, 1994. On March 4, 1994, we learn that Teen C will not graduate until June 4, 1995. Close Teen C in TANF, effective March 31, 1994.

3027.2 Minor Parents

An unmarried parent, under the age of 18, and the dependent child(ren) in his or her care is to reside in the household of a parent, legal guardian, custodian, other adult relative, or in an adult supervised supportive living arrangement to receive TANF benefits.

Emancipated minors are considered adults for the purpose of establishing eligibility for assistance. An eligible emancipated minor may receive an assistance grant in his/her own name.

Emancipation must be documented in the case record. Acceptable documentation includes:

- 1) Court records; or
- 2) The minor's valid marriage license; or
- 3) Written statements from the Division of Family Services verifying the minor's emancipation.

If the minor parent and his or her children reside in an adult supervised supportive living arrangement, the Division of Family Services, within the Department of Services for Children, Youth and Their Families, must approve the living arrangement by the next redetermination. If the adult supervised supportive living arrangement is not approved by the next redetermination, TANF payments should be stopped.

Assistance is to be provided in the form of a protective payment to the minor parent's parent, legal guardian, other adult relative, or adult in the supervised supportive living arrangement.

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

3028 Assistance Units

Administrative Notice A-18-99.

The assistance unit is defined as the total number of persons who are eligible for a separate grant under the particular category.

3028.1 Mandatory Composition of Assistance Units

In TANF, the assistance unit will always include:

1. The dependent child; and
2. The dependent child's blood- related or adoptive siblings who are under 18 and who are also dependent children; and
3. The dependent child's natural or adoptive parent(s). If both parents live in the home, both parents must be included in the unit regardless of the parents' marital status. In a case where paternity has not been legally established, the putative father must acknowledge paternity as a condition of eligibility.

Note: In 2 and 3 above, the child or parent must also reside in the home and be otherwise eligible. Examples of persons who are not otherwise eligible include, but are not limited to SSI recipients, and the Employment and Training Program sanctioned individuals.

EXAMPLE: A grandmother has day to day care and control of her minor grandchild and is receiving TANF for herself and the child. The child's mother moves into the home, but the grandmother retains custody and continues to act as the child's caretaker. Since, according to TANF regulations, a parent is a mandatory member of the assistance unit, the mother must be added. If the mother has income, the income must be budgeted. The grandmother may remain in the unit because TANF regulations allow for the inclusion of a needy caretaker relative.

EXAMPLE: In TANF, where children who live in the home include the caretaker's own children and a child who is related in some other manner (e.g., niece or nephew), establish two assistance units. One will include the caretaker and his/her

children, and the other will include the other related child with the caretaker as payee only. When more than one such child lives in the home, each child will be placed in a separate assistance unit unless the children must be considered together as specified in 1 and 2 above.

9 DE Reg. 1979 (06/01/06)

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

3028.2 Optional Composition of Assistance Units

1. In TANF the dependent child, and if residing in the home and otherwise eligible, the child's blood-related or adoptive minor siblings, and the child's natural or adoptive parent(s) must be included in the unit. When both parents of the dependent child are in the home, both parents must be included in the unit regardless of their marital status. In a case where paternity has not been legally established, the putative father must acknowledge paternity as a condition of eligibility.

A non-parent needy caretaker relative may be included in the unit if the caretaker so chooses.

The needy legal spouse of a caretaker relative may be included in the unit only if the caretaker is the natural or adoptive parent of the child(ren), and the caretaker is incapacitated or is the principal wage earner and qualifies as an unemployed parent.

2. In TANF married/civil union couple cases, where each adult has children from previous relationships that are eligible for TANF, include the family in one TANF unit. If the couple has children in common who are also eligible for TANF, include these children in the unit also.
3. In TANF married, civil union, or unmarried couple cases where each adult has children from previous relationships who are eligible for TANF, they have the option of being in one assistance unit or two separate assistance units. If the unit fails financially, a separate assistance unit may be established for the child(ren) of the previous relationships.

