

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Section 512 (31 Del.C. §512)
16 DE Admin. Code 11003

PROPOSED

PUBLIC NOTICE

Income Reporting Requirements for Child Care

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code), 42 CFR §447.205, and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) is proposing to amend the Division of Social Services Manual regarding Child Care, specifically, to update the income reporting requirements for the Purchase of Care subsidy program.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to, Planning, Policy and Quality Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to Nicole.M.Cunningham@state.de.us, or by fax to 302-255-4413 by 4:30 p.m. on March 4, 2019. Please identify in the subject line: Income Reporting Requirements for Child Care.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Social Services (DSS) is proposing to amend Division of Social Services Manual regarding Child Care, specifically, to update the income reporting requirements for the Purchase of Care subsidy program.

Statutory Authority

- 45 CFR 98.21 (e)(1)(i,ii)

Background

In 2014, the Child Care Development Block Grant Act was reauthorized with the focus on safety and continuity of care for children receiving child care subsidy funds. Households receiving subsidy funds are now only required to report limited changes in their circumstances. States have the discretion to establish policies requiring households to report changes addressing the limited reporting requirements. Households will be required to report income that exceeds 85% of the state median income (SMI) level for their household size. Households reporting changes resulting in a non-temporary change in their need for care will receive 90 consecutive days of child care before their child care is closed.

This policy establishes the new requirement that parents and caretakers are to report certain changes that may affect their eligibility. The revised policy addresses the changes to be reported, the timeframe in which parents and caretakers are to report the changes, and the 90 consecutive days of child care they will receive prior to the case closing.

Summary of Proposed Changes

Effective for services provided on and after April 11, 2019 Delaware Health and Social Services/Division of Social Services proposes to amend section 11003.10 of the Division of Social Service Manual, specifically, to update the income reporting requirements for the Purchase of Care subsidy program.

Public Notice

In accordance with the *federal* public notice requirements established at Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 447.205 and the state public notice requirements of Title 29, Chapter 101 of the Delaware Code, Delaware Health and Social Services (DHSS) gives public notice and provides an open comment period for thirty (30) days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on March 4, 2019.

Fiscal Impact

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

POLICY – AMENDMENT

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

11003.10 Reporting Changes in Need ~~or~~ and Income for Child Care

~~Parents/caretakers are required to report changes that affect either their need for child care or their income. Parents/caretakers are to report these changes to their Case Manager within 10 days. The types of changes that parents/caretakers are to report are:~~

- ~~A. loss of job;~~
- ~~B. new employment;~~
- ~~C. any increase or decrease in wages or income resulting in a change to income of \$75 or more per month;~~
- ~~D. any change in education/training or other status which would impact the parents/ caretakers need for care.~~

45 CFR 98.21 (e)(1)(i,ii)

Parents and caretakers are required to report a change in household income and need for child care to DSS within 10 days of the change.

- 1. A family must only report a change in monthly income that exceeds 85% of the state median income (SMI) guideline for the household size.**
- 2. A family must report a non-temporary change that occurs in their household circumstance, including:**
 - The loss of employment;
 - The completion of an education or training program; and
 - A permanent change in state residency.
- 3. When a family reports a non-temporary change that ends their need for child care, DSS will authorize 90 consecutive days of child care before the family's child care case is closed.**
- 4. DSS must verify a change reported by a third party agency or person with the family.**

9 DE Reg. 572 (10/01/05)

22 DE Reg. 658 (02/01/19) (Prop.)