

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 11002.4 & 11004

PROPOSED

PUBLIC NOTICE

Child Care Assistance

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 Division of Social Services Manual regarding Child Care Assistance, specifically, *to clarify policy related to determination of eligibility*.

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 January 31, 2018. Please identify in the subject line: Child Care Assistance.

The action concerning 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) is proposing to amend Division of Social Services Manual regarding Child Care Assistance, specifically, *to clarify policy related to determination of eligibility*.

Statutory Authority

- Child Care Development Fund (CCDF)
- CFR 98.40 - Child Care Development Block Grant

Background

The policy has been amended to explain eligibility criteria for child care in text that will be understandable, and the focus is on eligibility of the child and the parent/caretaker. The amended policy removed information that referenced the Personal Responsibility and Work Opportunity Act of 1996 and the listing of the different child care categories, as this information is not relevant to determination of eligibility.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to clarify policy related to determination of eligibility.

Summary of Proposed Changes

Effective for services provided on and after March 11, 2018 Delaware Health and Social Services/Division of Social Services proposes to amend sections 11004 and 11002.4 of the Division of Social Services Manual to clarify policy related to determination of eligibility.

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 January 31, 2018.

Fiscal Impact

This policy change is to clarify the text and formatting of the existing policy and to remove text that is no longer applicable. This policy is currently in place and there are no new financial responsibilities.

POLICY – AMENDMENT

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

11002.4 Determining Persons Eligible for Child Care Assistance

45 CFR 98.20

DSS provides child care services to eligible Delaware families with children who need child care and who are under the age of 13, or children 13 through 18 years of age who are physically or mentally incapable of caring for themselves or who are in need of protective services.

Under Title IV, Sections 401 and 402 of the Personal Responsibility and Work Opportunity Act of 1996, the Division is prohibited from using CCDBG and SSBG funds to pay for child care services for most persons who are not U.S. citizens. At State option, the Division may choose to use State only funds to pay for child care services for such persons. Certain aliens are exempt from this restriction for a period of five (5) years from the date of obtaining status as either a refugee, asylee, or one whose deportation is being withheld. In addition, aliens admitted for permanent residence who worked forty (40) qualifying quarters and aliens and their spouses or unmarried dependent children who are either honorably discharged veterans or on active military duty are exempt from this restriction. For more detailed child care policy on citizenship, aliens and refugee's see DSSM 3024, these policies apply to the Child Care Subsidy Program.

The Division can provide Child Care services for **eligible** families where there is at least one U.S. citizen, legal alien or qualified refugee in the family. If one member of the family is a U.S. citizen, legal alien or qualified refugee and he/she meets both technical and financial eligibility criteria, Child Care services can be provided. The Division will evaluate non-US citizen cases on an individual basis.

Non-US citizens referred to the Child Care Subsidy Program through the Division of Family Services, due to a protective need, are eligible to receive services regardless of their citizenship status.

This policy must also be read in accordance with Section 11003, Eligibility Requirements. DSS provides a guarantee for certain forms of Child Care (Categories 11, 12, and 21). This guarantee means that eligible families will receive child care services under these programs. Eligibility for other child care services (Categories 31, 41 and 51) does not come with this same guarantee. Funding for child care services in these programs is capped. Though families may have an eligible child for whom they need care, and though families may meet other requirements of need and income, this does not guarantee that DSS will provide child care. DSS reserves the right for its capped programs to limit, where appropriate, its child care services based on available resources and funding.

Eligible families generally include:

- A. TANF recipients who work, attend school or are participating in TANF Employment and Training activities.
- B. Families with low incomes, who work.
- C. Families with low incomes who attend a job training or education program as defined in section 11002.9.
- D. Families who receive Food Stamps and who must participate in E&T.
- E. Families who receive or need to receive protective services through the Division of Family Services.
- F. Eligible families with a special need (either a child or parent).

1. Eligibility Criteria for Children

- A. To be determined eligible for child care services, children must be:
 - : Under 13 years of age or 13 through 18 years of age and physically or mentally incapable of self-care as determined by a medical professional, and
 - : U.S. citizens or qualified aliens or non-U.S. citizens referred through the Division of Family Services.
- B. Children are also eligible for child care services if they are:
 - : In need of protective services.

- Homeless, or
- In foster care or awaiting foster care placement.

2. Eligibility Criteria for Parents and Caretakers

- A. To be determined eligible for child care services, parents and caretakers must meet at least one of the following requirements:
- Participate in a TANF or Food Benefit Employment and Training program.
 - Receive wages from employment.
 - Attend approved job training or educational programs.
 - Receive protective services from the Division of Family Services.
 - Report a special need.

Related policies:

11003 Determining Technical Eligibility for Child Care Assistance

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

POLICY – AMENDMENT

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

11004 Application Processing Applying for Child Care Assistance

45 CFR 98.1 (b) (1)

~~Any parent/caretaker who expresses a desire for child care services may apply by contacting a DSS office. The process to actually obtain child care services starts when parents/caretakers contact a Case Manager. Consider this an informal inquiry unless or until it results in the completion of a written application.~~

~~An informal inquiry typically involves a parent/ caretaker's phone call or unannounced child care office visit to seek information about eligibility for child care services. Process all informal inquiries by doing a simple review of the parent/ caretaker's need in the creation of a child care case in the DCIS II Child Care Sub system. Following this simple screening, parents/caretakers are told they either appear eligible or ineligible for service. For those applicants who appear to be eligible, proceed with the formal application process, schedule an appointment or send them the application and outline the necessary information to be returned with the signed application. Case Managers will inform those parents/caretakers who do not appear eligible of their right to file a formal application if they still so choose.~~

~~During the informal process, no obligation exists to provide parents/caretakers with a written decision of the eligibility finding nor are parents/caretakers able to appeal an informal decision. In either case, however, Case Managers will always conduct or schedule a formal interview for parents/caretakers who appear eligible or those who assert their right to make a formal request.~~

~~The formal application process is detailed below, including the requirements for authorizing child care services, the minimum requirements for verifying eligibility information, the standards for determining child care fees, and conditions for when and why a child care case should either continue or close.—~~

Parents and caretakers who are interested in receiving child care assistance may inquire about services by contacting a DSS office.

1. Parents and caretakers may informally inquire about child care eligibility by contacting a DSS office by phone call or unannounced office visit.

2. Each informal inquiry for child care services will be reviewed by a DSS eligibility case worker at the time of inquiry. Parents and caretakers who appear to be eligible may complete the formal application process on the same day as the informal inquiry.

3. Eligibility case workers who are assessing informal child care inquiries shall:

- A. Review each applicant's need for child care based on the information that the applicant provides.
- B. Review current case information in ASSIST Worker Web (AWW), if applicable.

- C. Notify parents and caretakers whether they are potentially eligible for services. A written decision is not required for an informal inquiry.
- D. Inform all parents and caretakers of their right to file a formal application.
- E. Proceed with the formal application process for potentially eligible parents and caretakers on the same day as the informal inquiry.
- F. Provide the applicant with Form 105 "Appointment and Request for Verification" when additional information is needed to complete the eligibility process.

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

21 DE Reg. 542 (01/01/18) (Prop.)