

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** 3000, 4000

FINAL

ORDER

Babies Born to Teen Parents

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Social Services (DSS) initiated proceedings to amend Division of Social Services Manual (DSSM) regarding Babies Born to Teen Parents, specifically, to amend the Division of Social Services Manual (DSSM) regarding Babies Born to Teen Parents. The Department's proceedings to amend its regulations were initiated pursuant to 29 **Del.C.** §10114 and its authority as prescribed by 31 **Del.C.** §512.

The Department published its notice of proposed regulation changes pursuant to 29 **Del. C.** §10115 in the December 2024 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by December 31, 2024, at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

SUMMARY OF PROPOSAL

Effective for services provided on and after March 11, 2025, Delaware Health and Social Services (DHSS) /Division of Social Services (DSS) proposes to amend the Division of Social Services Manual (DSSM), Policy 4005.4 Income of Minor Parent's Parent of Legal Guardian in the TANF Program and repeal Policy 3008.1.1 Babies Born to Teen Parents and 3008.1.2 Three Generation Households.

Statutory Authority

45 CFR 260
31 Del. C.c.5

Background

As part of the A Better Chance welfare reform program, Delaware ended Temporary Assistance for Needy Families (TANF) benefits to babies born after December 31, 1998, to unmarried teens under the age of 18. This policy was intended to discourage teen pregnancy, and resulted in some households receiving less in TANF benefits than they would have in the absence of Delaware's babies born to teen parent policy.

Current research shows because of their unique circumstances, teens are likely to face additional challenges to meeting their children's needs because of financial insecurity and other factors. Babies of teen mothers face increased health risks throughout their lives. Without positive supports, poor developmental and economic outcomes remain for teen parents and their children.

Delaware is proposing to repeal the babies born to teen parents' policy to help reduce childhood poverty and strengthen family stability. As a result of this policy amendment, children who were previously withheld from receiving TANF benefits, will receive TANF if their parent has not yet reached the age of 18. This change will provide additional financial assistance to Delaware families with limited income.

Purpose

The purpose of this proposed regulation is to amend Policy 4005.4 Income of Minor Parent's Parent of Legal Guardian in the TANF Program and repeal Policy 3008.1.1 Babies Born to Teen Parents and 3008.1.2 Three Generation Households.

Public Notice

In accordance with the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DSS gave public notice and provided an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments were to have been received by 4:30 p.m. on December 31, 2024.

Fiscal Impact Statement

Fiscal Impact

	Federal Fiscal Year 2025	Federal Fiscal Year 2026
General (State) funds	\$4,392	\$6,588
Federal funds	\$0	\$0

Summary of Comments Received with Agency Response and Explanation of Changes

Comment: There were comments supporting the proposed changes.

Agency Response: DSS appreciates the support.

DSS is pleased to provide the opportunity to receive public comments and greatly appreciates the thoughtful input given by:

- "Community Legal Aid Society, Inc. (CLASI)

IMPACT ON THE STATE'S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE:

The DSS Division Director has reviewed the proposed regulation as required by 29 Del. C. §10118(b)(3) and has determined that if promulgated, the regulation would have a de minimis impact on the State's resiliency to climate change because neither implementation nor compliance with the regulation would reasonably involve the increase in greenhouse gas emissions.

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the December 2024 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend DSSM 3008.1.1, 3008.1.2, 4005.4 regarding Babies Born to Teen Parents, specifically, to clarify internal policy and procedures, is adopted and shall be final effective March 11, 2025.