EXAMPLE: A couple each have a child from previous relationships. Initially, we place all the family members into one TANF assistance unit. Income from Partner A's job makes the family ineligible for TANF. We have the option of placing Partner B and his or her child from a previous relationship into a TANF assistance unit. In this scenario, if the couple were married/in a civil union, a step-parent situation would exist. If the couple were not married/in a civil union, eligibility is based solely on the information from Partner B and his or her child.

4. When a couple has a child in common and each partner has a child from a previous relationship, the couple, the child in common, and the other children will initially be placed in one TANF assistance unit. The siblings keep this as one assistance unit.
5. A pregnant woman, with no other children, may receive TANF beginning on the first day of the month that her child is expected to be born, if the woman meets all other technical and financial eligibility requirements, and her expected due date has been verified by a physician. The child is added to the unit, and a supplemental grant is effective the date of its birth if the birth is reported within five (5) days. If the birth is not reported within five (5) days, the child is added to the unit and the grant is effective as of the date of the report. The child's father, if he is otherwise eligible, is also added using these guidelines. Procedures for completing supplemental applications for newborns are outlined in DSSM 2000.6.5. (See DSSM 4010 Determining Financial Eligibility and Grant Amounts for Pregnant Women in TANF and GA)

A pregnant woman who plans to place her child for adoption is eligible for TANF beginning the 1st day of the month her child is due, assuming she meets all other eligibility requirements. If she still plans to terminate her parental rights after the child is born, the child cannot be added to the assistance unit and the child is not eligible for Medicaid. In this instance, the TANF case is closed at the end of the month that the birth occurs.

6. If a child receiving SSI is the only child in the home, the child's caretaker relative can receive TANF if the child is deprived of parental care. The caretaker's needy legal spouse can receive TANF if the caretaker is the child's natural or adoptive parent and the caretaker is incapacitated or qualifies as an unemployed parent.
7. For GA eligible adults, include the adult. The adult's spouse or UMP is also included if the spouse or partner also meets a condition of unemployability.
8. A woman who has a verified pregnancy and receives a GA check the month she delivers her child is eligible for TANF that month for herself and her child if she reports the birth to DSS, and she meets all other TANF technical and financial eligibility requirements.

The TANF grant is effective the date of the child's birth if the birth is reported within five (5) days.

The TANF grant is effective the date of the report if the birth is not reported within five (5) days.

If the pregnancy had not been verified, the TANF grant is effective the date the birth is verified.

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

15 DE Reg. 1498 (04/01/12)

3029 Cooperation With Quality Control

A family is ineligible if it refuses to cooperate in any subsequent review of its eligibility as part of a Quality Control (QC) review. If the family is terminated for refusal to cooperate with a QC reviewer, the family may reapply but will not be determined eligible until it cooperates with the QC reviewer.

3030 Cooperation With Audit and Recovery Management Services (ARMS)

A family is ineligible if it refuses to cooperate in any investigation of current eligibility conducted by the Audit and Recovery Management Services (ARMS). If the family is terminated for refusal to cooperate in an ARMS investigation, the family may reapply but will not be determined eligible until it cooperates with the ARMS investigation of current eligibility. Assistance will not be terminated for refusal to cooperate with ARMS investigations of past eligibility.

3031 Reserved

8 DE Reg. 1024 (1/1/05)

8 DE Reg. 1618 (5/1/05)

10 DE Reg. 706 (10/01/06)

14 DE Reg. 1073 (04/01/11)

3031.1 Reserved

10 DE Reg. 706 (10/01/06)

14 DE Reg. 1073 (04/01/11)

3031.2 Reserved

10 DE Reg. 706 (10/01/06)

14 DE Reg. 1073 (04/01/11)

3031.3 Reserved

10 DE Reg. 706 (10/01/06)

3031.3.1 Reserved

10 DE Reg. 706 (10/01/06)

3031.3.2 Reserved

10 DE Reg. 706 (10/01/06)

3031.4 Reserved

10 DE Reg. 706 (10/01/06)

14 DE Reg. 1073 (04/01/11)

3031.5 Reserved

8 DE Reg. 1024 (1/1/05)

10 DE Reg. 706 (10/01/06)

14 DE Reg. 1073 (04/01/11)

3032 Diversion Assistance

Administrative Notice A-05-2004.

