

# 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

#### Purchase of Care - Determination of Homeless

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 Purchase of Care, specifically, to define homeless.

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@delaware.gov](mailto:Nicole.M.Cunningham@delaware.gov), or by fax to 302-255-4413 by 4:30 p.m. on April 4, 2019. Please identify in the subject line: Purchase of Care – Determination of Homeless.

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 Purchase of Care, specifically, to define homeless.

#### Statutory Authority

45 CFR 98.41, 42 USC 11434a (2), 42 USC 11302 (a)

#### Background

The reauthorized Child Care and Development Block Grant Act requires lead agencies to adopt the homeless definition established by the McKinney-Vento Act to ensure consistency in identifying children that meet the criteria. The adoption of this policy will also be in alignment with Head Start and other education programs that are bound by the McKinney-Vento Act. The revised policy specifically details the homeless definition and the eligibility criteria for families who are determined homeless.

Delaware Health and Social Services/Division of Social Services will revise current policy regarding homeless families as required by the reauthorized Child Care and Development Block Grant Act.

#### Summary of Proposal

##### *Purpose*

To establish a homeless policy that adopts the definition from section 725 of Subtitle VII-B of the McKinney-Vento Act.

##### *Summary of Proposed Changes*

Effective for services provided on and after May 11, 2019 Delaware Health and Social Services/Division of Social Services proposes to amend section 11003.7.2 of the Division of Social Service Manual regarding Purchase of Care, specifically, to define homeless.

##### *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 April 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.

AMENDED

## **POLICY – AMENDMENT**

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

### **11003.7.2 ~~Income Eligible/Homeless~~ Determining Child Care for Homeless Families**

~~Parent/caretakers who are homeless and whose incomes are at or below 200 percent of the federal poverty level can receive income eligible services exclusive of meeting any other need requirement. DSS defines homeless as:~~

~~A. families living in a shelter or receiving emergency assistance to live in a temporary arrangement (an example of a temporary arrangement are those families receiving assistance to live in a local motel); or~~

~~B. families without a fixed address or not living in a permanent dwelling (examples of families without a fixed address are families living in cars or tents, excluding families who live with other families).~~

~~DSS will provide child care services to homeless families for up to three months or until the family is able to obtain suitable living arrangements. Once families have obtained suitable living arrangements, child care services can only continue if families have another need for service, such as the family needs child care in order to work.~~

45 CFR 98.41, 42 USC 11434a (2), 42 USC 11302 (a)

Families who apply for Purchase of Care and meet the definition of “homeless” will receive presumptive child care services for 90 days, regardless of whether documentation is provided at the time of application.

**1. This policy references The McKinney-Vento Homeless Assistance Act definition of “homeless” which means individuals who lack a fixed, regular, and adequate nighttime residence, and includes individuals who are:**

- Living in the housing of others due to loss of housing, economic hardship, or a similar reason;
- Living in a motel, hotel, trailer park, or camping ground due to lack of alternative adequate accommodations;
- Living in an emergency or transitional shelter;
- Living primarily at a public or private place not designed or ordinarily used as a regular sleeping accommodation for human beings;
- Living in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting;
- Abandoned in a hospital; and
- Migrant children who have joined a parent or the spouse of a parent within the past 36 months and who are living in any of the above situations.

**2. Families who make a personal choice to reside in the housing of others are not considered homeless.**

**3. Families who are homeless will qualify for child care services when:**

- The family is determined homeless based on the definition in this policy;
- The family's income is at or below 185% of the Federal Poverty Level; and
- The parent or caretaker is seeking employment or housing.

**4. Child care providers are required to allow children who are determined homeless and children in foster care to begin receiving child care services once they are determined eligible for child care subsidy, regardless of whether documentation has been provided, including immunization records.**