2/13/2025 | 11:23 PM EST

Date of Signature

Josette D. Manning Esq.
Cabinet Secretary, DHSS

3000 Technical Eligibility for Cash Assistance

3008 Eligibility of Certain Minors

3008.1.1 Babies Born To Teen Parents [Repealed]

~~This policy applies to both applicants and recipients not covered by family cap rules.~~

~~Babies born after December 31, 1998 to a teenage parent are not eligible for cash assistance (TANF and GA) unless the parent is:~~

- ~~• married; or~~
- ~~• at least eighteen (18) years of age.~~

~~An emancipated minor is considered an adult and therefore, the baby would be eligible for cash assistance. If both parents live in the home, both parents must be at least eighteen (18) years of age or married for the baby to be eligible. Once the minor parent turns 18, the parent and the baby are both eligible for cash assistance, if otherwise eligible.~~

~~Babies not receiving cash assistance are eligible for all other DSS services and programs including food stamps, grant-related Medicaid, and Welfare Reform child care. In lieu of cash assistance, the Division may provide non-cash assistance services. (See DSSM 3008.1.3)~~

~~Determining financial eligibility and grant amounts for an assistance unit which contains a child(ren) affected by this provision:~~

~~The child(ren) is/are included when determining the assistance unit's need for assistance. The child(ren)'s income and resources are included when determining the assistance unit's income and resources. The child(ren) is/are not included when determining the payment standard for the assistance unit.~~

Exception:

This restriction will not apply when:

- the child is conceived as a result of incest or sexual assault; or
- the child does not reside with his/her parents.

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

3008.1.2 Three Generation Households [Repealed]

In a three (3) generation household, the grandparent could receive benefits for him/herself and for the teen parent but not for the child of the teen parent. This means that there is no grandparent deeming in these cases.

4000 Financial Responsibility

4005.4 Income of a Minor Parent's Parent of Legal Guardian in the TANF Program

To determine the financial eligibility of a TANF unit that consists of a dependent child and the child's minor parent (under age 18), the income of the minor parent's ~~parent(s) parent~~ or legal guardian must be considered if the minor parent and ~~his~~ the minor parent's parent or legal guardian live in the same home.

The resources of a minor parent's parent or legal guardian are not considered in determining the financial eligibility of the assistance unit.

A portion of the minor parent's parent income is used in determining the minor parent's eligibility and the amount of assistance for the minor parent and ~~his/her child(ren)~~ the minor parent's child or children. To determine the portion of the minor parent's income.

NOTE: ~~For Households in which a minor teen parent has a baby born on January 1, 1999 or later the grandparent may receive benefits for him/herself and the teen parent but not for the child of the teen parent. This means that there is no grandparent deeming in these cases. See 3008 Family Cap~~

Applicants

- Determine the minor parent's income;
- Subtract 100% of the federal poverty level for the family size that includes the minor parent's ~~parent(s) parent~~ and dependents claimed by the minor parent's ~~parent(s) parent~~ from the minor parent's ~~parent(s) parent~~ income;
- Consider the remaining income unearned income to the minor parent; and
- Add together the minor parent's income to the deemed income from the minor parent's ~~parent(s) parent~~.

Compare the income to the payment standard for the family size that contains the minor parent and ~~his/her child(ren)~~ the minor parent's child or children.

Compare the income to the applicable payment standard for the family size of the assistance unit that contains the minor parent and ~~his/her child(ren)~~ the minor parent's child or children. If the income is less than the payment standard, the case is eligible for benefits. If the income is greater than the payment standard, the case is ineligible for benefits.

Benefit Determination

- Determine the minor parent's income;
- Subtract 200% of the federal poverty level for the family size that includes the minor parent's ~~parent(s) parent~~ and dependents claimed by the minor parent's ~~parent(s) parent~~ from the minor parent's ~~parent(s) parent~~ income; and
- Consider the remaining income as unearned income to the minor parent.
- Add together the minor parent's income to the deemed income from the minor parent's ~~parent(s) parent~~.

Compare the income to the applicable standard of need for the family size of the assistance unit that contains the minor parent and ~~his/her child(ren)~~ the minor parent's child or children.

Recipients

- Determine the minor parent's income;
- Subtract 200% of the federal poverty level for the family size that includes the minor parent's ~~parent(s) parent~~ and dependents claimed by the minor parent's ~~parent(s) parent~~; and
- Consider the remaining income as unearned income to the minor parent.

Compare the income to the applicable standard of need for the family size of the assistance unit that contains the minor parent and ~~his/her child(ren)~~ the minor parent's child or children.

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