Diversion Assistance is intended to help a family through a financial problem which jeopardizes employment and which, if not solved, could result in the family needing regular ongoing assistance. When the primary case worker and the client agree that the one-time payment will alleviate the crisis, Diversion Assistance will be explored. The Diversion Assistance payment will not exceed \$1,500 or the financial need resulting from the crisis, whichever is less.

Diversion Assistance is not a supplement to regular assistance but is in place of it. Diversion Assistance is available to both applicant and recipient families.

3032.1.1 Eligibility for Diversion Assistance

The eligibility requirements for Diversion Assistance are as follows:

The parent must be living with his/her natural or adopted child(ren).

The family has not received a Diversion Assistance payment in the past 12 months.

The Diversion Assistance amount will alleviate the crisis.

The parent (a) is currently employed but having a problem which jeopardizes the employment; or (b) has been promised a job but needs help in order to accept the job.

The family's income would qualify the family for TANF as a recipient household. (NOTE: When calculating eligibility for Diversion Assistance the family is given the "\$30 plus 1/3" disregard, if applicable and the family's net income is compared to the Standard of Need.)

The family's resources would qualify the family for TANF

3032.1.2 Verification Requirements

A. The following items will be verified:

The identity of the parent making application for Diversion Assistance.

Alien status

The family's income.

The employment or offer of employment.

The cost of services for eliminating the barrier to employment.

B. The following items will be accepted by declaration:

The Social Security numbers of the family members.

The date of birth of family members.

The relationship of family members.

The family's resources.

Delaware residency.

Citizenship

Child care expenses.

3032.1.3 Items/Services Covered

A. The Diversion Assistance payment may be used for items and/or services such as but not limited to:

- Transportation (such as vehicle repairs, tires, insurance, driver's license fee, gas, etc.),
- Clothing such as uniforms or other specialized clothing and footwear or other employment-related apparel,
- Tools and equipment,
- Medical expenses not covered by Medicaid (for example, eye glasses),
- Union dues, special fees, licenses or certificates,
- Up-front costs of employment such as agency fees and testing fees,
- Unpaid child care expenses which, if they remain unpaid, preclude the provision of future child care,
- Relocation expenses for verified employment in another county or state. These expenses may include:
- Moving equipment rental, gas, and lodging for the days of the move,
- First month's rent, rental and utility deposit.

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B. If transportation is the issue an expectation is that there is a discussion with the person regarding the cost effectiveness of repairing a vehicle versus purchasing a used vehicle or a new vehicle. We can authorize diversion assistance to be used as a down payment for purchasing a new vehicle.

C. If the diversion assistance payment is requested for the down payment on a vehicle several things must be considered in determining if it is approved. DSS will need to determine if the family's income will be enough to meet the regular household expenses such as rent, utilities, and food, as well as the costs involved with owning and maintaining a vehicle. The costs of owning the vehicle include gas to fuel this vehicle, monthly payments, vehicle insurance and maintenance. Consider that fuel costs can vary based on the price of gas and the amount needed to drive to and from work and other daily life activities when the customer and DSS determines the potential monthly expense.

D. The Division of Vocational Rehabilitation has an Independent Living Program that will assist with home modifications and vehicle modifications. They will not purchase the vehicle. The only requirement is that they are disabled. They operate on a first come first serve basis and maintain a waiting list. If an individual has another agency to assist in the cost sharing they do get served more quickly. If we assisted in the purchase of the vehicle they would consider this a cost share. We would see if we could have the customer purchase an unmodified vehicle and then have DVR help with the modification. Then compare the DVR estimate in determining if the person could still accept or retain employment with the expected wait for the modification. Call 302-378-5779, if you have a situation for which this program may be beneficial.

E. Use the following guide to determine if the purchase request is fiscally sound and can be reasonable afforded.

1. Monthly Take Home Pay:\$_____

2a. Basic Living Expenses:

Mortgage or Rent\$_____

Utilities _____

Food _____

Clothing _____

Home/Renter Insurance _____

Medical Expense _____

Vehicle Maintenance _____

Vehicle Insurance _____

Gas for Vehicle _____

School Supplies _____

Household Expenses _____

Dependent Care Expenses _____

Other Regular Expenses _____

2b. Total Basic Expenses _____

(copy total into second column)

3. Subtract line 2b from line 1 _____

(take home pay minus basic living expenses)

4. Divide the amount in line 3 by 3 _____

(money left after basic living expenses ÷ 3)

- Monthly take home pay is the after-tax net income received.
- School supplies include the following: pens, pencils, notebooks, field trips.
- Household expenses include, but are not limited to, the following: cleaning supplies, furniture, laundry cost, napkins and tissues.
- Utilities include the following expenses: gas and/or electric, heating and cooling, sewer, water, trash disposal and telephone.
- Dependent care expenses are monthly costs for child care, after school care, or adult care.
- Other regular monthly expenses includes all other items for which a regular monthly payment is made such as credit card purchases, personal entertainment, newspaper delivery or cellular telephone charges.

The money in line 4 is how much can be safely spent on monthly payments each month. This guide is to be used anytime when the diversion request will result in the person making monthly payments to complete the purchase.

The Delaware Money School considers the following good money management. Spending from housing costs are @40%, utilities are @10%, food and other grocery items are @15%, travel and transportation costs are @15%, savings

should be @10% and miscellaneous costs of clothing, medical, cleaning and bath supplies, etc. to be @10% of the take home pay.

NOTE:

It is not for DSS to provide a down payment on a luxury class new vehicle when other suitable less expensive and reliable vehicles for purchase are available. For instance, assuming that a specially equipped vehicle is not needed and the number of family members can be seated properly in the average vehicle, a request for a down payment on a new \$30,000 Lexus is to be denied since there are many new vehicles that would fit the needs of the requester and provide reliable transportation for much less than that amount. That said, DSS will not set a monetary value on the vehicle to be purchased due to needs such as large family size or medically necessary specially equipped vehicles that will increase the cost of a vehicle. If all other eligibility and cost consideration factors are met and using the guide above the family can afford a \$20,000 Toyota, diversion assistance can be approved, if all that is needed is money for a down payment.

Documentation Required:

The payment document can be in the form of an invoice, bill, or cost estimate. It needs to be on the vendor's letterhead. All payment documents must include the name, address, and telephone number of the vendor and an original "live" signature. This information is necessary to ensure that proper fiscal accountability procedures are followed.

For automobile purchases or down payments the amount of purchase, year, make, model, and vehicle identification number (VIN) must be included on the payment document.

A check is issued to the vendor only. Make sure the customer name, customer address, MCI number, time period, the specific needs of the family, and the vendor's name and address are sent with the written estimate(s). The unit supervisor will then approve the diversion payment. The supervisor will sign the approval form. Keep a copy for the file. Forward the information to DSS Fiscal Office. The information will then be added to a database that will keep track of all diversion payments made. Staff will screen families through this data base to make certain a person has not received Diversion Assistance during a time period that makes the family ineligible for it again or Delaware's TANF program. The mailing address of the DSS Fiscal Office is:

Division of Social Services
Fiscal Office: Attention Diversion Assistance
Herman Holloway Sr. DHSS Campus
1901 N. DuPont Highway - Lewis Building
New Castle DE 19720
H150

DSS does not make any claims as to the quality of service provided, work performed, or goods delivered. It is up to the diversion assistance requester to seek remedy if the quality or performance is substandard. If the service provided, work performed, or goods delivered is of substandard quality. DSS will make attempts to stop payment on checks written, when able, and will provide copies of canceled checks to verify payment was made to the vendor in question if needed. It is up to the diversion assistance recipient to verify the quality was substandard. Diversion assistance will not be re-approved in a case in which the vendor has cashed the check unless good cause is claimed, the person verifies that they are taking legal means to have the situation rectified, and the request is approved by the Chief of Operations.

3032.1.4 Diversion Assistance Payments

Diversion Assistance payments will be made to a third party vendor, not the parent.

3032.1.5 Diversion Assistance and TANF Cash Assistance

When the parent receives Diversion Assistance (s)he agrees to forego TANF cash assistance as follows:

- \$0 through \$500.99 for 1 month.
- \$501 through \$1,000.99 for 2 months.
- \$1,001 through \$1,500 for 3 months.

3032.1.6 Good Cause

The once a year limitation on Diversion Assistance and the period of ineligibility can be eliminated when good cause exists. Good cause exists when circumstances beyond the client's control make re-application for Diversion Assistance or TANF necessary. Examples of good cause are the employer lays off the parent or a serious illness forces the parent to stop working.

3032.2 Eligibility For Other Programs**A. Medicaid Eligibility**

The family is eligible for TANF related Medicaid in the month in which the Diversion Assistance payment is made. The family would remain eligible for Section 1931 Medicaid (TANF-related Medicaid) until the family's income exceeds the standard of need. If the family's income exceeds the standard of need because of increase earnings or loss of the "\$30 plus 1/3" disregard and the parent is working, the family may be eligible for Transitional Medicaid.

B. Child Care

Diversion Assistance does not count as income in the child care programs.

C. Child Support

The family will not have to assign child support to the state. Child support received by the parent or the Division of Child Support Enforcement (DSCE) will belong to the family. DCSE will not use child support to offset or reimburse the Diversion Assistance.

3033 Interim Assistance Reimbursement**3033.1 Requirements for Receipt of Cash Assistance by SSI Applicants**

This policy applies to non-federally funded cash assistance recipients who have applied or intend to apply for SSI benefits.

1. Cash assistance applicants and recipients who are also SSI applicants are required to assign a portion of the SSI benefits they receive to the Division of Social Services to reimburse DSS for cash assistance received by the SSI applicant.

Delaware has an Interim Assistance Reimbursement (IAR) agreement with the Social Security Administration (SSA). This agreement allows Delaware's Division of Social Services (DSS) to receive reimbursement for the cash assistance provided to SSI applicants while their SSI eligibility decision was pending. The money reimbursed to the State is taken from the SSI applicant's initial and retroactive SSI benefits.

2. To be eligible for cash assistance, SSI applicants must authorize reimbursement through the IAR agreement for cash assistance received while SSI eligibility determination is pending.

3. A cash recipient is considered an SSI applicant if one or more of the following conditions exists:

- A. The cash recipient has applied for SSI and is waiting for an eligibility decision.
- B. The cash recipient has applied for reinstatement of SSI benefits and is waiting for a decision.
- C. The cash recipient has received a request from DSS or another state agency to apply for SSI benefits.
- D. The cash recipient has reported they intend to apply for SSI benefits or reinstatement of SSI benefits.

4. SSI applicants assign their SSI benefits to DSS by completing and signing a DSS approved IAR authorization form.

A cash recipient is required to complete an IAR authorization form when:

- A. The client reports he or she intends to apply for SSI.
- B. The client has made an application or reapplication for SSI benefits.
- C. Documentation is provided from a health care provider that indicates the client is unable to work and the disability is expected to exceed 6 months in duration.
- D. The client has applied or intends to apply to have SSI benefits reinstated after suspension or termination.
- E. The IAR authorization form on file is more than 30 days old and the client has not applied for SSI.
- F. The client is required to apply for SSI by DSS or another State agency.

13 DE Reg. 1209 (03/01/10)

3034 RESERVED

16 DE Reg. 641 (12/01/12)